



**CITY OF YAMHILL, CITY COUNCIL MEETING
Wednesday, October 11, 2017 7:00 P.M.
MINUTES**

1. CALL TO ORDER: Roll Call

The meeting was called to order by Mayor Terp at 7:10PM

Present: Mayor Terp and Councilors Disbrow, Gilmore and Potter

Excused Absence: Councilor Echaui

Staff present: City Recorder Gilmore, Superintendent Howard and Chief Graven

2. PUBLIC HEARING:

1. Consider proposed street vacation petition filed by the Yamhill/Carlton School District- East Camellia Street.

Mayor Terp opened the public hearing at 7:10pm on the proposed street vacation petition filed by the Yamhill/Carlton School District.

Resolution R-745, a resolution of the City Council of the City of Yamhill, Oregon approving the initiating of Street Vacation Proceedings was adopted on September 13, 2017. The public interest will not be prejudiced by the street vacation because the portions of East Camellia street to be vacated are not currently used for access to any adjacent property, are not required to meet City street standards, and are located on area needed by the Yamhill-Carlton School District to construct improvements for the benefit of the public.

Mayor Terp asked for objections to Jurisdiction. No comments were made.

Mayor Terp asked to hear from proponents of the Street Vacate.

Charan Cline, Yamhill Carlton School Superintendent spoke in favor of the street vacation. Cline stated that the Street area has been used as School Property and no City utilities are located in the vacate section. The school will continue to use the area as a parking lot.

Patricia Manson of Yamhill questioned if the City Council has considered that the School District may be selling a section of their school district property and if that could affect their decision regarding approving the Street Vacate. Mayor Terp replied that the section considered to be vacated has always been used as a school parking area and will continue to be used for parking.

Mayor Terp asked to hear from opponents of the Street Vacate. No comments were made.

There were no further comments, and Mayor Terp closed the public hearing at 7:15pm. Council consensus was to approve the proposed Street Vacate and approve the reading of Ordinance # O-516 an Ordinance vacating a portion of E. Camellia Street right of way within the City of Yamhill, Oregon.

2. Consider proposed street vacation petition filed by the Yamhill/Carlton School District- North Larch Place.

Mayor Terp opened the public hearing at 7:16pm on the proposed street vacation petition filed by the Yamhill/Carlton School District.

Resolution R-746, a resolution of the City Council of the City of Yamhill, Oregon approving the initiating of Street Vacation Proceedings was adopted on September 13, 2017. The public interest will not be prejudiced by the street vacation because the portions of North Larch Place, are not required to meet City street standards, and are located on area needed by the Yamhill-Carlton School District to construct improvements for the benefit of the public.

Mayor Terp asked for objections to Jurisdiction. No comments were made.

Mayor Terp asked to hear from proponents of the Street Vacate.

Charan Cline, Yamhill Carlton School Superintendent spoke in favor of the street vacation indicating that this is a small portion of Larch Place, between Highway 240 and Azalea Street in front of the School District Office. Cline stated that approving the request to vacate would enable the District to aid in the flexibility of construction and indicated that it will remain a through street for access.

Mayor Terp asked to hear from opponents of the Street Vacate.

Patty Pairan of Yamhill lives on the northwest corner of Larch Place and Azalea Street and stated that she is concerned the public will no longer have access to use Larch Place to access Highway 240. It is currently used for school buses to pick up and drop off children, and for public access. Pairan is concerned that if the City vacates the street and it is no longer a public road, that the school district could technically restrict citizens from using it as an access road because it would be school property. Pairan is opposed to the City vacating the street and believes it should stay as public access. Cline reported that the School District has no plans to close access to Larch Place. Howard stated that Larch is a 20-foot-wide non-conforming street and would never be able to be widened for the City to use as a 60-foot street.

There were no further comments, and Mayor Terp closed the public hearing at 7:28pm.

Council consensus was to approve the proposed Street Vacate and approve the reading of Ordinance # O-517 an Ordinance vacating a portion of N. Larch Place right of way within the City of Yamhill, Oregon.

3. PUBLIC COMMENT:

None Received.

4. PRESENTATIONS & APPOINTMENTS:

A. None Scheduled.

5. UNFINISHED BUSINESS:

A. Follow up with business owners regarding code complaint report and neighbor petition concerning residential business on W. Third Street.

At the September 13, 2018 Council meeting, a code complaint report and Petition (signed by names from 5 property addresses) was received from a resident on West Third Street concerning a business located at 275 W. Third Street. The complaint sites the Yamhill Municipal Code Chapter 10.96.020 and 10.96.070 concerning Home Occupation Permits. Councils consensus for a first step was to direct City staff to notify the business owner of the received Code Complaint Report, and require a response from the business owner and plan to resolve the complaint issues. Council requested a timeline for a response to be reviewed at the October 11, 2017 Council Meeting.

Attorney David Phillips, of Vial Fotheringham, LLP representing the business owner introduced himself and would like to discuss a plan and hear a background of the code complaint.

Bonnie Richardson, owner of DeMoss & Gutterman introduced herself and stated that they have lived in the community for 42 years and started the business over 30 years ago. Only in the last couple years has the City contacted them regarding requiring a business license and home occupancy license that is required to have a business in the City Limits. Richardson stated that the business has grown significantly in the last few years and knows that the business has outgrown the current property and is actively looking for another property that is commercial. Richardson has four realtors currently trying to find Commercial property to relocate the business and for the record are making a commitment to the City to find another location for their growing business.

Mike Bracken a resident on W. Third Street who filed the Code Complaint Form in September, stated that he has pictures of the business blocking the road and video of employees working before 7:00am and deliveries being made at all hours. Bracken complained also of the noise from gutters being stacked and thrown.

Attorney Phillips stated that he was not attending the meeting to dispute any of the neighborhood impacts but to find a plan for the business owner to work with the City.

Mayor Terp reiterated that tonight's discussion is not to go over the complaints that were heard at the September 13, 2017 meeting, or to dispute that the business is in violation of the City's Municipal Codes, but to agree on a plan to resolve the complaints in a timely manner. Terp would like to address a timeline for progress and compliance, and begin by restricting business operating hours to between 7:00am and 10:00pm. No business trucks are to be loaded or any noise made prior to 7:00am. Richardson noted that the business does not schedule work on Sundays, and deliveries are scheduled weekly.

Terp expressed the City's expectations that the complaint issue should be resolved within 6 months, with restricting business operating hours between 7:00am and 10:00pm effective immediately and delivery trucks are not to block resident's driveways for any extended period and need to unload as quickly as possible. Also required will be monthly written progress reports by the business owner or a representative to the City with a 6-month timeline for resolution.

Attorney Phillips stated that the business owner has authorized him to accept the terms set by the City, for a goal to be fully compliant within 6 months and provide monthly written progress reports to the City. Phillips indicated that the business owner is satisfied with the City not starting enforcement action and owner will begin compliance.

Council's consensus is to direct staff to send a letter to Attorney Phillips with the specific conditions outlined in tonight's discussion.

**6. ORDINANCES:
FIRST READING:**

A. Consider adopting Ordinance O-516 an Ordinance vacating a portion of E. Camellia Street right of way within the City of Yamhill, Oregon. Ordinance No. O-516 will be available. Ordinance posted: September 29, 2017 (Charter Chapter IV, Section 16(b).)

Mayor Terp read Ordinance O-516.

Motion by Disbrow, seconded by Gilmore, to adopt Ordinance No. O-516 an ordinance vacating a portion of East Camellia Street Rights of Way Within the City of Yamhill, Oregon.

Roll call: Ayes: Disbrow, Terp, Gilmore and Potter
Nays: None

The motion carried.

**ORDINANCE O-516
AN ORDINANCE VACATING PORTIONS OF EAST CAMELLIA STREET RIGHTS
OF WAY WITHIN THE CITY OF YAMHILL, OREGON.**

B. Consider adopting Ordinance O-517 an Ordinance vacating a portion of North Larch Place right of way within the City of Yamhill, Oregon. Ordinance No. O-517 will be available. Ordinance posted: September 29, 2017 (Charter Chapter IV, Section 16(b).)

Mayor Terp read Ordinance O-517.

Motion by Disbrow, seconded by Gilmore, to adopt Ordinance No. O-517 an Ordinance vacating a portion of North Larch Place right of way within the City of Yamhill, Oregon.

Roll call: Ayes: Disbrow, Terp, Gilmore and Potter
Nays: None

The motion carried.

ORDINANCE O-517
AN ORDINANCE VACATING PORTIONS OF NORTH LARCH PLACE RIGHTS
OF WAY WITHIN THE CITY OF YAMHILL, OREGON.

SECOND READING:

A. None Scheduled

7. NEW BUSINESS:

A. Receive letter from the Bureau of Land Management and response from City Attorney regarding Timber property. Consider approving costs for estimating the City's timber harvest yield.

Howard reported at the September 13, 2017 Council Meeting that there was a recent update on the timber sale with BLM and has been notified that BLM has accepted our consultant's analysis findings. Mayor Terp should be receiving a letter from the Bureau of Land Management within the week.

A letter was received on September 15, 2017 from the United States Department of the Interior, Bureau of Land Management, Tillamook Field Office, stating BLM has accepted the findings that all douglas-fir 42" diameter at breast height (DBH) and larger, western hemlock 41" DBH and larger, and western red cedar 47" DBH and larger belong to the United States. The BLM does not plan to authorize removal of federal interest trees. If the City chooses to harvest the City's timber on this parcel, due diligence is advised to avoid damaging trees belonging to the United States. Attorney Gowell has responded in an email recommending that the City decide to either, Identify the BLM trees and see what a timber harvest that leaves those trees will yield; or approach the BLM about a valuation of the BLM trees for negotiating an exchange with the BLM where the City buys replacement land for BLM at an agreed cost in exchange for transfer of the BLM trees to the City.

Howard recommended to Council that our timber consultant, Garner Timer Services, should evaluate the City's timber and estimate the cost to harvest the City's timber and leave the BLM timber before deciding on how to proceed.

Motion by Disbrow, seconded by Gilmore, to approve funding of a maximum of \$5,000.00 and authorize Garner Timber Services to identify the BLM trees and evaluate the City's timber harvest yield.

Roll call: Ayes: Disbrow, Terp, Gilmore and Potter
Nays: None

The motion carried.

B. Discuss request from "My Father's House" to use the Bingo Hall for Clothing and Toy distribution.

A Park Facility Reservation request was received from Rhonda Kroeker, to use the

Bingo Hall on Monday, Tuesday, Wednesday and Saturday of each week. The hall would be used to distribute clothing to the public that are in need and for toy drive distribution.

Motion by Disbrow, seconded by Gilmore to approve the reservation request for “My Father’s House” to use the Beulah Park Bingo Hall on Monday, Tuesday, Wednesday and Saturday of each week from 9:00am to 5:00pm until March 31, 2018 with the conditions that it needs to be closed before dusk and will need to re-apply at the end of March, 2018. Council approves waiving the park reservation fees.

Roll call: Ayes: Potter, Disbrow, Terp and Gilmore
Nays:

The motion carried.

8. CONSENT AGENDA:

- A. Approve Council Minutes
(1) Regular Session – September 13, 2017
- B. Financial Statements
- C. Approve the following Purchase Order:
None Received.

Motion by Disbrow, seconded by Gilmore to approve the Consent Agenda as presented.

Roll call: Ayes: Potter, Disbrow, Terp and Gilmore
Nays:

The motion carried.

9. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

A. Police Review– Graven – Monthly report in packets
Chief Graven reviewed Police business for September and provided a report of September calls.
Graven reported that Officer Miller has completed the police academy and will now be on traffic enforcement duty.
Graven thanked Howard for installing the new lighted reader board traffic signs that have been placed on the main roads into Yamhill, and noted it has made significant improvements with traffic speed compliance.

B. Public Works Review – Superintendent Howard – Memo in packets
Superintendent Howard read his staff report included in packets.
Howard stated that Public Works is in the planning stages for a new gazebo at Beulah Park. Howard also stated that the dump trailer has been received this week that was approved for purchase at the September 13, 2017 Council Meeting. Howard also reported Public Works is beginning plans for the footing for the foot bridge across the creek on Azalea Street between Elm Street to Hemlock Street.

C. Mayor/Administration Review-

- (1) Discuss Council and Department heads using tablets for Agenda Materials.

Mayor Terp requested that City Staff determine the cost of providing tablets for Agenda Materials to Council Members. Ernest Murry, the City's IT manager supplied the cost of his top two recommendations; Chromebooks vs Windows Laptop. Council would like to eventually move toward purchasing Chromebooks for Council's use during meetings. Discussion continued whether the books would be taken home by each councilor or remain at City Hall and how many should be purchased. It was noted that these items have not been budgeted for this Fiscal Year. Council's consensus is to recommend that staff research prices and possibly obtain some proposals for council's approval prior to budgeting for next fiscal year. Graven indicated he would also obtain pricing from our Microsoft representative.

- (2) Discuss Christmas Tree Lighting Schedule.

Gilmore discussed scheduling the Annual Christmas Tree Lighting event. Council's consensus is to schedule the event for Friday, December 8th at 6:00pm.

- (3) Discuss progress with replacing City Hall flag pole.

The topic of moving the city's flag pole to a location near the South side of City Hall, and replacing it with a much larger flag was discussed at the January 2017 and March 2017 Council meetings. Mayor Terp stated that former Officer Hoy had volunteered to help in replacing the flag, but Hoy has resigned and she would like to have the project assigned to another officer. Graven stated that he has asked Officer Miller to take over the project and will be in contact with Tom Hoy to see what resources may be available. Howard stated that Public Works is in the planning stages for providing power to the area so it will be lighted.

D. Council Review

None Received.

E. Emergency Preparedness Review

Disbrow reported that a EOC Working Group Meeting is scheduled for Friday, October 27, 2017 at 9:00am.

Disbrow reported that the Yamhill Fire District sent an engine and crew this morning to Santa Rosa, California to help with a wild fire.

Disbrow provided a flyer for an Emergency Preparedness Fair scheduled for October 21, 2017 to be held in Newberg, information is available at www.ycep.org.

10. INFORMATION/ANNOUNCEMENTS:

- A. City offices will be closed Friday, November 10, 2017 –to observe Veteran's Day.

11. ADJOURNMENT: 9:30PM

Motion by Disbrow that the meeting adjourn at 9:30PM.
The motion carried by unanimous vote.

Respectfully submitted,

Paula Terp
Mayor, City of Yamhill

ATTEST:
Lori Gilmore, City Recorder