

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
November 20, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Andrews, Councilors Patrick Johnson, Scott Essin, Denise Bacon, Mike Corey, and Stephen McKinney. City staff present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, Community Engagement Specialist Rosa Olivares,

Mayor Andrews called the meeting to order.

Community Engagement Specialist Olivares said as part of the youth homelessness awareness campaign, she was requesting the City Council to take a picture with their purple bracelets in support of the campaign. The picture would be taken between the work session and regular meeting.

Hearings Officer for Land Use cases: City Attorney Stone said this was an alternate way to handle quasi-judicial land use cases that other jurisdictions used. This came about after a couple of difficult land use decisions before Council where there had been ex parte contact issues. The Council served as both the administrative, legislative, and judicial functions of government. That could make it difficult to keep issues separated. Most decisions had little to no discretion and the Council was often being asked to interpret their own legislation. These cases were a few times per year.

Community Development Director Rux said Oregon Revised Statutes authorized delegation of quasi-judicial case review to a hearings officer. He explained different types of land use reviews. The first option was a hearings officer could do an initial review and that decision could be appealed to the Planning Commission for a final decision or appealed to the City Council. The second option was the Planning Commission review the application and that decision could be appealed to the hearings officer which could then be appealed to the City Council. A third option was the Planning Commission making recommendations to the hearings officer and the hearings officer making the final decision. All of these could go to LUBA as well.

CDD Rux said common types of land use applications were annexations and zone changes. The Council reviewed eight of these types in 2016 and four in 2017. Other examples were Comprehensive Plan amendments, conditional uses, Planned Unit Developments, subdivisions, and appeals. The Planning Commission also looked at variances and design reviews. In 2016, the Planning Commission had 15 quasi-judicial cases and in 2017 they had 12. Often by the time it came to Council, they were at the 120-day deadline and a decision had to be made at that meeting. Several cities and counties used hearings officers.

CA Stone said a hearings officer was a land use professional. It did not have to be a city employee, but could be contracted out. Another difficulty with land use applications coming to Council was when the proposed findings had to be amended on the spot at the hearing. A hearings officer could schedule the meeting during business hours or early evenings and it would be a sole item. They would have more time to work through the applications.

There was discussion on how an independent contractor would work, the potential costs, how Council often did not understand the law, the cost of appeals to LUBA on land use cases, and the potential to reduce workload for staff. Councilor McKinney asked if the hearings officer's decisions were binding. CDD Rux said if the Planning Commission did the initial review and their decision was appealed to the hearings officer, the hearings officer's decision was binding. If it came to the Council, the Council's decision would be binding. If it initially went to the hearings officer and was appealed to the Planning Commission, the Planning Commission's decision was binding.

There was discussion on the role that citizens expected of the Council in making difficult decisions, the authority in the Charter, how the Council delegated its authority. There was additional discussion on where this item fit under Council priorities, the land use hearing timeline requirement of the 120-day rule, the cost, and how other jurisdictions used hearings officers in handling land use cases, and what other alternatives there were available. Mayor Andrews asked staff to refine the scenarios presented tonight with the questions and feedback and return with a staff recommendation.

The work session was adjourned at 7:10 p.m.

CALL MEETING TO ORDER

Mayor Andrews called the business session to order at 7:25 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Mike Corey	Denise Bacon	Patrick Johnson
Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney	
	Sue Ryan, City Recorder	Doug Rux, Community Development Director	
	Jay Harris, Public Works Director	Matt Zook, Finance Director	
	Leah Griffith, Library Director	Brian Casey, Police Chief	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed. Mayor Andrews asked for a moment of silence.

PRESENTATIONS: Sheryl Kelsh, Chehalem Valley Chamber of Commerce, presented a quarterly report. She discussed Oregon wine industry statistics. She served on the Willamette Valley Wineries Association Board that did a large wine display at the San Jose Airport. She was looking at locations for the display in Newberg.

Mayor Andrews asked about the budget report and the deficit in the net income. Ms. Kelsh said she spent more money in tourism than she had budgeted due to an unexpected opportunity. Any differences in the money spent came out of the Chamber budget. Councilor McKinney asked about other communities contributing to the Visitors Center. He did not think Newberg should bear most of the burden. Ms. Kelsh had not asked for contributions from Carlton, Dayton, and St. Paul. There was discussion on smaller communities contributing to the Chamber.

CITY MANAGER'S REPORT: City Manager Hannan reported on the Austin Family Foundation presentation on Yamhill County needs, Downtown Coalition Board meeting discussion on downtown parking, Waste Management glass recycling starting in March, VFW banners, meeting with Representative Suzanne Bonamici, changes to take to the Transit Authority, and a homeland security grant application for emergency preparedness items.

COUNCIL APPOINTMENTS:

MOTION: Andrews/Johnson moved to consent to the Mayor's appointment of Adam Lundstrom to the Citizens Rate Review Committee for a term of November 20, 2017 to June 30, 2018. Motion carried (6 Yes/0 No/1 Absent [Murray]).

PUBLIC COMMENT:

Rebecca Wallis, Newberg resident, discussed the Newberg-Dundee Police Citizens Academy. She attended this year's academy and it was helpful to better understand the laws and the challenges the Police Department faced. It was very valuable training and she thanked the City for the opportunity.

Crystal Case, Newberg resident, gave an update on the Animal Shelter. She said adoptions had increased with 485 adoptions in 2017. Hours were expanded to Wednesday through Saturday 11 a.m. to 6 p.m. The shelter was able to take stray dogs every day for extended hours. The HVAC system had been installed and they received a kennel license. They donated dog and cat food to FISH and YCAP and held a microchip clinic in the summer. She invited everyone to visit the shelter to see the changes.

CONSENT CALENDAR:

MOTION: Bacon/Corey moved to approve the Consent Calendar including the minutes for November 6, 2017, Resolution 2017-3240, A Resolution authorizing expenditure of Fund 14-Economic Development Fund resources in the amount of \$5,000 to prepare an appraisal and develop a Request for Qualifications or Request for Proposals for the Butler Property at 411 E. First Street; Resolution 2017-3408, A Resolution declaring an intent to reimburse the City for expenditures of the WCCCA Emergency Communications System Upgrade Project paid prior to the issuance of tax-exempt financing. Motion carried (6 Yes/0 No/1 Absent [Murray]).

PUBLIC HEARING: Supplemental Budget #1 for Fiscal Year 2017-2018:

Mayor Andrews opened the public hearing. He asked if there were any abstentions, conflicts of interest, or objections to jurisdiction. There were none.

Finance Director Zook presented the staff report. There were a few minor operational changes for Council approval. These included personnel adjustments due to the collective bargaining agreement for the Police Department in the General Fund, and recognizing the Transportation Utility Fee revenue in the Street Fund. He discussed the TUF projects. Funds with carryover from the prior fiscal year included Economic Development Fund, and the Transient Lodging Tax Fund.

Proponents: None

Opponents: None

Undecided: None

Mayor Andrews closed the public hearing. FD Zook said staff recommended adoption of the resolution.

MOTION: Corey/Johnson moved to approve Resolution 2017-3390, A Resolution to adopt Supplemental Budget #1 for Fiscal Year 2017-2018 beginning July 2017, and ending June 30, 2018. Motion carried (6 Yes/0 No/1 Absent [Murray]).

NEW BUSINESS: Newberg 2030 Project Update – Land Conservation and Development Commission Policy Agenda and Next Steps: CDD Rux said the Commission agreed on technical fixes to Division 38, the simplified Urban Growth Boundary expansion process. They broke the work into two segments. The first was to review three minor issues, clarifying exclusions of publicly owned land, updating the list of measures to accommodate needed housing, and updating employment projection tables. This work would begin in January 2018 and would be completed by June/July 2018. The City had applied for a grant to move forward with this process if the technical fixes could be done. The county assessment database incorrectly identified vacant and partially vacant land. The next steps were continuing to work with DLCD and the Yamhill County Assessor.

Council Priorities Update:

CM Hannan explained the Council priorities update format.

Goal 1 – CM Hannan said a lot of action had been taken on the upgrade of the communication system. At the next Council meeting there would be a detailed staff recommendation for the funding of this upgrade. Mayor Andrews asked about the significance of 1.1 of no fiber availability. CM Hannan said if they wished to keep a

stand-alone dispatch system they would need to get a dedicated fiber link back to WCCCA. So far it had been too expensive.

Goal 2 – PWSD Harris said they had been billing for the Transportation Utility Fee for three months and the revenues were projected. He explained the transportation projects that had been done. Staff would be bring back to Council a five-year Street Capital Improvement Plan. Staff planned to put the CIP into the pavement model to see where the budget shortfalls were. He would come back with the results in February. There was discussion on the five-year pavement list, what TUF paid for, and how streets were prioritized for the five year CIP. PWSD Harris said the goal was to do the maintenance projects up front and then move to reconstruction of streets later in the program.

Goal 3 – CM Hannan said the TVF&R annexation passed as well as the Charter change. Staff was currently working on the annexation agreement.

Goal 4 – CM Hannan said not much was happening with this goal. Some employees had left the City that were on the City's retirement plan (NERPS), and those positions had been switched to PERS.

Goal 5 – CM Hannan said there was a technology plan and a chart for this goal.

Goal 6 – FD Zook said the Long Range Financial Plan had progressed. The models continued to help staff evaluate what was coming up in the future and items that needed to be addressed.

Goal 7 – CDD Rux said the City was working with DLCD regarding technical fixes to the Division 38 Urban Growth Boundary expansion process and had applied for a grant to continue the process. Staff was also in conversation with the County Assessor regarding the data for identifying vacant and partially vacant land.

Goal 8 – CDD Rux said staff would be coming back to Council in December for direction on moving forward with Housing Newberg's recommendations. There were nine recommendations from that group.

Goal 9 – CDD Rux said staff was still negotiating the scope of work for the Riverfront Master Plan. Councilor Johnson asked about the Urban Renewal District in connection with that plan. CDD Rux said until they resolved the other issues, it would not be prudent to go out and do the feasibility analysis.

Goal 10 – CM Hannan said staff met regularly, and also with local churches on emergency preparedness. The City applied for a grant for equipment.

Goal 11 – CDD Rux said Economic Development Strategy work included industrial retention activities, recruitment opportunities, downtown commercial businesses retention, workforce and talent development, and tourism. The Destination Development Marketing Grant program would come to Council in January. Small grants solicitation would close December 15. The Downtown Plan, the Butler property, food cart pod, apartment project, hotel opportunities, and Mill District opportunities were moving forward.

Goal 12 – CM Hannan said some items had been done for the community visioning and more would be done in the future.

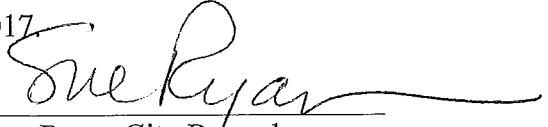
Goal 13 – CM Hannan said regarding improving the transit system, Councilor Essin had been working on this topic and the Transit Authority had made a presentation to Council. There were several ideas for improvements that would be sent to the Authority. Library Director Leah Griffith gave an update on Library improvements at She discussed her role in starting the transit system. Councilor McKinney thought expanding the hours at the Library should be a Council goal. There was discussion regarding installing more bus shelters.

COUNCIL BUSINESS:

Mayor Andrews said there would be a Local Government Dinner on November 30 and Newberg-Dundee Bypass event on December 18. The contract for the Bypass was to be completed by December 31, however the Bypass might not open on time.

ADJOURNMENT: The meeting was adjourned at 9:01 p.m.

ADOPTED by the Newberg City Council this 18th of December, 2017.


Sue Ryan, City Recorder

ATTESTED by the Mayor this 20th day of December, 2017.


Bob Andrews, Mayor

