

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
April 18, 2016, 5:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A joint work session with the Yamhill County Board of Commissioners was held at 5:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Denise Bacon, Mike Corey, Patrick Johnson, Stephen McKinney and Scott Essin. Yamhill County Chair Mary Starrett, Commissioner Stan Primozich and Commissioner Allen Springer were present as was Yamhill County Administrator Laura Tschabold. Also present were City Manager Pro Tem Stephen Rhodes, City Attorney Truman Stone, City Recorder Sue Ryan, Finance Director Matt Zook, Public Works Director Jay Harris and Community Development Director Doug Rux.

DISCUSSION: Land Use, Transportation and Economic Development.

Yamhill County Chair Mary Starrett said it was a County Commission goal to visit every city in the county and discuss issues and concerns specific to each city. Councilor Corey said the Urban Growth Boundary expansion was an issue, especially at the State level. There was discussion on the constraints of existing land uses due to State regulations and the needs the communities had that required land including affordable housing and manufacturing. There was discussion on solutions, such as working together and lobbying efforts for change in legislation. There was discussion on the lawsuits challenging the expansion of city urban growth areas which also needed to be dealt with.

Mayor Andrews brought up some additional issues for the future including the agreement with Newberg and Dundee over 99W and using the Newberg Urban Area Management Commission (NUAMC).

Chair Starrett discussed transportation. She said the County spent \$200,000 yearly on transit service in the Newberg area. She said there was a program called Well Ride available for low-income residents. On average they spent \$48,000 per month on non-emergent transportation for over 500 drop offs and 500 pick-up trips. She said \$336,000 was spent by the County since October and they needed to have some kind of remuneration for these costs.

Commissioner Springer said aside from McMinnville, Newberg was the only other city in the county that had fixed routes that went off of the main line and throughout the city. Up until last year, Newberg was contributing \$18,000 towards transit, but then it was taken out of the budget. He thought it was critical for the City to participate in providing these services. City Manager Pro Tem Stephen Rhodes said it was included in the next fiscal year budget.

Mayor Andrews discussed the maintenance of County roads within the City and the possibility of jurisdictional transfers. Mayor Andrews said the City had identified 18 sections of streets that were owned by the County and they needed to decide what to do about them. Chair Starrett said their Public Works Director maintained the roads to County standards, and they would reimburse the City for two inches of overlay on any road and then would surrender the road to the City. They were amenable to discuss jurisdictional transfer.

There was discussion regarding collaboration, affordable housing, economic development, keeping the small town feel of Newberg, and future of the West Rock property where the paper mill shut down.

Mayor Andrews asked about the Bike/Ped activities connected to the Newberg-Dundee Bypass. Commissioner Primovich said there was an application in for Connect Oregon Grant funding for the trail. He thought connecting all of the trails in Newberg would be something to look at in the future.

Commissioner Springer said solving problems took teamwork and they could do much more if they were united than divided. He discussed the challenge of the rental market and affordable housing and he thought they needed to work together as a team and put pressure on State lawmakers.

Commissioner Primovich said they needed to pull together which would help them meet their goals. These were critical issues that needed to be addressed. Newberg had a lot going for it and they could all be a part of making it better and enhance the entire County.

Mayor Andrews adjourned the work session at 6:15 p.m.

Yamhill County Commissioners held a town hall from 6:15 to 7:00 p.m.

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Patrick Johnson		

Staff Present:	Stephen Rhodes, City Manager Pro Tem	Sue Ryan, City Recorder
	Truman Stone, City Attorney	Jessica Pelz, Associate Planner
	Doug Rux, Community Development Director	Jason Wuertz, Senior Engineer
	Steve Olson, Associate Planner	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

CITY MANAGER PRO TEM’S REPORT: CMPT Rhodes reported the Tourism Advisory Body and consultants toured Newberg and talked about needs and gaps in tourism promotion for the City. He said the Budget Committee toured the City as well and looked at its operations including issues in the coming budget. The first budget meeting would be held on Tuesday, April 26, in the Public Safety Training Room at 6:00 p.m.

PUBLIC COMMENTS:

Jeanie Sandall stated she was running for the office of Yamhill County Assessor. She spoke about her experience and qualifications as well as goals if she was elected. She hoped to do re-appraisals of the County as market values were out of date. She would explain property taxes to anyone who had questions. To cut the budget, she would start from the top down and take money out of her salary first.

CONSENT CALENDAR:

Councilor Johnson said each time there was a liquor license request he had to state that while he worked for the Oregon Lottery he did not have any authority over who becomes an Oregon Lottery retailer and he had no conflict of interest.

MOTION: Bacon/Corey moved to approve minutes from March 2, March 28, and April 9, 2016; approved an Oregon Liquor Control Commission Winery Permit for Et Fille Wines Inc. dba Et Fille Wines; approved an Oregon Liquor Control Commission Off-Premises Sales permit for Yamhills Inc. dba Yamhills; Resolution 2016-3278, A Resolution authorizing the City Manager Pro Tem to enter into a contract with McClure & Sons, Inc. for the Wastewater Treatment Plant On-site Sodium Hypochlorite Generation System project; Resolution 2016-3260, A Resolution to authorize the City Manager Pro Tem to enter into a Professional Services Agreement Amendment with Murray Smith and Associates to provide additional design services for the City’s Villa Road Improvement project in the amount of \$297,555.00; and Resolution 2016-3283, A Resolution authorizing the acquisition of storm drainage and access easements for the Blaine Street Stormwater Improvement project. Motion carried (7 Yes/ 0 No).

PUBLIC HEARING – ADMINISTRATIVE: Resolution 2016-3268 Master Fee Schedule:

Mayor Andrews opened the public hearing and called for any abstentions or conflicts of interest on the part of the Council. There were none.

City Recorder Sue Ryan gave the staff report. She had compiled the master fee schedule with oversight from CMPT Rhodes. It would be adopted once a year and the Finance Department would review the fees to make sure incremental increases were being adjusted as needed in a timely fashion. Staff thought the master fee schedule would help staff do their jobs more efficiently and would be easier for the public as all the fees would be in one place. No written communications had been received. She recommended approval of the resolution.

Public testimony: None.

Mayor Andrews closed the public hearing.

Deliberations:

Councilor Johnson clarified this would establish a year to year cost of living increase for fees. He thought the process for public records needed to be easier and less expensive and if they did not give the information to the public, it did not promote trust with the City.

MOTION: Corey/Bacon moved to approve Resolution 2016-3268, a Resolution establishing a Master Fee Schedule. Motion carried (7 Yes/0 No).

PUBLIC HEARING - LEGISLATIVE: Ordinance 2016-2800:

Mayor Andrews opened the public hearing and called for any abstentions or conflicts of interest on the part of the Council. There were none.

City Attorney Stone gave the staff report. He said there had been a mechanism in place for adopting public safety fees since 2009. There were two fees, one was to fund police officer positions and the second was to fund two dispatcher positions. During the budget process, there was a question about adjusting the fees to reflect economic changes and increases in cost, and he found that there was no process for adjustments. This ordinance would create a new process to adjust an existing public safety fee dependent upon certain economic criteria. He said those criteria included: a presentation on the financial circumstances that had changed since the original enactment of the fee and a presentation on the amount of revenue needed to support the resources. This ordinance did not increase the public safety fees. In Section 3, he referenced the Fiscal Year 2015-2016, and it should be 2016-2017. No written communications had been received. He recommended approval of the ordinance.

Public Testimony: None.

Mayor Andrews closed the public hearing.

MOTION: Bacon/Corey moved to waive the second reading of Ordinance 2016-2800 and read by title only. Motion carried (7 Yes/0 No).

MOTION: Bacon/Woodruff moved to approve Ordinance 2016-2800, an Ordinance establishing a process for the Council to adjust an existing Public Safety Fee and declaring an emergency. Motion carried (7 Yes/0 No).

Deliberations:

Councilor McKinney asked if there was an anticipated change to the budget for the public safety fees. CMPT Rhodes said the budget included a proposal to increase the fees.

Councilor Corey was not a proponent of increasing fees but understood there was a need for increase due to the cost of living.

Councilor Johnson said the Ordinance set up the process to increase or decrease the fee as needed and the suspension of the fire fee was different. CA Stone said the fire fee was not a public safety fee adopted under this section of the code, and it predated the public safety fee code by many years. The fire fee was done by a resolution of the Council and was suspended by resolution.

PUBLIC HEARING – LEGISLATIVE: Ordinance 2016-2794:

Mayor Andrews opened the public hearing and called for any abstentions or conflicts of interest on the part of the Council. There were none.

Associate Planner Pelz gave the staff report. This was a Transportation System Plan amendment for the Wilsonville Road relocation. In 2013 there was a TSP amendment for Phase 1 of the Bypass which was adopted. In 2015 ODOT submitted an application to change the intersection to a no through movement. The Planning Commission voted to deny the recommendation and recommended the City Council deny it and delay the decision until there was further discussion with all of the parties. The resolution was an Agreement of Understanding to revise the TSP amendment and realign

Wilsonville Road south of Wynooski Road that was the previously approved full bypass final location. This would be a text amendment detailing the Wilsonville Road relocation and a temporary right in and right out intersection at the current Wilsonville and Springbrook roads intersection until such time as the Wilsonville Road relocation was done and open. She explained the several map amendments showing the cul-de-sac and Wilsonville Road relocations. Staff recommended adoption of the ordinance.

Kelly Amador and William Ciz from ODOT said they were asking for approval of the changes in the Transportation System Plan. These included: the Wilsonville Road relocation, Wilsonville Road cul-de-sac relocation, new lane configuration on OR 219 in the Phase 1 of the Bypass, and Wilsonville and Springbrook Road intersection temporary right in and right out. The Wilsonville Road relocation was already in the TSP. This would take Wilsonville Road south to a new intersection south of Wynooski Road. How it would be signalized or not signalized at 99W would be discussed at a later time in the design process. The preliminary traffic analysis showed that without a signalized intersection it would function at a volume/capacity ratio of .78 which was within the Oregon Highway Plan Standard and with a signal it would operate at a .64 in 2020 when the intersection would open. Most of the Wilsonville Road relocation would be in Yamhill County on EFU land. There was a portion on Adolph Road which was in Newberg. The relocation would require right-of-way purchase and two residential relocations and one business relocation. The schedule for completion was July 2020. The location of the cul-de-sac was not in the TSP, and it would be east of Adolph Road. It would be renamed McCurren Court. A portion of the cul-de-sac was in the Newberg UGB and a portion was in Yamhill County. The properties in the UGB would continue to access Newberg via the existing Springbrook and Wilsonville roads intersection, which would be changed to the Springbrook Road and McCurren Court intersection. The changes to the Wilsonville Road intersection would remove any connection to the east. The intersection lane configuration would change and there would be no turn lanes or through lanes east of OR 219. Phase 1 of the bypass would open in 2017 and the Wilsonville Road relocation would not open until 2020. With the bypass open, there would need to be a temporary right turn in and right turn out at the existing Wilsonville Road and Springbrook intersection due to traffic and safety issues. It would be removed in 2020 when the Wilsonville relocation project was complete.

Councilor Woodruff asked about the volume/capacity ratio and what the acceptable range was for the new intersection. Mr. Ciz explained the acceptable range was .8, but for new intersections it was .65 and this was a new intersection. It would meet the ODOT mobility standard of .8 when it opened in 2020, but would not meet the ODOT design manual standard of .65 without a signal.

Proponents: Stan Halle, representing the Ladd Hill Neighborhood Association, spoke in favor of the ordinance. He said in the last couple months the issue had moved from being adversarial to a collaborative effort. The six parties that signed the agreement in March continued to press forward in a timely fashion including ODOT moving forward with funding. The notice to proceed for the contractor for Phase 1 had been issued and the discussions for a contract change order from a four way to a three way intersection had commenced. This TSP amendment was in line with the process.

Opponents and Neutral: None.

No written communications had been received. AP Pelz said staff recommended adoption of the ordinance.

Mayor Andrews closed the public hearing.

MOTION: Bacon/Corey moved to waive the second reading of Ordinance 2016-2794 and read by title only. Motion carried (7 Yes/0 No).

Councilor Johnson said a citizen had been concerned that the right in, right out was permanent. Councilor Johnson clarified it would be temporary and he was in support of the ordinance.

MOTION: Corey/Essin moved to approve Ordinance 2016-2794, an Ordinance amending the Newberg Transportation System Plan to reflect changes necessary to accommodate the relocation of Wilsonville Road to a location south of Wynooski Road. Motion passed (6 Yes/1 No [McKinney]).

NEW BUSINESS: Resolution 2016-3274:

Community Development Director Rux said this resolution would adopt the Newberg Economic Development Strategy. Newberg did not have an overall economic strategy and he explained the steps staff and the Chamber took to create one. There was a core facilitation group and the plan was vetted by about 60 different organizations. The comments were wide-ranging and the group came back with the strategies in the plan. The four pillars in the plan included the industrial sector, commercial sector, business development/workforce, and tourism/hospitality and there were strategies under each of the pillars. The five initiatives created for the America's Best Community Competition were also embedded in the strategy. This plan had a three-year rolling horizon with short term, mid term, and long term projects. The Chamber Board approved the strategy and many other public agencies were in support. Staff recommended adoption of the resolution.

Robin Sikkens, Newberg Downtown Coalition, said their Board had unanimously voted to support this resolution and acknowledged the hard work done by CDD Rux. The Coalition was committed to implementing the strategy. The commercial sector of the document called for completion of the Newberg Downtown Improvement Plan and she emphasized the importance of completing this companion effort in time to implement action plans to take advantage of the opening of the bypass in 2017. The Board was concerned with the extensive amount of work required to deliver the strategy and to accomplish the list it would require collaboration. The NDC accepted the challenge to do its part.

MOTION: McKinney/Johnson moved to approve Resolution 2016-3274, A Resolution approving the Newberg Economic Development Strategy. Motion carried (7 Yes/0 No).

Resolution 2016-3275:

Associate Planner Olson said Michael Roberts, a local business owner, owned a home on Chehalem Drive which was outside the City limits but inside the UGB. It was 1.17 acres and was zoned Low Density Residential. He applied to the County for a Home Occupation Permit to operate a small commercial kitchen out of a pole barn that he planned to build behind his house. He hoped to be able to produce more ice cream and expand his business. It required a Conditional Use Permit with Yamhill County. His family would continue to live in the main house. About 6% of the site would be improved and the footprint of the development was small compared to the size of the property. The applicant showed how the two rear lots could potentially be created in the future if the applicant took the steps to apply for annexation into the City. The development was consistent with the adopted plans. Chehalem Drive was in the TSP and would be a major collector at some point in the future. The addition would not create a conflict with any future street improvements. The proposed development was limited in scope and allowed for future development of the remainder of the property. Staff recommended approval of the resolution.

Michael Roberts, local business owner, enjoyed working in Newberg. He wanted to expand his business and have employees in the future.

MOTION: Woodruff/Bacon moved to approve Resolution 2016-3275, recommending that Yamhill County approve a proposed conditional use permit for a Home Occupation commercial kitchen at 1400 NE Chehalem Drive, Yamhill County Tax Lot No. 3218CA-2500. Motion carried (7 Yes/0 No).

COUNCIL BUSINESS:

CR Ryan said the Providence Community Connections Program asked if the Council wanted to sign up as a team for the May 7 Neighbor to Neighbor Day. This event would help older neighbors with yard and home maintenance.

Councilor Bacon discussed an email from Sherry Ralston, owner of a medical marijuana dispensary, who was requesting a repeal of the ban on early recreational sales. The reason the Council approved the ban was that OLCC had not developed rules for recreational sales. OLCC had developed the rules and things had been running smoothly for six months. This was a local business who had invested a lot of money in the community and had been turning away dozens of customers. She asked that staff bring back a repeal of the ban on early sales of recreational marijuana by medical marijuana dispensaries.

Councilor Essin asked if the City was already out of the running to receive the 25% sales tax since it was banned. CDD Rux replied that recreational sales in dispensaries started in October 2015 and would go until December 2016. The State was collecting the tax and if the ban was lifted, the dispensaries selling recreational marijuana would have to pay the 25% tax to the State and the State would allocate it. He did not know how much the City would receive, especially since OLCC

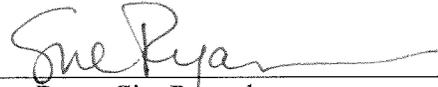
would use the tax to pay back the loan they took out to create the program and other State and County agencies would be receiving a portion of the money as well. The City also had a local 10% tax on recreational marijuana which would be paid directly to the City.

MOTION: Bacon/Essin moved to have staff prepare a Request for Council Action on lifting the ban on the recreational sales of marijuana by medical marijuana dispensaries. Motion passed (6 Yes/1 No [McKinney]).

ADJOURNMENT: The meeting was adjourned at 8:17 p.m.

ADOPTED by the Newberg City Council this 16th day of May, 2016.

ATTESTED by the Mayor this 16th day of May, 2016.


Sue Ryan, City Recorder


Bob Andrews, Mayor