

CITY OF MCMINNVILLE  
MINUTES OF THE DINNER MEETING of the McMinnville City Council  
Held at the Kent L. Taylor Civic Hall on Gormley Plaza  
McMinnville, Oregon  
February 10, 2015 at 6:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

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

Also present were City Manager Martha Meeker, City Attorney Candace A. Haines, Community Development Director Mike Bisset, and a member of the news media, Don Iler of the *News Register*.

DINNER

CALL TO ORDER: Mayor Olson called the Dinner Meeting to order at 6:25 p.m. and briefly reviewed the agenda. He noted that consultant Andy Mortensen would be present at the Council's Regular Meeting to assist in facilitating the Council's discussion regarding the Transportation System Development Charge (TSDC) rates.

CONTINUED DISCUSSION REGARDING TRANSPORTATION SYSTEM DEVELOPMENT CHARGE RATES: Community Development Director Mike Bisset reminded the City Council that it had adopted the updated TSDC methodology to PM peak trip counts, associated TSDC projects, and had set a rate for the TSDCs that had kept the single-family residence rate approximately the same as was previously set. He stated that the Council had asked to revisit the TSDC rates with a potential outcome of increasing those rates. He advised that the building community had been notified and would be in attendance at the Regular Meeting. Mr. Bisset explained that should the Council determine it was in the best interest of the City to move forward with changes to the TSDCs, then a public hearing date would be set. Once a new rate is set, then there must be 90 days given for public notice. He advised that the current recovery rate is about 62 percent. He reminded the City Council that SDC charges can only be used to add roads and not to maintain current roads.

Extensive Council discussion ensued regarding where the fees should be set in order to keep them affordable for new business start-ups. They also discussed the need to make sure that the TSDC fees would be able to support the streets and pedestrian ways required because of growth. There was also some discussion about setting up payment plans for the SDCs for those individuals who could not afford to pay the SDCs at the beginning of a project.

ADD ITEM: Councilors Jeffries and Ruden asked to discuss County Commissioner Allen Springer's presentation at the previous City Council Meeting. They noted that it appeared to them that Commissioner Springer appeared as both County Commissioner and a representative of Waste Management. They questioned Commissioner Springer's ability to be impartial at the upcoming

public hearing regarding Waste Management's request for a zone change. After extensive discussion, it was the consensus of the City Council to direct staff to author a letter on behalf of the Mayor and City Council.

ADJOURNMENT: Mayor Olson adjourned the Dinner Meeting at 6:58 p.m.

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Rose A. Lorenzen, Recording Secretary

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, February 10, 2015 at 7:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

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

Also present were City Manager Martha Meeker, City Attorney Candace A. Haines, Police Chief Matt Scales, Community Development Director Mike Bisset, Consultant Andy Mortensen of David Evans and Associates, and a member of the news media, Don Iler of the *News Register*.

AGENDA ITEM

CALL TO ORDER: Mayor Olson called the meeting to order at 7:04 p.m. and welcomed all in attendance.

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

INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Olson asked for comments from the audience regarding items not on the evening's agenda. No comments were received.

CONSIDER MINUTES: Councilor Menke MOVED to approve the minutes of the December 9, 2014 City Council Dinner and Regular Meetings as submitted; SECONDED by Councilor Yoder. Motion PASSED unanimously.

1

OLD BUSINESS

1 a

CONTINUED DISCUSSION REGARDING TRANSPORTATION SYSTEM DEVELOPMENT CHARGE RATES: Mayor Olson requested a staff report from Community Development Director Bisset.

Mr. Bisset referred to the materials in the Council packets and advised that staff had provided notice to the building community and other interested parties regarding this evening's topic. He stated that one piece of written testimony had been received from Dr. Michael Wilson.

Mr. Bisset reviewed the recent history of the Transportation System Development Charges (TSDC) and reminded the Council that in 2013 and 2014, there had been a number of meetings regarding the TSDCs and the updated methodology under which the SDC charge was computed. He advised that the new methodology is computed at the PM peak time. A list of projects was also created that were SDC eligible. Additionally, the Council established an SDC rate that, at that time, reflected no impact on the costs associated with the construction of a single-family residence. The new rates did, however, cause a significant change to the commercial and industrial land uses based on the PM peak trip impacts. He noted that consultant Andy Mortensen was in attendance and was available to discuss rates, methodology, and other topics associated with the TSDCs.

Mayor Olson advised that the evening's meeting had not been scheduled as a public hearing and that this topic would be conducted as an open discussion between the City Council members. Following Council discussion they would hear from people in the audience.

Councilor Yoder asked Mr. Mortensen for clarification of the new methodology and how it impacts the rate structure.

Mr. Mortensen advised that the methodology that the Council had adopted in June 2014 was truly the best of the methodologies used currently in terms of the data structure and the nexus between the methodology and the Transportation System Plan. A sound methodology that seeks the best data from the national resources for trip generation rates on an equivalent basis during the period of time that traffic puts highest stress on the system - typically the evening peak hour from 4:00 to 5:00 p.m. We have focused on the peak hour in the Transportation System Plan (TSP) and the same methodology is deployed in the City's SDC methodology. The rates in that table and the basis by which you adopt that are the strongest data points from which to work. Then, the question is how does the

Council want to discuss the various funding levels between what you adopted at one end of the spectrum and full SDC eligibility of capital improvements that were identified in the TSP.

Mr. Mortensen noted that the TSP included a number of complete street improvement projects from rural to city standards and included urban sidewalks (such as on Hill Road) and intersection and traffic signal improvements.

Extensive discussion ensued regarding transportation projects that are SDC eligible and those that would be funded through the recently approved transportation bond measure. Additionally, how the current TSDCs affect commercial and industrial projects was explained. Mr. Bisset noted that the SDCs for certain types of projects are based on particular land uses. He noted that for uses such as fast-food restaurants, the TSDCs have increased; yet uses such as schools, churches, and apartments all saw a decrease in TSDCs.

PUBLIC COMMENT: Howard Aster, 335 NW 8<sup>th</sup> Street reminded the Council that the last time this topic was discussed the Council had inferred that if the ballot measure for transportation funding passed, there would be less of a need for TSDCs. He and most of the builders supported the bond measure and encouraged others to support it also. He pointed out that although the construction industry had a pretty good year last year, they still have not come completely out of the recession. The industry employs many young men with family-wage jobs and the community needs to provide an environment that allows new construction companies to succeed.

Jeff Bettinelli, owner of Black Diamond Homes, Inc., at 15685 SE 116<sup>th</sup> Avenue, Suite 290, Tigard, Oregon advised that he had built homes in Dundee and Newberg for many years and he watched as the SDCs jumped in Newberg. He stated that it was very painful - housing was plummeting and builders were trying to keep the costs associated with building a home low, so people could afford to purchase them. He commented about the transportation bond measure and advised that the funds that are derived from SDC fees should not be used to pay for the transportation bond.

Michael Wilson, DVM, 1715 SW Baker Street, reminded the Council that he spoke to them at a meeting approximately one month earlier. He stated that the SDC formula is very complicated. He advised that he spoke with someone in Newberg regarding SDCs. That individual told him that for a similarly sized building the SDCs would have been half of what he had to pay in McMinnville. He stated that he was disappointed in the system and by how he was treated.

Mark Davis, 652 SE Washington Street, stated that he felt that the bond measure discussion and the TSDC discussion should have been handled at the same time so all could have

been working together. He also pointed out that the SDCs are not a tax on the builders; they are a charge for new development that is being passed through the builders. He noted that although he did not believe this was the best way to manage the SDCs, the costs are eventually passed on to the homeowner and business owner. He pointed out that if someone new comes to town, they access all of the City's roads and if one takes advantage of all the facilities that we provide to the citizens, the SDCs pay for just a small percentage of those costs. He noted that he was personally in favor of raising the SDCs.

Brad Bassitt, 5455 NE Riverside Drive, advised that if the SDCs increase on a project, it does not increase the value of the project. A brief discussion regarding how SDCs are used took place between Mr. Bassitt and Mr. Bisset. Mayor Olson suggested that Mr. Bassitt visit with Planning Director Montgomery and Community Development Director Bisset. Councilor Hill added that Mr. Bassitt could review the Master Transportation Plan that is located on the City's website so that he could familiarize himself with the Plan.

Ray Kulback, 1172 SW Russ Lane, stated that he had been involved in the building industry for 40 years. He believed that when all of the construction was done in the Hill Road vicinity something should have been done to tap funds from each of the developments at that time. He stated that he did not feel it was right to structure fees in this manner.

Adam Garvin, 2940 NE Lafayette Avenue, stated that he was a small business owner. He asked the City Council to consider the bar graph and pointed out that many of the cities do not stack up to McMinnville. Additionally, Newberg uses a different methodology to compute its SDCs. He pointed out that it looks like the City has almost full recovery at the mid-mid-point and he suggested that it was important to recover needed costs, but that the Council should not be "greedy and put extra money into the kitty."

Mayor Olson thanked all who testified and brought the discussion back to the table.

Following a brief Council discussion, Mayor Olson asked Community Development Director Bisset to set a public hearing for May 26, 2015 to take testimony on revising the TSDCs.

2

NEW BUSINESS

2 a

CITY COUNCIL LIAISON APPOINTMENTS: Mayor Olson distributed an updated list of City Council liaison appointments for 2015.

PRESENTATION OF THE "YOU HAVE OPTIONS" PROGRAM: Police Chief Scales introduced Captain Marks, and Officers Zemlicka and Carruth.

Captain Marks introduced the "You Have Options" program and stated that it was introduced at the Oregon Association of Chiefs of Police Conference this year by the City of Ashland. The objective of the program is to try to give some control back to the victims of sexual assault.

Officers Zemlicka and Carruth presented the program and explained that they are providing victims with an opportunity to regain some control in their lives. They discussed that they have found that sexual offenders target victims who are vulnerable, and who might lack credibility and who are generally elderly or young. The offender knows that this type of victim is unlikely to report to law enforcement or if they do report, they are unlikely to be believed by law enforcement. This reduces the chance of the offender being caught to about three percent. He noted that the members of the McMinnville Police Department believe in providing victims of sexual assault with victim-centered care.

Officer Carruth went on to explain that the brain does not function in high trauma situations as was originally believed. Victims are unable to give exact facts in chronologic order and the Police Officers must address the barriers that are keeping victims from coming forward. There are now three types of reporting available for victims: information only; partial investigation; and complete investigation. The reports can be completely anonymous but still provide intelligence for the Officers. The partial investigation involves everything short of prosecution and the Officers do not proceed until directed to do so by the victim. In a complete investigation, the Officer gives control to the victim and does not move forward unless directed to do so by the victim.

Each of the Council members thanked Captain Marks and Officers Zemlicka and Carruth for their report and for the new program.

A member of the audience, Doug Johnson, gave kudos and affirmation to the Officers because they have said that they need to rethink how to approach the victims.

ADD ITEM: Mayor Olson advised that at the Dinner Meeting earlier in the evening, there had been discussion regarding the presentation that the City Council received from Yamhill County and Waste Management at its previous meeting. He asked Councilor Ruden to lead the discussion.

Councilor Ruden stated that all were probably aware of the last City Council meeting when Yamhill County Commissioner Springer came forward with Waste Management Marketing Representative Jackie Lang. After Mr. Springer and Ms.

Lang's presentation regarding available grants through Yamhill County and Waste Management, the City Council rejected their offer. He stated that he had been troubled by the process that Commissioner Springer went through to participate with Waste Management. He advised that he had been so troubled, that he brought it up at the Dinner Meeting. He stated that in his mind, Commissioner Springer went to the extent that it should exclude him from being an impartial decision maker. He wondered if a letter could be written and published to ask that Commissioner Springer recuse himself from the landfill expansion vote. In addition, Councilor Ruden stated that because of Commissioner Springer's influence on the other Commissioners, he had lost all hope of impartiality.

Councilor Hill agreed that the presentation was one that seemed to be more "hand in hand" and that there was a lack of respect shown when the presentation was delivered. He remembered that everything seemed to run through Mr. Springer and it seemed as though he was running the whole program for Waste Management.

Councilor Yoder agreed. He felt it was a conflict of interest for Commissioner Springer to state that the City should just keep its thoughts to itself and take the money. Councilor Yoder stated that the Council has taken a stand and it was necessary to back it up. The Council should let the Board of Commissioners know that Commissioner Springer's behavior was not appreciated.

Councilor Menke stated that although she had been unable to attend the previous meeting, she had heard about it and she had spoken with Ms. Lang also. She advised that when she learned of her colleagues' decision, she was pleased. She agreed that a letter should be written.

Councilor Jeffries advised that he was very proud of the Council for taking on such a difficult issue. He pointed out he believed the City Council's integrity was on the line and he gave his full support to the initiative to write a letter to the Commission stating that in the Council's opinion, Commissioner Springer was not able to be objective and had proven himself in alignment with Waste Management. He stated that he believed that Mr. Springer had aligned himself too closely with Waste Management both when he spoke here and in his interview with KOIN 6 News later that evening. Councilor Jeffries stated he believed Mr. Springer was lobbying for Waste Management. It sounded to him as though Waste Management went to the County Board of Commissioners and asked how the Commission thought the money should be spent. The County Commission said that they felt Waste Management should give it to the cities. He stated he felt that in addition to the letter, he also felt the Council had cause to seek an investigation into whether the County Commissioners were actually providing public relations advice to an entity in which they will be making a quasi-judicial decision. He stated he felt it was

really suspect that the County was giving public relations advice to Waste Management.

Commissioner Ruden wondered why, as the County's largest municipality, the Council was never asked why it had taken a position against the landfill. He believed that showed disrespect. The City of McMinnville is the most affected city in the County if the landfill is allowed to expand. He pointed out that if there is an issue with our constituents, we always ask them to come and talk to the Council so that their concerns could be better understood.

Mayor Olson stated that it appeared there was consensus to move forward with a letter to the Yamhill County Board of Commissioners. He asked the City Manager and City Attorney to draft a letter on the Council's behalf that he would sign the letter on behalf of himself and the City Councilors present at the meeting.

3                   ADVICE / INFORMATION ITEMS

3 a & b            COUNCIL AND DEPARTMENT HEAD REPORTS: No reports were given.

4                   ADJOURNMENT: Mayor Olson adjourned the meeting at 9:50 p.m.

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Rose A. Lorenzen, Recording Secretary