
**City of Newberg
City Council
October 18, 2021**

Meeting held electronically due to COVID-19 pandemic

WORK SESSION –

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

Councilors Present: Mayor Rick Rogers, Councilors: Denise Bacon, Elise Yarnell Hollamon, Stephanie Findley, Julia Martinez Plancarte, and Mike McBride.

Absent: Councilor Bryce Coefield

Staff Present: City Manager Dan Weinheimer, City Attorney James Walker, and City Recorder Sue Ryan.

Mayor review of agenda:

Scott Parker, Chehalem Valley Chamber of Commerce, introduced himself.

Polly Peterson, Newberg Downtown Coalition, gave a presentation on Berg Bucks, the Newberg Downtown Gift Card program. She explained why they chose a downtown gift card program, participating businesses, benefits for Newberg, how it worked, who can get involved, how the cards were sold, how the Council could support the card, set up and launch, monthly success package, and sales.

There was discussion regarding representing the Spanish speaking community for in person sales, selling cards at other locations in addition to the Chamber, how the card worked, evaluating the businesses that were visited, and when the program would start.

CITY MANAGER & CITY ATTORNEY QUARTERLY REPORT

City Manager Weinheimer said they would be enacting a vaccine mandate for City staff, were currently recruiting for ten positions, and the City might receive additional ARPA money. He attended the Water Infrastructure Tour, staff would attend the upcoming poverty simulation at George Fox, City facilities were back open, about a third of staff had gone through the NEO Gov program for performance evaluations, and he was looking at quotes from companies to do a classification and compensation study.

City Attorney Walker gave the City Attorney Q3 2021 update. They received 29 new matters during Q3, there were 23 active matters as of October 15, 2021, and 11 matters were

completed during Q3. He gave examples of matters they were working on and discussed coming items.

BUSINESS SESSION:

Councilors Present: Mayor Rick Rogers, Councilors: Denise Bacon, Elise Yarnell Hollamon, Stephanie Findley, Julia Martinez Plancarte, and Mike McBride.

Absent: Councilor Bryce Coefield

Staff Present: City Manager Dan Weinheimer, City Attorney James Walker, City Recorder Sue Ryan, Community Development Director Doug Rux, and Engineer Brett Musick.

Meeting called to order at 7:00 p.m.

PRESENTATIONS

Waste Management Officials Dave Huber and Evan Burmester presented on proposed rate increases to the garbage franchise. They discussed the Newberg Services & Operations Report, 2020 Detailed Cost Report, rate comparison, and request for approval of a 3.7% rate adjustment effective December 1, 2021. There was discussion regarding whether or not to add the food waste program at a later date, increased costs for that program, survey to find out if citizens wanted the program, and recycling center items.

Taste (Visit) Newberg director Leslie Caldwell and CPA Todd Massinger presented the 2020-2021 Fiscal Year Annual Audit. The auditor gave a clean opinion on the financial statements. It was a smooth audit process.

Action:	To accept the 2020-2021 Visit Newberg annual audit
Motion:	Councilor McBride
Second:	Councilor Bacon
Vote:	6 Yes 0 No 1 Absent [Coefield]

PUBLIC HEARING – Ordinance 2021-2878 Riverfront Annexations

Mayor Rogers opened the public hearing. He asked for abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none. City Attorney Walker made the quasi-judicial land use hearing announcements.

CDD Rux presented the staff report. He gave a background on the request to annex 29.38 acres consisting of five parcels plus the adjacent rights-of-way into the City limits. He explained the Comprehensive Plan designations for the parcels, location and zoning map, existing utilities, criteria for annexation, and Planning Commission recommendation to approve the annexation. Staff also recommended approval.

Proponents: None
Opponents: None

Applicant Tamara Goedel waived the 7-day timeline to submit a final written argument.

Applicant Todd Baker, Gary T. Baker Trust, waived the 7-day timeline to submit a final written argument.

Applicant Nancy Stonebrink waived the 7-day timeline to submit a final written argument. Applicant Doug Rux, on behalf of the City of Newberg, waived the 7-day timeline to submit a final written argument.

City Attorney Walker read the closing announcements. Mayor Rogers asked for any questions from City Council. There were none.

Mayor Rogers closed the public hearing.

Action: To waive the second reading of Ordinance 2021-2878.

Motion: Councilor Bacon

Second: Councilor McBride

Vote: 6 Yes 0 No 1 Absent [Coefield]

Action: To approve Ordinance 2021-2878, An Ordinance annexing 29.38 acres consisting of five parcels, plus the area of the adjacent right-of-way, into the Newberg city limits at 1609 NE Waterfront Street, 712 NE Fourteenth Street, 1610 NE Waterfront Street, and two parcel south of NE Fourteenth Street that have no addresses and changing the zoning from Yamhill County VLDR5, HI, MR-2, and PWS to Newberg R-2/RD, C-4/RD, CF/RD (R3230-00401, R3230-00100, R3230-00200, R3229-02700, R3229-02800) to be read by title only.

City Attorney Walker read the ordinance title.

Motion: Councilor Bacon

Second: Councilor Yarnell Hollamon

Vote: 6 Yes 0 No 1 Absent [Coefield]

Order 2021-42 Fifth Street Vacation rental, Conditional Use permit appeal

Mayor Rogers opened the public hearing. He asked for abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none. City Attorney Walker made the quasi-judicial land use hearing announcements.

CDD Rux gave the staff report. This was an appeal of a Conditional Use Permit for a vacation rental at 412 W Fifth Street. He gave a background on the application, location and zoning, street view, right-of-way, easement, and frontage improvements, applicable criteria, Planning Commission hearings on the application, and appeal issues. Staff recommended adopting the order which approved the Conditional Use Permit with the attached conditions of approval.

Applicant representative Attorney Tony Aiello for Lauri Hines and Roy Neff thought the application met all of the applicable criteria. None of the neighbors' concerns addressed the

criteria and were focused on the negative aspects of this use. Ms. Hines was a successful businesswoman and did not rent to the young party crowd. She had a master lodging agreement, which was one of the tools she relied on to protect her investment and ensure she was a good neighbor.

Appellant Jonathon Umfleet said the City should have received a letter from his attorney today. City Attorney Walker said they had not received a letter. The Council could decide to leave the record open to admit the letter.

Mr. Umfleet thought the issues were code enforcement, and he had made complaints to the Code Enforcement Officer and they had not been addressed. He thought it was irresponsible to issue conditional use permits for things like this that could easily generate nuisance complaints. If the City was not going to enforce the code, he suggested a moratorium on issuing conditional use permits.

Applicant representative Attorney Tony Aiello responded Newberg had been regulating vacation rentals since 2013 and there had not been a single complaint. The opposition was focused on the negatives of short term rentals and the type of people who rented them. That was not born out by the evidence or how Ms. Hines ran her rental properties. The ability of Newberg to enforce its codes was not an approval criterion. He objected to any new material being submitted.

Councilor McBride asked why the letter had not been submitted before today. Mr. Umfleet said his attorney had not known about the deadline.

Applicant representative Attorney Tyler Smith also objected to submission of new material.

Councilor McBride asked if there had been any complaints. CDD Rux said he had not seen a complaint on any vacation rental in the six years he had been with the City.

Councilor Yarnell-Hollamon asked if any criminal activity had been reported. CM Weinheimer said he would have to look into it.

Applicant representative Attorney Tony Aiello clarified the staff report stated there had been no complaints.

Councilor Findley asked how often the owner would be living in the house and how often it would be used as a vacation rental. Applicant representative Attorney Tony Aiello thought it would be about half of the year.

Mayor Rogers closed the public hearing.

Council deliberated on whether or not to accept the appellant's attorney's letter.

Action: To not accept the letter sent by Attorney Andrew Stamp to the Council today on behalf of appellant Jonathon Umfleet

Motion: Councilor Bacon

Second: Councilor Martinez Plancarte

Vote: 4 Yes 1 No [McBride] 1 Abstain [Rogers] 1 Absent [Coefield]

Applicant representative Attorney Tony Aiello waived the 7-day timeline to submit a final written argument.

City Attorney Walker read the post hearing announcements.

CDD Rux said staff's recommendation was to approve the order.

Mayor Rogers asked about issues raised by the appellant, such as the fence, sidewalks, and not allowing parking on the street.

CDD Rux explained the applicant adjusted the location of the fence per the survey they did. The non-remonstrance addressed the future street improvements.

Mr. Umfleet asked about the front fence that did not comply with the vision clearance setback. CDD Rux said that would need to go to Code Enforcement.

Senior Engineer Musick said there was a condition for a non-remonstrance agreement for future improvements and installing a sidewalk. As far as parking on the street, a request could be made to the Traffic Safety Commission about putting in no parking signs.

Applicant representative Attorney Tyler Smith clarified some of those were included in the conditions and some were not criteria for approval.

Action: To adopt Order 2021-42, which approved the requested conditional use permit with the attached conditions of approval in Attachment 9, Exhibit B Planning Commission Order 2021-06.

Motion: Councilor Bacon
Second: Councilor Martinez Plancarte
Vote: 6 Yes 0 No 1 Absent [Coefield]

CONTINUED BUSINESS – Ordinance 2021-2885 - Cancellation

CDD Rux said the first reading of this ordinance was approved in August, but the second reading was held over until this meeting. The Council decided not to go out to a vote on the Urban Renewal Plan in November 2021. He recommended not approving the second reading of the ordinance which would terminate the process that was started.

Action: To not adopt Ordinance 2021-2885 and conduct the second reading of the ordinance.

Motion: Councilor Findley
Second: Councilor Yarnell Hollamon
Vote: 6 Yes 0 No 1 Absent [Coefield]

NEW BUSINESS – Street Seat Pilot

CDD Rux said in August 2017 the Council approved a pilot street seat program. It had been renewed twice since then and this was a request to continue the program for another two years. Staff recommended approval.

Action: To adopt Resolution 2021-3767, A Resolution extending the Street Seat Pilot Program for two years through August 17, 2023.

Motion: Councilor McBride

Second: Councilor Bacon

Vote: 6 Yes 0 No 1 Absent [Coefield]

EDRLF expenditure for Urban Renewal study

CDD Rux said this would utilize Fund 14, the Economic Development Revolving Loan Fund, to spend an additional \$20,000 for Urban Renewal documents.

Action: To adopt Resolution 2021-3769, A Resolution authorizing the City Manager to expend an additional \$20,000 from the Economic Development Revolving Loan Fund (EDRLF) for the purpose of preparing an urban renewal feasibility study, urban renewal plan and report, and public outreach.

Motion: Councilor Martinez Plancarte

Second: Councilor Findley

Vote: 6 Yes 0 No 1 Absent [Coefield]

Council meeting adjourned at 8:35 p.m.

EXECUTIVE SESSION – ORS 192.660 (2) (b) Discipline/complaint

Start: 8:38 p.m.

Stop: 10:32 p.m.

Topic: Workplace investigation

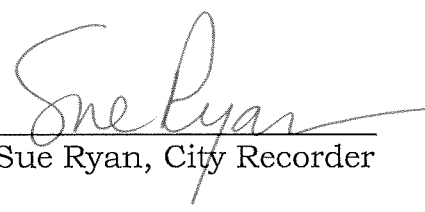
Staff: City Attorney James Walker

Other: Miller Nash Attorney Christine Slattery

Meeting adjourned at 10:32 p.m.

ATTEST:


Rick Rogers, Mayor


Sue Ryan, City Recorder