

**City of Newberg
City Council Minutes
September 18, 2023
Hybrid meeting format**

BUSINESS SESSION –

Meeting called to order at 6:00 p.m.

Councilors Present: Mayor Bill Rosacker, Councilors Derek Carmon, Molly Olson, Mike McBride, Robyn Wheatley, and Peggy Kilburg. Councilor Elise Yarnell Hollamon arrived at 6:10 p.m.

Staff Present: City Manager Will Worthey, City Attorney James Walker, Community Development Director Doug Rux, and Public Works Director Russ Thomas

CITY MANAGER’S REPORT

Monthly CM statistics - End of July.pptx

CM Worthey reported on the statistics for the month of July 2023.

Public Works Director Thomas stated the Public Works Department received notification that the Crestview Drive project that was completed last year was receiving an award from the Oregon chapter of the American Public Works Association for the 2023 Project of the Year for transportation projects costing less than \$5,000,000.

CM Worthey stated a solar array at the Wastewater Plant site created offsets to decrease the City’s energy bill and it worked best on sunny days.

PUBLIC COMMENTS

Jesse Nemeč, JT Smith Companies, Developers of Crestview Crossing, commended CM Worthey and the Council for the progress made toward System Development Charge (SDC) reform and felt the changes would help manage future expectations in a timely manner. Mr. Nemeč discussed the SDC process to clarify understanding. SDCs were paid when someone purchased a building permit. If a developer was eligible for credits, the credits were used to reduce SDCs associated with future building permits for homes and businesses. An example of eligible credits would be improvements that were put on the Capital Improvement Plan and funded such as the traffic signal at OR-99. The City knew they needed the signal and they set transportation SDC funds aside to pay for it. JT Smith Companies built the signal understanding they would be eligible for the value of the credits. Mr. Nemeč attended the meeting to request the timely release of SDC credits of the items Newberg and Crestview were not in dispute over, namely Crestview Drive north of the roundabout, the roundabout, the upsized sanitary sewer, and non-potable water. JT Smith Companies’ attorney received a call from Miller Nash stating the City had determined the values for those items based on the receipts provided. The values were close, but slightly different from what the JT Smith Companies’ engineer had determined. JT Smith Companies accepted the amounts and asked their attorney to notify Miller Nash that if credits for those items were received within seven days those items would be removed from the claim, but seven days passed with no word. The construction lending environment had gotten more onerous over the past year with lower

lending amounts and higher equity requirements, alongside rising construction costs and lower sales. Zero building permits were applied for in the month of July 2023. Timely compensation of the owed credits was needed to move forward with the next phase of Crestview Crossing. Not receiving the credits caused added delays and costs to needed housing.

Pat Haight presented a picture of Memorial Park with all the trees before the Columbus Day storm on October 12, 1962. It was mind-blowing to see how much housing had been built since the picture was taken. Ms. Haight stated she and Mayor Rosacker had both grown up in Newberg and seen the City change from 2,000-3,000 people to 30,000 people. Ms. Haight did not see much Newberg history available for newcomers to learn about Newberg.

Mayor Rosacker stated he would put the picture up in his office.

CONSENT CALENDAR

Resolution 2023-3905 - A Resolution granting a 10-Year Extension of the Farmland Lease between the City of Newberg and Kirsch Family Farms, Inc.

Resolution 2023-3905 Well Field Farm Lease.docx

Kirsch Family Farms Lease Agreement 2023 4867-8961-1837 v.10.docx

City of Newberg Wellfield Farming Lease Sketch.docx

Brenda and Matt Frketich were the operators of Kirsch Family Farms. Brenda was a Kirsch, and her father started farming the well field property in 1994 and had been an exceptional steward of the land helping to protect and maintain the property and the well field. Mr. and Ms. Frketich owned 150 acres of land of which 110 acres was farmable.

Action:	To adopt Resolution 2023-3905 - A Resolution granting a 10 10-year extension of the Farmland Lease between the City of Newberg and Kirsch Family Farms, Inc.
Motion:	Councilor Olson
Second:	Councilor McBride
Vote:	7 Yes 0 No 0 Abstain 0 Absent

NEW BUSINESS

Order No. 2023-2918 – An Ordinance repealing and replacing Sections 8.20.010, 8.20.020, 8.20.030, 8.20.040 and 8.20.050 of the Newberg Municipal Code concerned with Obnoxious Vegetation

2023 2918 Ordinance update to NMC 8.20 concerning obnoxious vegetation.pdf

Exhibit A Potential revisions to NMC 8.20 obnoxious vegetation.pdf

Exhibit B Comparison summary revisions to NMC 8.20 obnoxious vegetation.pdf

Mayor Rosacker opened the legislative hearing and called for abstentions or declarations of conflicts of interest. There was none.

Code Enforcement Officer Winter stated that the Fire Department used to be over the brush, grass, and obnoxious weed Ordinance. Now that there was no Fire Department, Officer Winter had reached out to Tualatin Valley Fire and Rescue (TVF&R) who had no interest in enforcing it and were not concerned about tall grass or weeds as a fire hazard. The Code was revised to put

the responsibility on the City and Code Enforcement office to take care of obnoxious weeds and grass.

There was discussion about a situation on Main Street where the homeowner complained about weeds in a common area not being taken care of when the weeds were the responsibility of all the owners of the HOA. CE Officer Winter stated there was no longer an HOA, the City took care of the weeds, and the City was looking at absorbing the lot. The property was still titled to the builder and was never transferred to the HOA, which should make it easier for the City to attain, but the case was still to be determined. The amount of additional work was manageable and was already being done by the City.

CM Worthey stated that a year ago the City had asked TVF&R if they would provide Code Enforcement Services but they had not been willing to provide those services.

Public Testimony: Robert Soppe, resident of Newberg, had no objection to having a Fire Marshall but was confused about the details. Mr. Soppe felt the list of noxious vegetation including burdock, thistles, brush, grass, and ferns more than 10 inches in height. Mr. Soppe had many ferns taller than 10 inches on his property and did not want to cut them all down. The Water Wise Garden had a sign indicating five different types of grasses there which were taller than 10 inches. Mr. Soppe favored having some sort of restriction on vegetation especially if it posed a fire hazard but felt the language written was extreme. Mr. Soppe urged Councilors to look at the details to see if they wanted to restrict things in that way.

The list of obnoxious vegetation included ferns which were a common ornamental plant. CE Officer Winters stated the language was inclusive of what would be seen at an overgrown property and Code Enforcement would not likely receive complaints about ferns on lots that were maintained.

CM Worthey stated the list was for illustrative purposes and nobody had the time to measure each fern. The Code provided the capability to respond to complaints and take care of areas that were a problem. Code Enforcement was solely driven by complaints and did not patrol private properties.

CE Officer Winters was comfortable with enforcing the Code revisions as proposed and gave an example of a property he had just finished dealing with that was overgrown with blackberries and thistles and the property owner wanted to know exactly what he had to cut, and what he could exclude. This Code revision would provide a clear answer to that question.

Councilor Kilburg cautioned against including the language regarding all ferns, but felt it was appropriate in the context of an overgrown lot including ferns. The wording could be slightly modified to apply only to overgrown or unkempt areas.

CM Worthey stated the revision had been requested by Code Enforcement because they had issues carrying out their work without the restrictions being clearly stated in the Code. Noxious or obnoxious weeds referred only to areas that were overgrown or neglected, and the wording empowered Code Enforcement to do their job.

City Attorney Walker clarified that to pass the Ordinance the second reading would need to be waived followed by a motion to approve the Ordinance read by title only.

Mayor Rosacker closed the legislative hearing.

Action: To waive the second reading of Ordinance 2023-2918.

Motion: Councilor Olson

Second: Councilor McBride

Vote: 7 Yes 0 No 0 Abstain 0 Absent

Action: To approve Ordinance 2023-2918 - An Ordinance repealing and replacing Sections 8.20.010, 8.20.020, 8.20.030, 8.20.040 and 8.20.050 of the Newberg Municipal Code concerned with Obnoxious Vegetation as read by title only.

Motion: Councilor Olson

Second: Councilor Carmon

Vote: 7 Yes 0 No 0 Abstain 0 Absent

COUNCIL BUSINESS

Councilor Olson: Planning Commission Forward-Looking Calendar
Planning Commission Forward Looking Calendar.pdf

Councilor Olson advised Councilors that anything on the Planning Commission Forward Looking Calendar that said “quasi-judicial” was a topic Councilors should avoid discussing to prevent conflicts of interest. Councilor Olson stated that Councilor Kilburg and Councilor Wheatley were serving on a new committee regarding vacation rentals which was working with the Planning Commission and the topic would come before the Council soon.

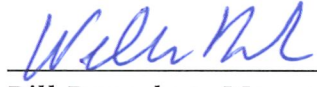
Councilor Olson acknowledged that no one was happy with how the discussion on the homeless went at a previous City Council meeting. Mayor Rosacker and CM Worthey had worked after the meeting and found a way to use the Opioid Settlement funds to keep the Newberg Emergency Shelter open so there would not be a lapse in shelter services. The City and City Council needed to form a strategy for how to deal with homeless persons who don't have a safe place to live and may be sick, addicted, or victims of domestic violence. There was no simple answer, but the problems could not be ignored.

Mayor Rosacker stated the City Manager was empowered to make decisions and had been working with Yamhill Community Action Partnership (YCAP) and Community Wellness Collective (CWC) on the issues of homelessness for five or six weeks. Mayor Rosacker commended CM Worthey's work to keep the shelter open.

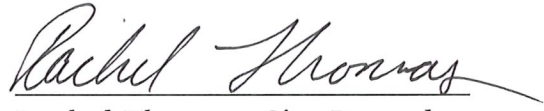
ADJOURNMENT

Meeting adjourned at 6:39 p.m.

ATTEST:



Bill Rosacker, Mayor



Rachel Thomas, City Recorder