



City of Yamhill

A small taste of Oregon

**CITY OF YAMHILL, CITY COUNCIL MEETING
Council Chambers – 155 E 1st Street
Wednesday, October 14, 2020 7:00 P.M.
MINUTES**

REGULAR MEETING/PUBLIC HEARINGS

1. CALL TO ORDER: Roll Call

The meeting was called to order by Mayor Potter at 7:00PM

Present: Mayor Potter and Councilors, Disbrow and Askey

Absent: Councilors M. Gilmore and Echaury

Staff present: City Recorder Gilmore, Plant Manager Malis, Facility Manager Wofford, Chief Graven and City Attorney Gowell

FLAG SALUTE:

Mayor Potter led the flag salute with all those present participating.

2. Public Hearing:

- A. Public Hearing on amending code text amendment- Zero lot line for duplex on corner lots.

Mayor Potter opened the Public Hearing at 7:03pm for the code text amendment for Zero Lot lines for duplex's on corner lots.

City Planner Morgan was not in attendance but provided a staff report summarizing the proposal that Councilor Askey read, reporting that the Yamhill Planning Commission voted on July 7, 2020 to initiate an amendment of the text of the Development Code and approved the draft language on August 4, 2020 to be taken to public hearing on September 15, 2020. The Planning Commission voted unanimously to recommend the City Council adopt the amendment.

Mayor Potter asked for oral testimony from proponents or opponents.

Councilor Disbrow questioned if the amendment affected larger multi-family dwellings, such as tri-plex's, four-plex's, townhouses etc. The amendment and draft Ordinance are specifically for duplex's on corner lots. No other comments followed. It was noted that no written testimony was received on the item.

Mayor Potter closed the Public Hearing at 7:10pm and asked for Council's deliberation.

Disbrow made motion to approve the first reading of Ordinance O-528.

- B. Public Hearing on amending code text amendment-Side Yard and street side corner lot setbacks.

Mayor Potter opened the Public Hearing at 7:15pm for the code text amendment- Side Yard and street side corner lot setbacks.

City Planner Morgan was not in attendance but provided a staff report summarizing the proposal that Mayor Potter read, reporting that the Yamhill Planning Commission voted on July 7, 2020 to initiate an amendment of the text of the Development Code and approved the draft language on August 4, 2020 to be taken to public hearing on September 15, 2020. The Planning Commission voted unanimously to recommend the City Council adopt the amendment. Mayor Potter asked for oral testimony from proponents or opponents.

The amendment proposal comes at the request of Steve Miller of Emerio Design, the project manager for the Yamhill Park Estates subdivision currently under development. Miller provided a background for the proposed request:

The proposed side yard setback amendment is intended to create setbacks that allow for ranch style houses with wide driveways to accommodate either three car garages or a space for an RV or boat. No amendment is proposed to the minimum lot area development standards or residential density standards of the R-2 zone. The proposed amendment will not result in a change in the residential density of the R-2 zone. The garage entrance setback will remain 20 feet. The text amendment is only proposed to amend the side yard setbacks of the R-2 zoning district to allow buildings to extend within 5-feet of the side yard, or 10 feet of a street side yard. The proposed modifications to the side yard setbacks will allow for greater diversity in home elevations and allow for more appealing street frontages by lessening the predominance of two-story home along street frontages. Miller also noted that neighboring cities such as Carlton, Dayton, Gaston and Sheridan that are similar in size to the City of Yamhill, are consistent with the proposed text amendment to the side yard setbacks. Potter stated for clarity that the amendment does not expand the lot size or density of the zone.

Patty Pairan of Maple Street in Yamhill commented that allowing bigger homes could increase the population that will increase the water use, that may cause the City to run out of water in the next few years. Pairan does not agree with approving the set-back amendment and feels that building larger homes for more people to move into Yamhill would make the water issue much worse. Miller responded that currently the City is upgrading and upsizing the main water transmission line to improve capacity, not only for the City as a whole, but for the subdivision project as well.

Erin Edelen Kutter of Main Street questioned the emergency clause stated in the draft Ordinance. The Yamhill Charter allows for an immediate effectiveness of the Ordinance if an emergency clause is stated, as opposed to a 30-day waiting period for the Ordinance to be in effect. The draft Ordinance is also required to be posted at least one week prior to the hearing with published public notice. Councilor Disbrow questioned Miller if all the homes in the sub-division will be built with the 5-foot setbacks, if approved. Miller responded that approximately half of the homes would be built with the 5-foot setbacks. Disbrow stated a concern for residents storing items such as garbage containers or installing heat pumps in the 5-foot setbacks, that may not allow for emergency access for the limited area. Discussion continued regarding other Yamhill Municipal Codes that may address what is allowed near property lines and questioned whether to have the amendment only apply to construction after the approval date and not previous construction.

Attorney Gowell did not recommend having different zoning for different property owners concerning different aged properties and does not believe it would be a good solution. A

better solution may be to request the planning commission consider additional regulatory standards to be imposed upon storage or clear passageways for setbacks of this size in our nuisance or public safety codes. The direction to the planning commission could be separate from this amendment, with the Ordinance for the amendment moving forward tonight if approved. Stricter regulations could eliminate concerns on how it could impact storage with homes with a 5-foot setback.

Gowell stated another alternative would be to have the first Ordinance reading tonight and have staff come back with a proposed Ordinance change that addresses the issue, and approve that change during the second reading of the Ordinance, which would give the community another 30 days to consider the proposal and make comments. Miller questioned if City staff would need feedback from the applicant to provide suggestions for new language and Gowell responded that the City would accept and consider any suggestions. No other comments followed. It was noted that no written testimony was received on the item.

Mayor Potter closed the Public Hearing at 7:32pm and asked for Council's deliberation.

Disbrow made motion to approve the first reading of Ordinance O-529.

Regular Meeting

- C. Following closure of the public hearing A and B, consider the following Ordinances:

ORDINANCES:

FIRST READING:

- A. Consider adopting Ordinance 0-528 an Ordinance of the City of Yamhill amending chapter 10 of the municipal code, adopting new provisions concerning duplexes on corner lots and declaring an emergency. (Charter Chapter IV, Section 17, adopting an ordinance at a single meeting) Ordinance No. O-528 will be available. Ordinance posted: October 02, 2020 (Charter Chapter IV, Section 16(b).)

Mayor Potter made motion for the reading of O-528 to be read by title only.

Attorney Gowell read Ordinance O-528, by title only, for the first time.

Motion by Disbrow to approve the reading of Ordinance O-528, seconded by Askey to adopt Ordinance 0-528 an Ordinance of the City of Yamhill amending chapter 10 of the municipal code, adopting new provisions concerning duplexes on corner lots and declaring an emergency.

Roll call: Ayes: Potter, Disbrow and Askey
Nays: None

The motion carried.

ORDINANCE NO. 528
AN ORDINANCE OF THE CITY OF YAMHILL AMENDING CHAPTER 10 OF THE
MUNICIPAL CODE, ADOPTING NEW PROVISIONS AND DECLARING AN
EMERGENCY

- B. Consider adopting Ordinance 0-529 an Ordinance of the City of Yamhill amending chapter 10 of the municipal code, adopting new provisions concerning Side Yard Setbacks and declaring an emergency. (Charter Chapter IV, Section 17, adopting an ordinance at a single meeting) Ordinance No. O-529 will be available. Ordinance posted: October 02, 2020 (Charter Chapter IV, Section 16(b).)

Mayor Potter made motion for the reading of O-529 to be read by title only.

Attorney Gowell read Ordinance O-529, by title only, for the first time.

Motion by Disbrow to approve the reading of Ordinance O-529, seconded by Askey to adopt Ordinance 0-529 an Ordinance of the City of Yamhill amending chapter 10 of the municipal code, adopting new provisions concerning Side Yard Setbacks and declaring an emergency.

Roll call: Ayes: Potter, Disbrow and Askey
Nays: None

The motion carried.

ORDINANCE NO. 529
AN ORDINANCE OF THE CITY OF YAMHILL AMENDING CHAPTER 10 OF THE
MUNICIPAL CODE, ADOPTING NEW PROVISIONS AND DECLARING AN
EMERGENCY

SECOND READING:

- A. None Scheduled

3. PUBLIC COMMENT:

None Received.

4. PRESENTATIONS & APPOINTMENTS:

- A. Yamhill Downtown Association trick-or-treating community event.
Kara Weber of Yamhill, a volunteer with the Yamhill Downtown Association, shared ideas for the community's efforts to provide a safe trick or treating event along Maple street. The YDA is not sponsoring the event but participating and working with business's and neighbors to have an organized safe event. County Commissioner Casey Kulla has been contacted for guidance on how to proceed safely with a "COVID" Halloween event. Weber provided a map for the event in the downtown area, that would start at the High School parking lot, continue south to the Fire District, across to City Hall and back towards the High School. Weber previously contacted Chief Graven concerning traffic issues and the possibility of Police patrol coverage for the event. Before maps and flyers are

distributed, Weber wanted to communicate to the Council and City staff the plans for the event on October 31st from 5:00pm – 8:00pm. Councilor Disbrow questioned if the City was going to allow trick-or-treating in the community. Mayor Potter believes that individuals need to make their own judgement regarding Halloween.

Weber also started a conversation on Christmas lighting in the downtown area. Last year the YDA organized exterior lighting of the downtown businesses that was contracted with C&D Landscaping for \$5,000.00 and funded by the Yamhill Community Club and First Federal Bank. The YDA would like to start planning for this year's lighting by adding lighted garland to the exterior lighting which would be mostly funded by the YDA and the YCC but are short \$1,000.00. It was noted that the City does have a \$1,000.00 budget for Christmas lights that is directly designated to the Fire District for their help in storing, maintaining and installation of the the current pole decorations annually. It was noted that many of the pole decorations are only a year old.

5. UNFINISHED BUSINESS:

- A. Discuss and consider installation of speed reduction devices on N. Elm Street.

This agenda item has been an ongoing discussion during the July, August and September Council meeting. At the September meeting, Linda Clites of Elm Street in Yamhill questioned the timeline for speed humps and 20-mph speed signs on N. Elm Street, near the proposed subdivision-Yamhill Park Estates. At that time, Mayor Potter responded that Council was still reviewing the cost and researching the most effective option for speed control and offered that the Police Department may need to conduct a traffic assessment.

Mayor Potter reported that a quote has been received from the subdivision's construction company for \$11,730.00, for 2 speed humps. The cost estimate has affected the Councils decision dramatically and it will be necessary to wait until after determination is made of traffic issues before any speed reduction devices would be installed. It was reported that the 20 mph speed signs as well as the children at play signs have been installed on N. Elm Street.

Disbrow made motion, seconded by Askey to approve the residents request to install speed humps on N. Elm Street.

Roll call: Ayes: Askey
Nays: Disbrow and Potter

The motion did not carry.

- B. Follow-up on citizens request to move the Speed feedback sign from Elm Street and Hwy 240 to Balm Street and Hwy 240.

Last month, Sherry Wilson of E. Main Street in Yamhill requests that the electronic traffic speed sign on Main Street, (Hwy 240) one block prior to the Intermediate School be moved to the intersection of Balm Street and Main Street to be more effective on slowing traffic. Wilson expressed concern over the excessive speeding on Hwy 240 and feels that ODOT should be contacted to allow moving the sign to the Balm Street and Hwy 240

location. Wilson would like a solution for the speeding and requested the City contact ODOT and asked for more traffic enforcement in the area. Mayor Potter asked Malis to contact ODOT regarding approval of moving the electronic speed sign. Malis reported that he submitted the request to ODOT, and a regional traffic manager will be onsite next week to review the locations before approving any changes. Council recommended waiting until there is more information from ODOT and moving the agenda item to November.

6. NEW BUSINESS:

- A. Consider the need for adopting local provisions to implement federal standards for new 5G Technology franchise agreements.

Attorney Gowell provided information and a sample ordinance regarding implementation of regulations for 5G small wireless facilities in the City of Yamhill. The regulations would grant small wireless facilities the placement in rights-of-way within the City's jurisdiction. The intent is to establish uniform standards consistent with federal law, including when, where and how these facilities can be attached which would be the regulatory Ordinance adopted in lieu of a franchise agreement. Gowell proposes that an Ordinance be drafted to bring back to the Council at a later date for review and adoption. Also, necessary would be a set of design standard criteria, that the League of Oregon Cities has a model for, that the Planning Commission can review and draft for recommendation to the City Council, which would be an amendment to the Yamhill Development Code. Gowell asked Council for direction and authorization to move forward with the several month process for adoption. Council's consensus is to approve authorization for staff to begin the implementation of regulation and design standards for 5G facilities

- B. Discuss process to consider implementing a Public Safety Fee.

Attorney Gowell reported that several months ago, he received a draft ordinance from Chief Graven for review and to consider the process for implementing a public safety fee to raise funds to support the Yamhill Police Department. The fee would be billed monthly to most utility customers within the City Limits. The initial draft included a \$5.00 monthly fee for an example to start the discussion of a public safety fee. Gowell reported that he has worked with other cities that considered the fee for police services and recommends three methods to raise funds:

Option 1- Petition for a 5-year special operating tax levy, which requires citizens vote, is limited to 5-years and not a permanent source of revenue. This type of levy can only go to the voters in May or November of even years. The first opportunity for the City to place the levy on a ballot would be May of 2022.

Option 2- Adopt a Police Fee Ordinance, which could be implemented by City Council action and typically added to the utility bill as a surcharge. This would not require a citizen vote but can involve Town Halls for citizen input.

Option 3- Adopt a Police Fee Ordinance, and then refer to the voters for approval with the fee not taking effect until approved by a majority of voters as a ballot referendum.

Gowell recommends the Council determine the target goal for revenue, how many units would be billed and establish the fee amount to meet the goal.

Gowell reported that there can be collection issues with the fee, and the City needs to be careful to dedicate the fee to only the Police Fund with the billed water and sewer amounts

allocated first to citizens utility account. Gowell also noted that police fees cannot create a lien on real property and any balance of police fees not paid does not carry over to a new property owner or tenant.

Councils decision is to decide how much public input do you want for the fee process; such as, town halls, public hearings, ballot referendum for voting. The purpose of the topic tonight is to let the council talk about and determine whether to move forward, what are the options, and if so, have staff prepare the appropriate type of document for Councils review to take action on. Councilor Disbrow doesn't believe the City has a choice and needs to implement a fee as his involvement with the City's budget over the last 14 years has proven that the Police Fund continues to use a larger portion of the General Fund each fiscal year. In order to continue our local police services, additional funding sources are needed to maintain these services. Council consensus is to direct the Police staff to determine what the needs are for funding, what can be realistically collected per the units billed and bring the information and recommendation to a future Council Meeting for councils direction on how to move forward with a possible Public Safety Fee.

C. Discuss discontinuing the cardboard recycling bin at the recycling area, which is a curbside service in the City with Western Oregon.

Jason Wofford, Public Works Facility Manager requests that the recycling depot service near the entrance to public works be discontinued, due to years of ongoing trash dumping at the site. Wofford has a concern for staff time spent cleaning the site and it has created a safety issue for employees. It was noted that the site is not a City service or a service by Recology Western Oregon but was started by a volunteer group using a SOLVE grant in 2001 with volunteers maintaining the site. The City and Recology are not obligated to keep the site running or to maintain the daily clean-up and are requesting approval to discontinue the location. There is a no charge drop-off for these recycling services in McMinnville on NE Orchard Avenue. Recology also stated that they would supply large cardboard containers at no cost to businesses if space is available. Staff was directed to contact Recology for a proposal for the cost to bring glass and yard debris recycling service curbside to residents.

Motion by Disbrow, seconded by Askey, to authorize decommissioning the recycling depot, effective immediately.

Roll call: Ayes: Potter, Disbrow and Askey
Nays: None

The motion carried.

7. CONSENT AGENDA:

- A. Approve Council Minutes
(1) Regular Session September 9, 2020
- B. Financial Statements
- C. Approve the following Purchase Order:
(1) PO #21-008 –Sherwood Plumbing- \$1,300.00- Electric Water Heater
@ Water Plant

- (2) PO #21-009- King & Sons Excavating - \$1,140.00- Repair Balm St. Water Line Break
- (3) PO #21-010- King & Sons Excavating - \$1,170.00- Repair Hwy 47 Water Main Leak
- (4) PO #21-011- King & Sons Excavating - \$1,520.00- Repair Water Main Leak Mt Richmond Rd
- (5) PO #21-012- Spaniol's Striping - \$4,783.00 – Downtown area crosswalk and curb power washing / painting
- (6) PO #21-013- Accu-Tech Automotive- \$1,292.00- Patrol Car brakes
- (7) PO #21-014-DND Electrical-\$4295.00- PW Security System upgrade
- (8) PO #21-015-Pro Handyman Services- \$3,297.00- bridge repair

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

Roll call: Ayes: Potter, Disbrow and Askey
 Nays: None

The motion carried.

8. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

A. Police Review– Graven – Monthly report in packets

Graven reported that Officer Van Cleave is on leave with family medical issues and Officer Miller is scheduled for vacation leave, with Police Reserves helping with patrol coverage. Currently the department is focusing on procedures for security issues for the ballot drop boxes as well as mail carriers during this Election period. Graven reported that Officer Ray Cooper has resigned from the City of Yamhill as a reserve officer, after nearly 12 years of service to the community. Cooper will be greatly missed, but due to personal health reasons it was necessary to resign.

B. Public Works Review

(1) Approve hiring of Facilities Manager effective September 21, 2020.

On September 9, 2020 an email was distributed to Council members asking for approval to move forward with hiring Jason Wofford for the Facility Manager Position, after a panel interview was completed on September 8, 2020.

Motion by Disbrow, seconded by Askey, to approve the Facility Manager position for Jason Wofford effective September 21, 2020.

Roll call: Ayes: Potter, Disbrow and Askey
 Nays: None

The motion carried

Malis welcomed Wofford to the team, as the new Facility Manager overseeing streets, parks and general maintenance.

Malis reported that the GIS mapping system for the underground utilities in Yamhill has

been started, with maps to be completed soon. Malis stated that there has not been any accurate mapping in the past. The Transmission line project is completed up to Reservoir Road, with a completion date for the project estimated to be late November 2020. Concerning the Yamhill Estates sub-division, all the underground wet utilities are completed, and the installation of curbs and gutters are scheduled to begin.

Wofford reported that he is working on many projects around town that include; clean-up of blackberries on E. 3rd Street; city street sweeping on a regular basis, storm drainage cleaning in the downtown area, clearing the walking trail located near public works as well as scheduling the curb and crosswalk painting and bridge repair on the Moores Valley pedestrian bridge for later next week. Wofford has also been in contact with the Yamhill Downtown Association and will be working closely with them on projects.

(2) Discuss P/T Utility Worker position and hiring approval.

It was noted that the City is currently advertising for a permanent part-time Utility worker, with the ad closing date being October 23, 2020.

C. Mayor/Administration Review-
None Received.

D. Council Review
None Received.

E. Emergency Preparedness Review
Disbrow reported that the Yamhill County Multi-Jurisdictional Natural Hazards Mitigation Plan updates are completed and the Resolution to adopt the plan will be on next month's Council agenda.

9. INFORMATION/ANNOUNCEMENTS:

- A. Information regarding Liquor License application for 190 S. Maple St.
- B. City offices will be closed Wednesday, November 11, 2020 –to observe Veteran's Day.
- C. Vacancies: Budget Committee -1 member- Planning Commission– 1 member
Applications are available at City Hall.

10. ADJOURNMENT: 9:50PM

Motion by Potter that the meeting adjourn at 9:50 PM.

The motion carried by unanimous vote.

Respectfully submitted,

Yvette Potter
Mayor, City of Yamhill

ATTEST: Lori Gilmore, City Recorder