

CITY OF McMinnville  
MINUTES OF CITY COUNCIL MEETING  
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza  
McMinnville, Oregon

Tuesday, December 13, 2022 at 7:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Absent</u>
	Adam Garvin, Council President	Sal Peralta
	Kellie Menke	
	Zack Geary	
	Chris Chenoweth	
	Jessica Payne	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, Interim City Attorney Walt Gowell, Information Systems Director Scott Burke, Community Development Director Heather Richards, City Legal Counsel Carrie Richter, Finance Director Jennifer Cuellar, Parks & Recreation Director Susan Muir, Police Chief Matt Scales, Communications & Engagement Manager Noelle Amaya, Human Resources Manager Vicki Hedges, Library Director Jenny Berg, Public Works Director Anne Pagano, Wastewater Services Manager Leland Koester Jerry Eichten, McMinnville Community Media, and Scott Unger, News Register.

1. CALL TO ORDER: Mayor Drabkin called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE  
  
Representative Ron Noble led the pledge of allegiance.
3. OATH OF OFFICE  
  
Honorable Judge Kaufman-Noble administered the Oath of Office to Remy Drabkin for Mayor.
4. PROCLAMATION
- 4.a. Representative Ron Noble Proclamation

Community Development Director Richards discussed all that Representative Noble had done for the City.

Mayor Drabkin read the proclamation declaring December 13, 2022 as Representative Ron Noble Day.

5. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Mayor Drabkin invited the public to comment.

Denise Murphy, McMinnville resident, discussed the new hotels on 3<sup>rd</sup> Street and questioned whether this was the right vision for the street.

Dylan Kiger, McMinnville resident, discussed crime from transients and how it had affected his business.

Kim Morris, McMinnville resident, discussed crime due to transients. She suggested putting together a Task Force to come up with solutions.

Dave Rucklos, Downtown Association Director, discussed the need to keep the business community and citizens safe. He encouraged the development of a Task Force.

Raymond Reimer, McMinnville resident, shared the severity of the crimes he had witnessed.

Kamie Chenoweth, McMinnville resident, shared incidents with transients that she had experienced at her business.

Mark Morrison, McMinnville resident, discussed how he did not feel safe in the City anymore.

Mike Morris, McMinnville resident, shared how he thought they were enabling drug and alcohol addiction by tolerating illegal and criminal activity.

James Tate, McMinnville resident, gave examples of crime in downtown at his business. He agreed there needed to be a Task Force.

6. CONSENT AGENDA

Committee members who were being recommended for appointment introduced themselves.

a. Consider **Resolution No. 2022-67**: A Resolution authorizing the City Manager to enter into a purchase agreement with Premier Truck Group of Portland for the procurement of a 2023 Freightliner 114SD chassis with a

General Equipment Swaploader Model SL-400 with two (2) dump boxes through the Oregon Department of Administrative Services Contract PA1640.

b. Consider **Resolution No. 2022-68**: A Resolution authorizing the City Manager to enter into a contract with Applied Technical Systems Inc. for the procurement, construction, and installation of the Cozine Pump Station Emergency Stand-by Generator, Project 2022-6.

c. Consider **Resolution No. 2022-69**: A Resolution appointing Jerry Mason, Lonny Watne, and Scott Cunningham as representatives of the City of McMinnville Budget Committee.

d. Consider **Resolution No. 2022-71**: A Resolution approving code compliance liens on properties to recover unpaid corrective action cost and civil penalty citations.

e. Consider **Resolution No. 2022-74**: A Resolution authorizing the City Manager to enter into a contract with Fackler Construction Company for the Construction Manager/General Contract for the AnyDoor Place, a McMinnville Navigation Center.

f. Consider **Resolution No. 2022-75**: A Resolution adopting an increase in online lien search fees and repealing all previous resolutions regarding this fee at the time this becomes effective.

g. Consider **Resolution No. 2022-76**: A Resolution appointing and re-appointing members to the City's Airport Commission.

h. Consider **Resolution No. 2022-77**: A Resolution awarding the contract for the design of the Chandlers Addition Sanitary Sewer Project.

i. Consider **Resolution No. 2022-78**: A Resolution approving the issuance of the certificate for the canvass of the returns of the votes cast at the General Election conducted on November 8, 2022, in regard to Measure 36-215 "Prohibits psilocybin-related businesses within McMinnville. Prohibition sunsets after two years" and the election of three City Councilors and the Mayor.

j. Consider **Resolution No. 2022-73**: A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions.

*Councilor Chenoweth MOVED to adopt the consent agenda except for Items a and e; SECONDED by Councilor Geary. Motion PASSED unanimously.*

7. NEW BUSINESS

7.a. McMinnville Water and Light Commission Appointment

Kathy Tate introduced herself.

*Councilor Menke MOVED to reappoint Kathy Tate to another four-year term on the McMinnville Water and Light Commission; SECONDED by Council President Garvin. Motion PASSED unanimously.*

8. ITEMS REMOVED FROM THE CONSENT AGENDA

8.a. Consider **Resolution No. 2022-67**: A Resolution authorizing the City Manager to enter into a purchase agreement with Premier Truck Group of Portland for the procurement of a 2023 Freightliner 114SD chassis with a General Equipment Swaploader Model SL-400 with two (2) dump boxes through the Oregon Department of Administrative Services Contract PA1640.

Council President Garvin asked about adding a sander box or water tank to the truck.

Wastewater Services Manager Koester said they had looked into the options, but the price was too high. He hoped in the future they could be added.

*Councilor Geary MOVED to approve Resolution No. 2022-67, authorizing the City Manager to enter into a purchase agreement with Premier Truck Group of Portland for the procurement of a 2023 Freightliner 114SD chassis with a General Equipment Swaploader Model SL-400 with two (2) dump boxes through the Oregon Department of Administrative Services Contract PA1640; SECONDED by Council President Garvin. Motion PASSED 5-0.*

8.b. Consider **Resolution No. 2022-74**: A Resolution authorizing the City Manager to enter into a contract with Fackler Construction Company for the Construction Manager/General Contract for the AnyDoor Place, a McMinnville Navigation Center.

Councilors Chenoweth and Payne recused themselves from the decision.

*Councilor Geary MOVED to approve Resolution No. 2022-74, authorizing the City Manager to enter into a contract with Fackler Construction Company for the Construction Manager/General Contract for the AnyDoor Place, a McMinnville Navigation Center; SECONDED by Councilor*

*Menke. Motion PASSED 3-0-2 with Councilors Chenoweth and Payne recused.*

9. PUBLIC HEARING

- 9.a. Consider **Ordinance No. 5128**: An Ordinance Deciding on the Appeal of the Planning Commission's Denial of a Short-Term Rental Permit for 790 NW 21st Street.

Mayor Drabkin opened the public hearing and read the hearing statement. She asked if anyone objected to the jurisdiction of the Council to hear this matter. There was none. She asked if any Councilor wished to make a disclosure or abstain from participating or voting on this application. There was none. She asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Community Development Director Richards presented the staff report. This was an appeal of a Planning Commission decision to deny a short term rental on NW 21<sup>st</sup> Street. She discussed the history of the application, appeal process, short term rental spacing standards, zoning, criteria that had not been met, parking, discrepancy on the number of bedrooms, management, public testimony, letters to be submitted into the record, and Council options. Staff recommended closing the public hearing tonight and closing the record for all testimony except the final argument by the applicant, which would be provided by 5:00 p.m. on December 20. The Council would then deliberate on the application on January 10.

There was discussion regarding how operating four bedrooms as a short term rental and five bedrooms as a long term rental did not meet code, requirement for a 24-hour contact number, and definition of guest room.

Ross Day, attorney for applicant Emily LaGow, asked if a letter had been sent to Councilors Menke and Geary, and if the Councilors had read the letter. If so, that should be disclosed as ex-parte contact. He would like the record to remain open for written testimony to be submitted. There were four guest rooms for the short term rental, and four parking spaces as required. There was a local contact person who would appropriately respond to emergency calls and complaints. The testimony about no one responding to calls was due to the employee not being hired yet. He thought the application should be approved with conditions.

There was discussion regarding the criteria based on length of stay, renting of the house before the permit was approved, and when the contact would be available since it was already being advertised.

Community Development Director Richards clarified the email correspondence she received and Councilors Geary and Menke also received relative to the complaint of the property operating as a short term rental without a permit, which was already in the record. There was a public hearing for a short term rental moratorium and Council received communications relative to that as well.

Mr. Day said there was testimony from Kathy Loving stating she had sent a letter to Councilors Menke and Geary that was not in the record.

Councilors Menke and Geary did not recall ever receiving a letter or email from Kathy Loving.

There was discussion regarding the 120-day deadline. Carrie Richter, City Attorney, said the applicant had requested the record to remain open and the deadline would need to be extended to January 10 to accommodate the request.

Mr. Day did not think this process had followed the law. He had not received all of the documentation for the hearing. He was entitled time to submit additional arguments, and he did not think they needed to extend the deadline to do so. He planned to file a petition with the circuit court who would likely approve the application.

Mark Pitts, McMinnville resident, thanked the Council for approving a short term rental moratorium. He thought approving a denied application on the basis of a policy that needed study would send the wrong message. The only time a decision should be overturned was for an egregious error, and he did not think the Planning Commission made a mistake. He asked the Council to uphold the denial.

Corey Tigner from Itrip clarified they had marketed this home as a five bedroom only when it was a long term rental. It was opened as a short term rental for a short time in error. His company had moved a customer whose air conditioning had broken in a different rental home to this home. When staff tried to book it as a short term rental in September, they had not gone far enough in the process to be stopped. It would not have been available to book as a short term rental.

Community Development Director Richards clarified she did not try to book in September. When they got the code enforcement complaint on July 4, that same day she went onto the program and was able to book it as a

short term rental all the way to pay with her credit card. That might have been because once they placed the family in the home due to the faulty air conditioning, it could have changed the program as to how the home was assigned and when Mr. Tigner was made aware of it on July 5, it was corrected. The statement that they had illegally posted the information and testimony and did not send it directly to the applicant was wrong. They had posted it online seven days in advance of the hearing and had been posting the submittals they received since then online as well. It was not their responsibility to send it to the applicant in terms of the postings. They had to send notice of the decision to the applicant after the Planning Commission made a decision, and they did that as well.

Ms. Richter confirmed the City did not have an obligation to provide a means to access the staff report. It was available when it was posted online. The packet was available to the applicant's attorney.

Mr. Day would like the seven days to submit final arguments.

Mayor Drabkin closed the public hearing.

Ms. Richter suggested the Council grant the request for final written arguments with no new evidence and set the deadline for January 10 at 5:00 p.m. The Council would deliberate and make a decision on the matter on January 10.

Mr. Day made a procedural objection. He was only requesting seven days, not 28 days.

Ms. Richter said the applicant was to be given at least seven days. The law did not give a maximum number of days.

*Councilor Chenoweth MOVED to continue the hearing with the record open for final written arguments to 5:00 p.m. on January 10 and deliberation on the matter on January 10 at 7:00 p.m.; SECONDED by Councilor Menke. Motion PASSED 5-0.*

10. ADVICE/ INFORMATION ITEMS

10.a. Reports from Councilors on Committee & Board Assignments

Councilor Payne said there were new appointments to the Landscape Review Committee.

Council President Garvin reported on the Fire Board community information session, Airport Commission appointments, and Oregon Business Plan event.

Mayor Drabkin discussed Affordable Housing Committee appointments, Construction Excise Tax work, McMinnville Water & Light's refund from Bonneville Power Administration, watershed activities, water rights, and learning opportunities with the School District, and Oregon Business Council Leadership Summit.

10.b. Department Head Reports

City Manager Towery said this was the last Council meeting of 2022.

City Attorney Gowell reported on MURAC interviews and City Attorney recruitment.

Community Development Director Richards discussed the Leadership Summit and committee interviews.

Communication and Engagement Manager Amaya gave an update on I Heart Mac, new City website, and DEI Committee recruitment.

Library Director Berg discussed the use of ARPA funds for the home delivery program.

IT Director Burke noted items on the City's new website.

Public Works Director Pagano introduced the new City Engineer.

11. RESOLUTION

11.a. Consider **Resolution No. 2022-70**: A Resolution Approving Amendment #3 To Loan Agreement OTIF-0048.

City Attorney Gowell said this was in relation to construction phases of the Bypass. The loan agreement was being amended to increase the principle balance from \$3,622,000 to \$5,916,000 and the loan maturity would be extended to be payable by January 25, 2066. The interest rate would be 2.88% for the full term of the loan.

Dave Haugeberg, Parkway Committee Chair, discussed the allocation of these funds for Phases 2 and 3 and the interest rate.

Brett Baker, Parkway Committee member, discussed the terms of the loan.

There was discussion regarding timing of the projects and funding, rising construction and labor costs, and not having the funds available for City roads.



*Councilor Menke MOVED to approve Resolution No. 2022-70, Approving Amendment #3 To Loan Agreement OTIF-0048; SECONDED by Councilor Chenoweth. Motion PASSED 4-1 with Councilor Geary opposed.*

12. ORDINANCES

- 12.a. Consider the first reading with a possible second reading of **Ordinance No. 5128**: An Ordinance Deciding on the Appeal of the Planning Commission's Denial of a Short-Term Rental Permit for 790 NW 21st Street.

This ordinance had been postponed to January 10.

- 12.b. Consider the first reading with a possible second reading of **Ordinance No. 5129**: An Ordinance Amending the Comcast Cable Television Franchise Agreement to Extend the Term.

Mayor Drabkin asked if any Councilor needed to declare a potential conflict of interest or recuse themselves regarding this ordinance. There was none.

No Councilor present requested that the ordinance be read in full.

City Attorney Gowell read by title only Ordinance No. 5129.

Finance Director Cuellar said this ordinance and the next ordinance would extend the current franchise agreements for six months to give staff time to negotiate new franchise agreements.

*Councilor Geary MOVED to pass Ordinance No. 5129 to a second reading; SECONDED by Councilor Payne. Motion PASSED 5-0 by the following vote:*

*Aye – Councilors Garvin, Geary, Chenoweth, Menke, and Payne  
Nay – None*

City Attorney Gowell read by title only for a second time Ordinance No. 5129.

*Councilor Payne MOVED to approve Ordinance No. 5129, amending the Comcast Cable Television Franchise Agreement to extend the term; SECONDED by Councilor Menke. Motion PASSED 5-0 by the following vote:*

*Aye – Councilors Garvin, Geary, Chenoweth, Menke, and Payne  
Nay – None*

12.c.

Consider the first reading with a possible second reading of **Ordinance No. 5130**: An Ordinance Amending the Ziplly Cable Television Franchise Agreement to Extend the Term.

Mayor Drabkin asked if any Councilor needed to declare a potential conflict of interest or recuse themselves regarding this ordinance. There was none.

No Councilor present requested that the ordinance be read in full.

City Attorney Gowell read by title only Ordinance No. 5130.

*Councilor Menke MOVED to pass Ordinance No. 5130 to a second reading; SECONDED by Council President Garvin. Motion PASSED 5-0 by the following vote:*

*Aye – Councilors Garvin, Geary, Chenoweth, Menke, and Payne  
Nay – None*

City Attorney Gowell read by title only for a second time Ordinance No. 5130.

*Councilor Geary MOVED to approve Ordinance No. 5130, amending the Ziplly Cable Television Franchise Agreement to extend the term; SECONDED by Councilor Menke. Motion PASSED 5-0 by the following vote:*

*Aye – Councilors Garvin, Geary, Chenoweth, Menke, and Payne  
Nay – None*

ADJOURNMENT: Mayor Drabkin adjourned the meeting at 10:01 p.m.

  
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Claudia Cisneros, City Recorder