

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
May 15, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 5:30 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Patrick Johnson, Scott Essin, Hayley Delle, Denise Bacon, and Stephen McKinney. Councilor Mike Corey was absent. Also present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Assistant to City Manager DawnKaren Bevill, Community Development Director Doug Rux, Public Works Director Jay Harris, Human Resources Director Anna Lee, Police Chief Brian Casey, Information Technology Dave Brooks, and Finance Director Matt Zook.

Mayor Andrews called the meeting to order.

City Manager Joe Hannan presented on Council Priorities. Number 1 was maintaining a state of the art police communications system with a cost of about \$3 million to upgrade radio dispatch. It would require installing a new antenna in Newberg at the Public Works shop. Staff would come back to the Council in a Work Session in August with funding options. There was discussion on financing the improvement, maintenance and repair of the equipment.

Number 2 was implementing plans for road repair and sidewalks. The City would implement the plan they had for road repair through the Transportation Utility Fee (TUF). There was a sidewalk plan from 2007 that identified all of the City streets that needed sidewalks but there was no funding source. This plan would be updated and in the meanwhile there were Public Works projects that included sidewalks. They also needed to do community outreach to encourage people to fix the sidewalks in front of their house. Number 3 was a community visioning process. This was a carry-over from previous priorities and could use more clarification from Council. There was no funding identified for this project, but there was staff time that could be used. There was discussion on doing public involvement using the internet and social media, working with other agencies such as the School District, Chehalem Parks and Recreation District, and downtown.

CM Hannan said number 4 was a permitting system combining development, planning, and finance actions together. This would provide a higher level of service to the public while not adding staff. There were items in priority that talked about the Sharepoint system and business intelligence system, which would be done at a later time. Number 5 was also a carryover, creating a five year financial plan and fiscal policies consistent with preferred service levels. He gave examples of how the plan would be used. Fiscal policies about debt, reserves, and retirement funds would come to Council soon. CM Hannan said number 6 was improving communication with the public. The City did have a greater presence on the internet. Staff was also working on a Communication Plan and outreach on the Transportation Utility Fee.

Number 7 was expanding the Urban Growth Boundary. There was some funding in the budget under Community Development for the project. Number 8 was encouraging affordable housing. There had been ideas forwarded by the Planning Commission and community groups regarding this priority. There was discussion on Accessory Dwelling Units CM Hannan said number 9 was developing a Riverfront Plan. The City received a grant from the State to do the plan and a citizen advisory committee was being formed.

CM Hannan said number 10 was implementing the Emergency Preparedness Program. There were a number of community initiatives but no funding. The City was doing their best with training staff and community members. Number 11 was implementing the Downtown Improvement Plan. There was funding for a traffic study for a maker space area downtown and a feasibility study to explore a possible Urban Renewal District.

CM Hannan said number 12 was improving the Newberg Employee Retirement Plan System (NERPS). The financial plan would help with the increasing retirement costs in the budget for both PERS and Newberg's retirement system. Any changes would need to be officially and formally negotiated with the represented and non-represented employees. Number 13 was deciding on the Tualatin Valley Fire and Rescue (TVFR) annexation. The Council would have to decide on annexation by June 30.

CM Hannan said number 14 was improving the transit system. There would be a County-wide Ridership Study that the City would participate in along with placing new bus shelters. There was discussion on what were new proposed goals versus old. From 2016, the implementation of the Human Resources goals had been completed. The goals that carried over were community visioning, technology, five year financial plan, and communication with the public.

There was discussion on the order of the priorities. Councilor Johnson suggested combining improved communication with the public, visioning process, and using technology to improve and economize City services. Mayor Andrews agreed that Technology could be a stand-alone goal with a cross reference to the combination of the other two. Councilor Essin wanted to move number 13 up in priority. Councilor McKinney said there were some priorities that were not funded and some that were. The priorities looked at different goals,

programs, and groups and he did not think they should be combined. Mayor Andrews said the Council agreed with the proposed priorities, but there was no decision at this time regarding the prioritizing of those goals. CM Hannan would bring this back to Council with the priorities and action steps under each.

The Work Session was adjourned at 6:54 p.m.

CALL MEETING TO ORDER

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

ROLL CALL

Members Present:	Mayor Bob Andrews Hayley Delle	Scott Essin Denise Bacon	Stephen McKinney Patrick Johnson
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Members Absent:	Mike Corey
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Staff Present:	Joe Hannan, City Manager Sue Ryan, City Recorder Jay Harris, Public Works Director Steve Olson, Senior Planner	Truman Stone, City Attorney Doug Rux, Community Development Director Matt Zook, Finance Director Russ Thomas, Public Works Superintendent
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PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PROCLAMATIONS: Proclamation for Newberg High School cheerleaders:

Mayor Andrews read the proclamation recognizing the Newberg High School varsity cheerleading team by declaring May 15, 2017 as a day in their honor. The Newberg cheerleaders did a stunt.

Proclamation for 2017 Public Works Week: Mayor Andrews read the proclamation declaring May 21-27, 2017 as Public Works Week in Newberg. Public Works Director Harris and Public Works Superintendent Thomas accepted the proclamation.

PRESENTATIONS:

Recognition of outgoing student commissioner: Mayor Andrews recognized outgoing student traffic safety commissioner Norma Yazmin Uribe Zapien.

If I were Mayor contest winners:

Mayor Andrews explained the If I were Mayor contest. There were three winners for the poster contest and one winner for the essay contest. He recognized Kendra Davidson, Abel Swartz, and Alex Kubin as the poster winners. All three explained their posters. He then recognized Devin Duey as the essay winner. Devin read his essay.

AARP Age Friendly Communities certificate presentation:

Kathy Watson and Vanna Ishra from AARP presented a certificate to the City on behalf of AARP for joining the Age Friendly Communities. Ms. Ishra read a letter to the Council congratulating them on enrolling in the Age Friendly network. She thanked the City For All Ages Task Force, Ms. Watson, Councilor Bacon, and City staff who came together to put Newberg on the map. Newberg was the fourth city in Oregon to join the network. It showed the community was committed to be a great place for all ages. Ms. Watson stated she had been gathering information about the strengths in the community and where they could be doing better. This would help with improving the programs and services that were offered in the City.

Chehalem Valley Chamber of Commerce quarterly report:

Chamber Director Sheryl Kelsh delivered the quarterly report. The Truffle Festival in January had been very successful and the Camellia Festival had also been successful. She participated in the Travel and Words Conference and Taste of Dundee event. There would be many visitors coming to see the solar eclipse in August, which would benefit Newberg. She summarized the recent media and FAM activities. There was discussion on the Chamber's move, any savings from the move, the Camellia Festival

CITY MANAGER'S REPORT: City Manager Hannan reported on current activities across the City including: working on emergency preparedness, FAA grant application for Sportsman Airpark, promoting Yamhill County cultural inventory, meeting with Austin Industries to discuss the Springbrook development timeline, meeting with veterans' groups to discuss banners, meeting with ODOT Rails representative about the trolley, meeting on the Newberg employee pension plan, meeting with the Newberg Old Fashioned Festival committee about spray painting the camellia on the parade route as a way to brand the community, meeting with animal advocacy representatives about changes in the Yamhill County Sheriff's Department, Budget Committee meetings, labor contract work with the police union, Community Emergency Response Team meetings, tree planting ceremony at Ewing Young Park, volunteered at the Taste of Dundee event, attending the Mayor's Prayer Breakfast, attending the Downtown Coalition Board meeting, and attending public records requests meeting with staff. Councilor Johnson asked about the public process for the trolley. CM

Hannan said the next step was to form a 501c3 for a separate organization to be in charge. The City was giving assistance and support, and he anticipated that the group would go to the Transient Lodging Tax Committee to apply for a grant to help with the lease or purchase of the trolley.

PUBLIC COMMENTS: Carolyn Phipps, Newberg resident, expressed concerns about the TVF&R annexation and its financial impact on the community. There were problems with people driving badly and that was why calls to the dispatch center were increasing. Many people were running red lights because they did not want to sit through another red light. The solution should be consequences for people who violated traffic laws, such as a heavy fine. If they could change this behavior, dispatch would not receive as many calls.

CONSENT CALENDAR:

MOTION: Bacon/Johnson moved to approve the Consent Calendar including Council Minutes for April 17, 2017; Resolution 2017-3374, A Resolution expressing continued support for the City for all Ages Taskforce and AARP's Network of Age-friendly Communities and the World Health Organizations Global Network of Age-Friendly Cities and Communities programs; Resolution 2017-3363, A resolution to authorize the City Manager to enter into a construction contract with M.L. Houck Construction Company for the Blaine Street Stormwater improvements – Phase 1 Project in the amount of \$810,975.00; and Resolution 2017-3369, A Resolution to authorize the City Manager to terminate drainage and/or access easements for the Blaine Street Stormwater Improvements – Phase 1 Project. Motion carried (6 Yes/0 No/1 Absent [Corey]).

The Council recessed the meeting for five minutes at 8:05 p.m.

PUBLIC HEARING:

Ordinance 2017-2815, Dutchman's Ridge Annexation

Mayor Andrews called to order the quasi-judicial public hearing. He asked for declarations of ex parte contacts, conflicts of interest, bias, abstentions, or objections to Council jurisdiction.

Councilor Johnson was contacted by two citizens about eight weeks ago, one on social media and the other on email. He explained that he could not discuss this application. They discussed issues surrounding that area of town including a mailbox they wanted moved that was in a right-of-way and some trees. Mayor Andrews had general contact with at least one if not two of the parties, but nothing specific. Any decision he made would be based on the record. Councilor McKinney said in a Housing Committee meeting this issue was discussed, but staff reminded them that he could not hear about it.

City Attorney Stone read the quasi-judicial land use hearing statement.

Senior Planner Olson gave the staff report (Exhibit A). The request was to annex 25.66 acres into Newberg with a change in zoning to City R-1. In the Comprehensive Plan, it had a designation of LDR with a Stream Corridor overlay on part of the site. The location was along North Valley Road, in the upper northwest corner of Newberg. The site was in the Urban Growth Boundary and was contiguous to the existing City limits. The adjacent rights-of-way would be included in the annexation. There was a concept plan to show how the property could potentially be developed. Utilities were being built in the subdivision to the west and there were other nearby subdivisions and opportunities to extend the utilities to this property.

Councilor Johnson asked about the proposed access to North Valley Road. SP Olson said they would have a traffic study done when they submitted a development proposal. That proposal would go to the Planning Commission for a decision.

SP Olson said the proposed use was low density residential and the proposed zoning was the same and was consistent with the LDR Comprehensive Plan designation. The Stream Corridor overlay moved from the Comprehensive Plan overlay to a zoning overlay. There was a lot of discussion regarding the Comprehensive Plan policy that for large annexations, a mixed zoning would be applied to the annexation to include R-3 in order to distribute affordable housing around the community. The Planning Commission asked the City Attorney if it was applicable to the annexation. The City Attorney's interpretation was yes, based on recent decisions by LUBA in Hood River where they found that unless the Municipal Code fully implemented the Comprehensive Plan that it didn't preclude that some Comprehensive Plan policies may continue to apply directly. While the Municipal Code was intended to implement the Comprehensive Plan, they also had to look at the Comprehensive Plan policies. There were competing goals in the Comprehensive Plan and the implementing language. The Planning Commission had to make findings of whether the regulations in the Municipal Code fully or partially implemented the policy. The Commission thought it did not fully implement them, and they had to analyze the Comprehensive Plan policies.

They also had to determine if it was applicable to the annexation request and to determine if the competing criteria could be met in concert. If they could not be met in concert, the findings had to balance the competing policies and goals and explain the rationale. The policy stated mixed zoning applied to large residential annexations, but it did not define what large meant. One of the questions was if this parcel of 25.66 acres was considered to be large or not? Large residential annexations were to include some R-3 land, but the term "some" was not defined either. He read the definitions of large in the dictionary. Staff created a list of residential annexations

over the last 20 years and found the average annexation came out to 15 acres. Another question to determine was, did above average equate to large?

Staff thought it made more sense to look at the data in ranges. Once arranged in clusters, staff found that the 25.66 acreage was not large and the R-3 mixed policy did not apply. SP Olson explained while Planning Commission discussed it at length, they did not change the findings about the definition of "large". The City Council needed to make their own decision about whether this annexation was considered large or not. Even if the R-3 mixed policy was applicable, it would conflict with housing density policies, plan classifications, low density residential housing types, location policies, and Newberg Municipal Code 15.250.080. The Planning Commission found that on balance, the annexation proposal complied with the LDR Comprehensive Plan map designation and the Comprehensive Plan policies. There was an adequate level of urban services available. Future development of the property would require right-of-way dedication and frontage improvements along North Valley Road.

A full traffic impact analysis would be required at the time of the development application. A wetland delineation and permits from the Department of State Lands were also required. Police, fire, parks, and schools were available to serve future development. Draft findings supported approval of the annexation, but the Council must make findings that supported their decision whether it was to approve or deny.

Councilor Essin asked about the definition for large. SP Olson said usually they relied on the policy to provide some context but this policy did not. Councilor Essin asked if it would be defined in the future. SP Olson said the Planning Commission had initiated a Development Code and Comprehensive Plan amendment to try to provide clarity for implementation. The findings stated 40 acres was the cutoff, so this application was not considered a large annexation. He explained how staff had analyzed the data to come up with what could be considered large annexations.

Councilor Johnson said if the Council decided to implement the R-3, how should they handle the application? SP Olson said they would have to change the finding about whether this was large or not. There were two or three paragraphs that would have to be modified and additional language included. The Council could direct staff to make findings to include R-3 zoning. CDD Rux said if the body by majority decided R-3 should be included, they would also be changing a Comprehensive Plan designation from LDR to HDR. That meant another level of analysis had to be done which included a traffic analysis over a 20 year horizon, a Goal 10 analysis for housing, and a Transportation Planning Rule analysis. The application fell under the 120-day rule, which ended on June 20.

Proponents: Dan Danicic, Del Boca Vista, and Jessica Cain, Del Boca Vista, were the applicants. Ms. Cain thought the application met the Comprehensive Plan policies and designations. In weighing the policies as a whole, they thought it met the criteria. They agreed with the staff support. Mr. Danicic said the staff and Planning Commission's process on trying to define the terms "large" and "some" through a Development Code and Comprehensive Plan amendment was the proper way to go. Staff did a good job with their data analysis given the few data points they had. In the concept plan, it was not just large lots that fit the R-1 designation but also some small lot development that met the spirit of R-3 and of being at a lower cost.

Opponents: Sid Friedman, Friends of Yamhill County, said the City had recognized the critical need for more diverse housing types at a variety of price points that residents could afford. A Comprehensive Plan policy had been adopted that required large annexations to include at least some R-3 land to help address the shortage. This annexation application was 25 acres of single family detached housing, which failed to address the need the City recognized for R-3 housing. This was the largest residential annexation in 10 years and the fourth largest residential annexation in 21 years. The site was in close walking distance to schools, a senior center, a park, churches, some commercial services, and transit. There were greenspace amenities onsite. The City had developed housing policies and he did not want them to just be words on paper that did not translate to any action. He didn't oppose the annexation, just that there was no diversity of housing types including R-3.

Lisa Rogers, Newberg resident, was opposed to the application without the designation of R-3 housing. She considered it to be a large annexation. In 2009 the City agreed to change the Comprehensive Plan to include R-3 land in large annexations. At that time this policy should have been implemented and amendments made to the Comprehensive Plan. In that section of town there was no multi-family housing and there was a need for affordable homes. If they did not do something now, they were dividing the community. She thought R-3 needed to be included in the annexation. Councilor Johnson asked how the Council should weigh the need versus the transportation challenges in that area as far as getting to 99W or Hillsboro and the connecting streets. Multi-family housing would put more of a strain on intersections that were already a challenge. Ms. Rogers said North Valley Road was a collector, and it was not that big of a challenge. Low income families did not have access to housing, but they did have cars that could take them to the services they needed. There was a need for R-3 land.

Rick Rogers, representing Newberg Habitat for Humanity, stated there was a housing crisis in Newberg and it was not a new crisis. He was on the committee that came up with the suggestion of adding R-3 land to large annexations. People who worked in Newberg couldn't afford to live here. The applicants themselves said it was a large development during the Planning Commission hearing. They projected building 107 houses and that was a large development. It was feasible to put R-3 on this parcel. The request was for some R-3 land, which could be 10%. They should not be getting caught up in semantics when they should be looking at the intention. They could not keep putting it off to another parcel. This was approved in 2009 and he thought it was one of the better tools to get R-3

included. The reason the terms “large” and “some” were used was to allow creativity for the developer. It could still be 107 units, but 20 could be multi-family housing and there would not be a greater impact on utilities or roads. It was stated at the Planning Commission hearing that these were three separate parcels, but they knew there was an agreement to bring in the three parcels together. The parcel next to this one was designated PQ, which could have anything placed on it. He did not think that it could not be done just because of what the Comprehensive Plan Map said. Councilor Essin asked why the Planning Commission didn’t come up with the recommendation that this parcel was large. Mr. Rogers thought they were swayed that it would be too difficult to allow the R-3 land. Councilor Essin said the issue of the terms “large” and “some” was going to be addressed, but Mr. Rogers thought it had already been done previously. Mr. Rogers thought they should require the developer to include at least 10% of this annexation as R-3. The Planning Commission agreed that it was large, and some should happen, but they did not have the definitions to do it for this application. The Council needed to decide what was the intent and make it happen.

Undecided: None

Proponent rebuttal: Ms. Cain said the intent was affordable housing and this development was not going to be affordable housing. The price per acre for this type of land in this area made it not affordable. If they put 10% of R-3, it would not create affordable units. They would be high-priced condos or apartments. There were other properties that were more suited to the R-3. All of the Comprehensive Plan policies had to be looked at in concert with one another to find the best resolution. There was only one policy that stated R-3 should be included. This issue did need to be clarified and codified in a way that was measurable and could be applied at the outset when looking at purchasing and developing property. If they had to include R-3, they would have to withdraw the application and come back with a new application. The proposed smaller lots were a way to create more affordable housing units in this area. Mr. Danicic said during the Planning Commission’s deliberations, there was not consensus that this should be considered a large annexation. They decided to start the process to amend the code, not just make a decision on the fly. In the last 5 years there had been R-3 developments occurring.

Mayor Andrews closed the public testimony portion of the hearing.

City Attorney Stone read the closing statement regarding the applicant’s right to seven days to submit further written argument and how the applicant could waive that right so a decision could be made that night.

SP Olson recommended approval of the Ordinance based on the Planning Commission’s recommendation.

Councilor Essin said if the analysis had been done with a standard deviation would it have changed the result? SP Olson said it was one way of looking at the data. They did not have a large data set to analyze. Mayor Andrews asked if the jurisdiction of North Valley Road would remain the same. SP Olson said the jurisdiction of the road would remain with the County. It was a different process to change the jurisdiction.

Mayor Andrews clarified density did not dictate or preclude affordability. SP Olson said they were strongly correlated. In the proposed development for this annexation, there was a range of lot sizes that was done through lot size averaging. Mayor Andrews asked if LDR precluded R-3. SP Olson said that was what staff believed. Under R-1, they could develop the entire parcel as a church or school.

Mayor Andrews asked about the implications with the 120 day rule. SP Olson said a decision had to be made by June 20. CDD Rux said the day the application was determined complete the clock began. If the Council had not approved an ordinance affirming or denying the application by that date, then the applicant could go to court and file a writ of mandamus and the court would make a decision on it. The applicant could request an extension of the 120 days.

City Attorney Stone said they needed to hear from the applicant.

Ms. Cain said from the audience they did not wish to submit additional written testimony and the Council could proceed with deliberation.

Mayor Andrews closed the hearing.

Deliberations:

MOTION: Essin/Bacon moved to waive the second reading of Ordinance 2017-2815, An Ordinance annexing 25.66 acres of property located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County Tax Lots 3207-600, 700 and 800, plus the area of the adjacent rights-of-way, into the Newberg city limits, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County AF-1- to Newberg R-1 with Stream corridor overlay. Motion failed for lack of a majority (3 Yes/ 3 No [Delle, Johnson, Andrews] / 1 Absent [Corey]).

Councilor Essin asked what the advantage was of voting no on the second reading. Mayor Andrews said it gave the Council time to contemplate the decision. Councilor Johnson clarified the Council could review the Planning Commission meeting deliberations. CDD Rux said the recording was public, but the minutes of that meeting would not be adopted until June 8.

MOTION: Johnson/McKinney moved to waive second reading for Ordinance 2017-2815, An Ordinance annexing 25.66 acres of property located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County Tax Lots 3207-600, 700 and 800, plus the area of the adjacent rights-of-way, into the Newberg city limits, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County AF-1- to Newberg R-1 with Stream corridor overlay. Motion carried (4 Yes/ 2 No [Delle, Andrews]/ 1 Absent [Corey]).

Deliberations:

Councilor Johnson had wanted to review the Planning Commission meeting minutes as there were conflicting statements about what was said at that meeting. It was not ideal that it was not an option. He thought there were transportation and access issues in that area and the more houses that would go in, the more these would be a problem. He was either leaning to voting no or requesting staff change the findings to include R-3 land in this development. He thought it was the intent of the Comprehensive Plan, the annexation was large as it would create 107 new homes, and if all the property at the edge of the UGB was at a premium price, then they could not get affordable housing until there was land use help with affordable housing. There were hard decisions the Council had to make, and with this application they could show that affordable housing was a Council priority and that it was the intent of the Comprehensive Plan.

Councilor Bacon said she would be denying the application. She was there and knew the intent in 2008-2009. This was a large annexation and the intent was for some R-3. The policy for R-3 was approved by the Planning Commission and City Council. She thought there were no more services here than in other places in the City that had R-3. That was the intent and she would be voting no.

Councilor McKinney said he was in favor of the application. He thought it was disingenuous to make the applicants play by different rules when staff found they had played by the rules at the beginning of the process. He agreed there was a need for R-3 land, however this was an important development to take place. This acreage was not affordable housing, even if R-3 was placed on it. He thought they should follow staff's and the Planning Commission's recommendation to approve the application.

Councilor Essin thought it was a simple decision to determine if it was small or large. He agreed that it was large and they were required to include R-3 land. Councilor McKinney questioned if R-3 land was required. If it was required, it would have been codified. The language required did not make it into the documents here tonight.

Councilor Bacon said this policy had mandatory language that the City shall apply a mixture of zoning to include some R-3 lands. She thought it was required.

Councilor McKinney replied if it was universal and across the board, they would not be struggling with this decision. Both the Planning Commission and staff recommended approval.

Councilor Johnson appreciated Councilor McKinney's position, but the discussion had gone off topic. What swayed his decision was in the staff report on Page 2 under housing policies, it stated that during the Planning Commission discussion about modifying the findings several Commissioners commented that they thought the annexation should be considered large and one suggested that annexations for more than 100 dwellings could also be considered large. He thought this rule was open to interpretation and each person had an idea of what large was. He thought it was large for Newberg.

Councilor McKinney commented that they needed to be successful at every level and every kind of development that they could foster in the City in order to add to the community the types of neighborhoods they wanted. They did not need to get sidelined by little hiccups.

Councilor Bacon said her job during this quasi-judicial hearing was examining the evidence before her and to her the evidence stated that a large parcel was to be annexed. If she accepted that as the truth and if the policy stated the parcel was large then there also had to be R-3 housing in it. That was the evidence and that was her job.

Councilor McKinney asked if the staff called it large or medium. SP Olson said staff thought it was medium.

Mayor Andrews said the Council needed to consider adoption of the annexation and also adoption of the findings in Exhibit C.

CDD Rux explained the findings supported the Planning Commission's recommendation for approval. If the Council was going to deny the annexation, the findings would have to be created with guidance from the Council and a new Exhibit C would have to come back to the next meeting.

There was a brief recess to review the findings.

MOTION: Bacon/Essin moved to deny Ordinance 2017-2815, An Ordinance annexing 25.66 acres of property located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County Tax Lots 3207-600, 700 and 800, plus the area of the adjacent rights-of-way, into the Newberg city limits, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County AF-10 to Newberg R-1 with Stream corridor overlay and to direct staff to return with findings that supported a denial based on the definition of large in Exhibit C and all attending paragraphs. Motion carried (5 Yes/ 1 No [McKinney]/ 1 Absent [Corey]).

There was discussion regarding the language of the motion. Councilor McKinney suggested amending the motion to continue this to the June 5 meeting for staff to bring back findings that reflected the discussion that evening rather than try to do it on the fly. CDD Rux said the motion on the table was to deny, and to bring back the findings to support the denial which was what Councilor McKinney was suggesting.

Councilor Johnson asked if the applicant could bring back a revised application to the next meeting. CDD Rux said if the applicant were to add R-3, it would be a different application and they would have to re-start the process. Councilor Johnson asked if they could remand this back to the Planning Commission to come up with a definition of large. CDD Rux said there was not enough time for a remand and possible change of recommendation.

NEW BUSINESS: Resolution 2017-3380, Declaring a Council vacancy: Councilor Essin was sorry to see Councilor Delle go and wished her the best. Councilor Bacon would miss Councilor Delle and appreciated her stepping up. Councilor Johnson valued the conversations he had with Councilor Delle and he thanked her for her service. Mayor Andrews presented Councilor Delle with a Certificate of Appreciation.

MOTION: McKinney/Bacon moved to approve Resolution 2017-3380, A Resolution acknowledging the acceptance of the resignation of Councilor Hayley Delle, expressing the City's appreciation for her service, declaring a vacancy, and announcing the advertisement for qualified persons to fill the vacancy (District No. 1 with a term ending December 31, 2020). Motion carried (6 Yes/ 0 No/ 1 Absent [Corey]).

Waste Management, Inc. annual presentation:

Dave Huber, Waste Management District Manager, gave their annual report. They served Newberg, Yamhill County, and Dundee. They employed 21 people, were a member of the Chamber, and were in-kind sponsors of the Old Fashioned Festival and Oktoberfest. He explained the services provided in Newberg. They had gone more than five years without an OSHA recordable injury. The drivers had on-board computers. They completed the conversion from the rear load style truck to a front load style truck. On May 20 there would be the annual hazardous waste event at the transfer station.

Mike Jeffries, Waste Management Pricing Director, presented the 2016 annual financial review. Based on the results from 2016, there was a rate of return of 13.75% and there would not need to be a rate adjustment for 2017. Revenue grew by \$230,000 from the previous year due to additional customers. They did see some industrial revenue up from the previous year as well. The overall costs increased by \$75,000, which was associated with the DEQ fee for disposal. General and administrative expenses were down by \$50,000. He then discussed their DEQ recovery goals for recycling, which would be 52% by 2020.

Mr. Huber explained the program elements to add for 2018 and stated some language would have to be added to the current franchise agreement with the City. DEQ provided several options. He then described the glass collection options for residential customers. The benefits of recycling glass were that it was 100% recyclable, glass manufacturing could use up to 50% recycled glass which provided a reduction in energy use, raw materials were conserved, and there were environmental benefits. Other materials recovered were yard debris, metals, cardboard, and bottle returns. Glass collection options included: 1) Depot collection, the current system, 2) Single Stream collection – No local processing, or 3) Every other week collection of glass in a 20 gallon cart. They believed the every other week collection to be the best solution. It would include automated loading, standardized fleet, collection efficiencies, and driver safety. Every other week collection could be provided for an additional \$2.88 per month. The only other City with a comparable program was the City of McMinnville who did a phased in approach.

Mayor Andrews asked when this would be effective. Mr. Huber said if it were approved tonight, it would be three to four months, possibly by October 1. Councilor McKinney clarified it would have to be mandatory for it to be cost effective. Councilor Johnson asked when the franchise would need to be renewed. Mr. Huber said not until 2020.

CM Hannan suggested not approving this tonight, but to bring the item back to Council in June.

Shannon Gustafson, Newberg resident, said she came to Council in January asking for curbside glass recycling. Since then she started an online petition and 345 community members were asking for glass recycling. She read some comments that people had written about the need for this service. She planned to continue the petition until it was passed by Council. She thought it was the right thing to do for the environment.

Councilor McKinney asked if they pulled glass out of the trash. Mr. Huber said no. If it went into the mixed recycling, which it was not supposed to do, there was an ability to pull the glass out.

COUNCIL BUSINESS:

Councilor Johnson thanked the Council and staff for helping him during the last month.

CA Stone suggested the Council not do his evaluation tonight because of the late hour. The Council agreed. He would be presenting his Emancipation Day speech at Newberg High School tomorrow. He reported on his speech at Love Inc. and Mrs. Stone's Fourth Grade class. He had a meeting with TVFR regarding the annexation and rural district aspect. He was also working on a Council compensation resolution to fix the Mayor's stipend.

Councilor Johnson suggested looking at compensation by district.

ADJOURNMENT: The meeting was adjourned at 11:02 p.m.

ADOPTED by the Newberg City Council this 19th day of June, 2017.


Sue Ryan, City Recorder

ATTESTED by the Mayor this 22nd day of June, 2017.


Bob Andrews, Mayor