

CITY OF McMinnville
MINUTES OF DINNER MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, November 22, 2016, at 6:00 p.m.

Presiding: Kevin Jeffries, Council President

Recording: Melissa Grace, City Recorder

Councilors: Present Excused Absence
Scott Hill Remy Drabkin
Kevin Jeffries
Kellie Menke
Alan Ruden
Larry Yoder

Also present were Interim City Manager Candace Haines, City Attorney David Koch, Community Development Director Mike Bisset, Planning Director Heather Richards, Wendy Stassens, Adam Garvin, and a member of the news media, Tom Henderson of the *News Register*.

DINNER

CALL TO ORDER: Council President Jeffries called the Dinner Meeting to order at 6:23 p.m.

DISCUSSION REGARDING AGENDA ITEMS: Council President Jeffries asked for a volunteer to lead the Pledge of Allegiance and Councilor Hill volunteered.

Council President Jeffries reviewed the agenda for the evening.

UPDATE FROM EXECUTIVE DIRECTOR MARLENA BERTRAM ON YOUR COMMUNITY MEDIATORS OF YAMHILL COUNTY.

It was noted that Renee Vorm will be presenting the update rather than Marlena Bertram.

RESOLUTION NO. 2016-83: A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE OREGON ROUTE 99W AT 2ND STREET SIGNAL REPLACEMENT TRANSPORTATION BOND PROJECT, AND EXERCISING THE POWER OF EMINENT DOMAIN.

Community Development Director Bisset explained that the Resolution being presented relates to the upgraded traffic light and roadway widening to add turn lanes at OR 99W and 2nd Street. In order to accomplish the project, it is necessary to acquire a very small parcel of property

located along the existing City right-of-way. The impact to the Fire Station driveway and parking at First Federal Bank was discussed.

RESOLUTION NO. 2016-84: A RESOLUTION APPROVING THE EXTENSION OF A LEASE BETWEEN THE CITY OF MCMINNVILLE AND GOOD OLDS PACE, LLC DOING BUSINESS AS CORNERSTONE COFFEE.

Council President Jeffries stated that Resolution No. 2016-84 will not be considered during the Regular Council Meeting. City Attorney Koch stated that the extension of the lease with Cornerstone Coffee will not be considered due to issues with the lessee.

ORDINANCE NO. 5015: AN ORDINANCE AMENDING ORDINANCE NOS. 4594 AND 3829 (MCMINNVILLE MUNICIPAL CODE SECTION 2.04.010) PERTAINING TO THE STARTING TIME OF REGULAR CITY COUNCIL MEETINGS, AND DECLARING AN EMERGENCY.

City Attorney Koch explained that as review of the Municipal Code has begun, it was discovered that the current meeting time of the Council is not aligned with the meeting time listed in the Municipal Code. The proposed Ordinance will bring the Municipal Code up to date with current practice.

ORDINANCE NO. 5016: AN ORDINANCE TERMINATING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE WITH COASTCOM, INC AND REPEALING ORDINANCE 4996.

City Attorney explained that the Council had issued franchises to Astound Broadband, LLC and CoastCom, Inc. Astound Broadband, LLC has bought out CoastCom, Inc. Staff is recommending termination of the CoastCom franchise agreement as CoastCom Inc. is no longer in business.

ORDINANCE NO. 5017: AN ORDINANCE OF THE CITY OF MCMINNVILLE AMENDING THE MCMINNVILLE MUNICIPAL CODE, CHAPTER 5.42 TAXATION OF CANNABIS AND CANNABIS PRODUCTS TO AUTHORIZE CONTRACTING WITH A THIRD PARTY TO COLLECT TAXES.

City Attorney Koch explained that the proposed changes relate to the portion of the Ordinance outlining tax collection. He mentioned that the League of Oregon Cities worked with the Oregon Department of Revenue to development an intergovernmental agreement to collect the tax. The proposed changes to the Ordinance will allow for collection of tax through a third party. The other collection procedures in the Ordinance would remain in case it is determined to be in the City's best interest to collect the taxes.

RESOLUTION NO. 2016-85: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A MARIJUANA TAX COLLECTION AGREEMENT BETWEEN THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT

OF REVENUE AND THE CITY OF MCMINNVILLE FOR THE COLLECTION AND ENFORCEMENT OF LOCAL MARIJUANA TAXES.

City Attorney Koch stated that the Resolution approves the intergovernmental agreement with the Department of Revenue for tax collection and enforcement.

Council President Jeffries announced that Councilor Hill would be leading the remainder of the Dinner Meeting as he may have a potential conflict of interest. Council President Jeffries added that he will be stating his potential conflict of interest during the Regular Meeting as well. Council President Jeffries left the room at 6:36 p.m.

PUBLIC HEARING: TO HEAR COMMENTS ON THE HIRING STANDARDS, CRITERIA AND POLICY DIRECTIVES SET FORTH IN EXHIBIT 1 OF RESOLUTION NO. 2016-86 (A RESOLUTION CONFIRMING PROCEDURES FOR THE HIRING OF A CITY MANAGER).

RESOLUTION NO. 2016-86: A RESOLUTION CONFIRMING PROCEDURES FOR THE HIRING OF A CITY MANAGER.

Interim City Manager Haines handed out a draft of the City Manager recruitment plan. She asked the Council if they would be interested in nominating Councilors to meet to narrow down panelists, interview questions, etc. Councilor Ruden, Councilor Hill, Councilor Menke, and Wendy Stassens volunteered. Ms. Haines detailed the timeline and recruitment plan for the City Manager.

Council requested a list of potential interview members to be brought to them on December 13th. Interim City Manager Haines stated that the Employee Representative Committee is very interested in participating in the interview process. The timing of the interviews and reception were discussed.

ADJOURNMENT: The Dinner Meeting was adjourned at 6:57 p.m.

s/s Melissa Grace
Melissa Grace, City Recorder

CITY OF McMinnville
MINUTES OF REGULAR MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, November 22, 2016, at 7:00 p.m.

Presiding: Kevin Jeffries, Council President

Recording: Melissa Grace, City Recorder

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Scott Hill	Remy Drabkin
	Kevin Jeffries	
	Kellie Menke	
	Alan Ruden	
	Larry Yoder	

Also present were Interim City Manager Candace Haines, City Attorney David Koch, Community Development Director Mike Bisset, Planning Director Heather Richards, Police Chief Matt Scales, Parks and Recreation Director Jay Pearson, Kids on the Bock Manager Janet Adams, Public Works Superintendent David Renshaw, and a member of the news media, Tom Henderson of the *News Register*.

AGENDA ITEM

CALL TO ORDER: Council President Kevin Jeffries called the meeting to order at 7:03 p.m. and welcomed all in attendance.

PLEDGE OF ALLEGIANCE: Councilor Hill led the Pledge of Allegiance.

INVITATION TO CITIZENS FOR PUBLIC COMMENT: Council President Jeffries invited the public to comment.

Zach Dotson, 1138 SE Davis Street, stated that there is a new pipeline being built in Oregon, the Pacific Connector Gas Pipeline. He described the route of the pipeline and stated that it is a timber clearing project initially. He detailed the status of the various permits and stated that the project belongs to a Canadian Company. Mr. Dotson also discussed the Ruby Pipeline. He commented that many do not seem concerned and the pipeline cuts through forests and water. Mr. Dotson added that he does not understand this destructive form of consumption and industry and finds it difficult why any government would sit quiet or agree to continue such projects. He asked Councilors to make their voices heard and stand, and publicly state their solidarity with the rural and native communities fighting for justice. He asked that Councilors show that they do not support oil and gas infrastructure in the City, State or County and move towards a total ban on any future oil and gas projects within the City. He concluded by stating that water is life.

1. PRESENTATIONS

1.a. Update from Executive Director Marlena Bertram on Your Community Mediators of Yamhill County.

Rene Vorm Chairman of the Board for Your Community Mediators presented an update of activities conducted over the past year which included:

- Training new mediators in conjunction with George Fox;
- Truancy mediation;
- Continuing work with 12 cases per month at small claims court;
- Parenting plans; and
- Conflict resolution training at the juvenile detention center.

Ms. Vorm added that in February they will be providing listening services at the Senior Center.

She stated that McMinnville continues to use 65% of the resources of Your Community Mediators of Yamhill County which is \$52,000 of their \$80,000 total budget.

Ms. Vorm stated that they served 353 McMinnville Residents and held 162 mediations. She added that they are on budget and grateful for the City's support.

Councilors thanked Ms. Vorm for the work that Your Community Mediators does.

Ms. Vorm mentioned that they have asked the Court for some additional support.

1.b. Update from Executive Director Jody Christensen on McMinnville Economic Development Partnership.

Executive Director Christensen directed Council to the stories of local businesses in the Newsletter that she provided in the Council packets as well as a list of current projects. She shared that the McMinnville Economic Development Partnership is currently working on a number of projects that involve retention and expansion of existing businesses. She added that they are also focused on strategic recruitment efforts.

Ms. Christensen detailed the current projects adding that they are positive and strategic in their efforts. She stated that they are launching their first ever site tour on Urban Renewal Opportunities tour on December 8th.

Ms. Christensen stated that there will be a different kind of economic development strategy in the State due to the lack of video lottery funds to support Business Oregon. She stated that there will be some significant reductions in support with people and programs out of Business Oregon which will place more weight on the McMinnville Economic Development Partnership.

She mentioned that they continue to hear challenges regarding the workforce and this is something that needs to be addressed. Discussion ensued related to workforce recruitment and development.

The Councilors shared their appreciation for Ms. Christensen and stated they are impressed with the work that is being done at the McMinnville Economic Development Partnership.

1.c. Recognition of Jay Pearson for receiving the Oregon Recreation and Parks Association (ORPA) David E. Clark Honor Award.

Janet Adams, Program Manager for the Parks & Recreation Department acknowledged Jay Pearson, Parks and Recreation Director, for receiving the David E. Clark Honor Award. She added that this was a well deserved and important award for Mr. Pearson.

David Renshaw, Superintendent of Public Works stated that this is the highest award that the ORPA gives. Mr. Renshaw shared his observations of David Clark by mentioning his passion, ability to move people towards a common goal and willingness to share his expertise and experience with others. He added that Mr. Clark was a tremendous role model and tireless advocate. Mr. Renshaw stated that Mr. Pearson's attributes are very similar to those he described of Mr. Clark and he couldn't think of a more deserving honoree.

A video was shown reflecting Mr. Pearson's service throughout his 40 year career.

A photo of Mr. Pearson's family was displayed. Mr. Pearson's wife Becky Pearson was recognized for her support. Ms. Adams explained that working in Parks and Recreation is a lifestyle and passion and that the family has an important role.

Parks and Recreation Director Pearson stated that he is thankful for a great staff and family support. He shared that he was thankful for his staff that attended the award ceremony at the ORPA conference and humbled by the

award. He then explained ORPA and how they share information and are committed to the profession. Mr. Pearson stated that he appreciates everyone that has contributed to the Parks and Recreation Department including the staff and volunteers and he is proud to be a part of it.

The Council expressed their appreciation for Mr. Pearson's work over the years. They highlighted his passion and leadership in the community on committees, as a coach and role model for youth.

2. CONSENT AGENDA

2.a. **Resolution No. 2016-83:** A Resolution authorizing the acquisition of property for the Oregon Route 99W at 2nd Street Signal Replacement transportation bond project, and exercising the power of eminent domain.

2. b. ~~**Resolution No. 2016-84:** A Resolution approving the extension of a lease between the City of McMinnville and Good Olds Pace, LLC doing business as Cornerstone Coffee.~~

As mentioned during the Dinner meeting, Resolution No. 2016-83 was not considered.

Councilor Menke MOVED to adopt the consent agenda; SECONDED by Councilor Hill. Motion PASSED unanimously.

Council President Jeffries explained that he has a potential conflict of interest as he may be a candidate for the City Manager position. He stated that Councilor Hill would preside over the meeting for the following two items and he stepped away from the dias and out of the room.

Councilor Hill then led the meeting. He stated that item 5.b. Resolution No. 2016-86 would be considered immediately following the public hearing.

3. PUBLIC HEARING

3.a. Public Hearing: To hear comments on the hiring standards, criteria and policy directives set forth in Exhibit 1 of Resolution No. 2016-86 (A Resolution confirming procedures for the hiring of a City Manager).

Councilor Hill opened the public hearing at 8:03 p.m.

Mark Davis, 652 SW Washington Street. Mr. Davis stated that he has some concerns on how things will move forward. He asked how the City is going to do better. He commented on the list of criteria and mentioned

that he believes that instead of hearing from the citizens, the City Council should be talking to the citizens and explaining how the hiring will be done better this time. He stated that he is uncomfortable with Council President Jeffries possible application for the City Manager position. He mentioned that this creates an awkward position for the Councilors and the City and doesn't feel right. He stated it is time to look ahead and added that the criteria and standards seem reasonable but there is work to be done.

With no further comments coming before Council, Councilor Hill closed the Public Hearing at 8:07 p.m.

- 5.b. **Resolution No. 2016-86:** A Resolution confirming procedures for the hiring of a City Manager.

Councilor Yoder asked if the hiring process could be shared. Councilor Hill replied that there is a recruitment plan that outlines the steps that will be followed including an outline of dates, approaches, and how Council will get to the point of making the right decision. Councilor Hill addressed the concern with the hiring process being conducted during the holiday season by sharing that a call was held with Prothman where they explained that they believed there would be a number of good candidates.

Councilor Yoder mentioned that what he likes about this process is that it is a deeper, more thorough process than in the past and that the hiring process is not being taken lightly.

Councilor Menke stated that her take away from the last interview process that was conducted was that it was not enough. She stated that the Council knows more this time and the process will be more thorough.

Councilor Ruden thanked Mr. Davis for his timely, well thought out thoughts and concerns. He stated that Council shared his concerns. He stated that some parts of the process will be different and the process has been streamlined.

Councilor Hill mentioned that as a Council they have taken a look at gaps in the previous process. He explained that there is a lot more criteria related to public administration and a proven track record. Councilor Hill shared that the processes has been fine tuned and the Council will not be forced into making a decision unless it is right. Councilor Hill asked if

there were any other concerns or comments. No further comments were received.

Councilor Menke MOVED to adopt Resolution No. 2016-86 confirming procedures for the hiring of a City Manager; SECONDED by Councilor Ruden. Motion PASSED unanimously.

Council President Jeffries returned to lead the meeting at 8:17 p.m.

4. ORDINANCES

- 4.a. **Ordinance No. 5015:** An Ordinance amending Ordinance Nos. 4594 and 3829 (McMinnville Municipal Code Section 2.04.010) pertaining to the starting time of regular City Council meetings, and declaring an emergency.

City Attorney Koch mentioned that City Staff has begun to update the McMinnville Municipal Code and that one of the first things noticed was that the code states City Council meetings start at 7:30 p.m. not 7:00 p.m. He stated that Ordinance No. 5015 is a housekeeping Ordinance to bring the meeting time into conformity with the practice of beginning the meetings at 7:00 p.m. as has been done since 2009.

City Attorney Koch read by title only Ordinance No. 5015 amending Ordinance Nos. 4594 and 3829 (McMinnville Municipal Code Section 2.04.010) pertaining to the starting time of regular City Council meetings, and declaring an emergency. (No Councilor present requested that the Ordinance be read in full.) The title of the Ordinance was read for the second time. Ordinance No. 5015 PASSED by a unanimous roll-call vote.

- 4.b. **Ordinance No. 5016:** An Ordinance terminating a non-exclusive telecommunications franchise with CoastCom, Inc and repealing Ordinance 4996.

City Attorney Koch explained that in November 2015, the Council approved Ordinance 4996 which granted a non-exclusive telecommunications franchise to CoastCom, Inc. The following month, City Council approved Ordinance 4998 which granted a non-exclusive telecommunications franchise to Astound Broadband, LLC. In June of 2016, CoastCom, Inc. sold themselves to Astound Broadband, LLC. As a

result, the franchise agreement with CoastCom, Inc. is no longer necessary as they are no longer an operating entity.

City Attorney Koch read by title only Ordinance No. 5016 terminating a non-exclusive telecommunications franchise with CoastCom, Inc and repealing Ordinance 4996. (No Councilor present requested that the Ordinance be read in full.) The title of the Ordinance was read for the second time. Ordinance No. 5016 PASSED by a unanimous roll-call vote.

4.c.

Ordinance No. 5017: An Ordinance of the City of McMinnville amending the McMinnville Municipal Code, Chapter 5.42 Taxation of Cannabis and Cannabis Products to authorize contracting with a third party to collect taxes.

City Attorney Koch explained that the purpose of the Ordinance is to allow for an alternative tax collection process. He stated that the voters approved a three percent tax on the sale of marijuana items by marijuana retailers during the November 8th General Election. Ordinance 5004 originally adopted in April, 2016, included the imposition of the three percent tax and detailed procedures on how the City would collect the tax. Mr. Koch added that since the adoption of Ordinance No. 5004, the League of Oregon Cities negotiated with the Department of Revenue (DOR) on an intergovernmental agreement for the DOR to collect the three percent local tax. He stated that the proposed Ordinance adds a new section to the McMinnville Municipal Code that allows for the option for collection of tax through a third party.

City Attorney Koch read by title only Ordinance No. 5017 amending the McMinnville Municipal Code, Chapter 5.42 Taxation of Cannabis and Cannabis Products to authorize contracting with a third party to collect taxes. (No Councilor present requested that the Ordinance be read in full.) The title of the Ordinance was read for the second time. Ordinance No. 5017 PASSED by a unanimous roll-call vote.

5.

RESOLUTIONS

5. a.

Resolution No. 2016-85: A Resolution authorizing the City Manager to enter into and manage a Marijuana Tax Collection Agreement between the State of Oregon, acting by and through its Department of Revenue and the

City of McMinnville for the collection and enforcement of local marijuana taxes.

City Attorney Koch explained that Resolution No. 2016-85 allows for the City to enter into an agreement with the DOR to collect the tax at the same time as they are collecting the state tax. He stated that there is a service fee associated with this service. Staff believes that these fees are reasonable considering staff time and the services being offered including auditing through the DOR. Staff recommends entering into the agreement with the DOR.

Discussion ensued regarding auditing and the timing of tax payments.

Councilor Hill MOVED to adopt Resolution No. 2016-85 authorizing the City Manager to enter into and manage a Marijuana Tax Collection Agreement between the State of Oregon, acting by and through its Department of Revenue and the City of McMinnville for the collection and enforcement of local marijuana taxes; SECONDED by Councilor Ruden. Motion PASSED unanimously.

6. ADVISE/ INFORMATION ITEMS

6. a. Reports from Councilors on Committee and Board Assignments.

No reports were received.

6. b. Department Head Reports

No reports were received.

6.c. City of McMinnville Building Division Report for the period ending October 31, 2016.

6.d. McMinnville Community Media Financial Statements June 20, 2016 and 2015.

Council President Jeffries stated that Council will be adjourning into Executive Session under ORS 192.660 (2)(h) to discuss legal rights and duties regarding current litigation with the City Attorney. The Executive Session will take place in the Conference Room.

7. ADJOURNMENT: Council President Kevin Jeffries adjourned the Regular City Council Meeting at 8:29 p.m.

s/s Melissa Grace
Melissa Grace, City Recorder