

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  
July 28, 2015 at 6:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors: Present

Remy Drabkin	Kellie Menke
Scott Hill	Alan Ruden
Kevin Jeffries	Larry Yoder

Also present were City Manager Martha Meeker, City Attorney Candace A. Haines, 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 6:30 p.m. and welcomed all in attendance. He gave a brief overview of the new Fire Department aerial ladder truck and the Water Reclamation Facility expansion project tours. He noted that he and the Council were very appreciative of staff's time and their commitment to the City.

BRIEF AGENDA OVERVIEW The request by the Portland Karting Association for a noise permit was discussed. City Attorney Haines stated that the City had received a request from Portland Karting Association for a noise permit for the evening of September 19, 2015 at the Yamhill County Fairgrounds for the purpose of evening cart racing. She advised that a representative from the Karting Association would be at the Council's Regular Meeting to answer any questions the Council might have. Councilor Jeffries noted that he had received comments from a concerned citizen about the request. The individual was concerned about the noise that will emanate from the Fairgrounds track.

The proposed ordinance restricting the carrying of loaded firearms in public places was discussed. Ms. Haines explained that the reason for the ordinance was that the signs currently in the park are against state law and the proposed ordinance and resulting new signage would bring the City into compliance. Discussion ensued regarding the ability to enforce the new ordinance.

Mayor Olson pointed out that the proposed resolution authorizing the approval of a cooperative improvement agreement between the City of McMinnville and the Oregon Department of Transportation regarding the Oregon Route 99W at 2<sup>nd</sup> Street signal replacement project was part of the Transportation Bond levy passed last November.

The resolution authorizing entry into a contract with Century West Engineering for the development of the Fly Friendly program at the McMinnville Municipal Airport was discussed. City Manager Meeker explained that residents near the airport have complained about noise from air traffic patterns as the airplanes and helicopters fly into and out of the Airport. She stated that the program will hopefully make the pilots more aware and

approach routes will change. It was also proposed that the Fly Friendly program should wait until the City had a new Fixed Base Operator (FBO) in place.

ADJOURNMENT: Mayor Olson adjourned the Dinner Meeting at 6:50 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, July 28, 2015 at 7:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors: Present

Remy Drabkin	Kellie Menke
Scott Hill	Alan Ruden
Kevin Jeffries	Larry Yoder

Also present were City Manager Martha Meeker, City Attorney Candace A. Haines, Community Development Director Mike Bisset, Parks and Recreation Director Jay Pearson, and members of the news media, Don Iler of the *News Register* and Dave Adams of KLYC Radio.

AGENDA ITEM

CALL TO ORDER: Mayor Olson called the meeting to order at 7:00 p.m. and welcomed all in attendance.

PLEDGE OF ALLEGIANCE: Councilor Menke 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.

Jim Galba, 524 SW Drumwood, spoke to the Council about the newly passed law regarding early recreation sales of marijuana through medical dispensaries. He advised that he

was wondering what the Council's thoughts were about limiting the sales and whether the City would be holding a public hearing about the process. He advised that as the owner of a medical marijuana dispensary, he would like to know as soon as possible.

City Manager Meeker stated that it will be brought before the City Council prior to the effective date of October 1, 2015; however, the date had not yet been determined. City Attorney Haines added that because this law is still very new, there had not yet been time to review the legislation. She noted that the City understood Mr. Galba's need for information and a decision from the City Council would be forthcoming.

1 NEW BUSINESS

1 a REQUEST BY THE PORTLAND KARTING ASSOCIATION FOR A NOISE VARIANCE: City Attorney Haines advised that the City had received a noise variance request from the Portland Karting Association. She advised that their representative, Mark Reece, was in the audience and could speak to the request.

Mark Reece, 704 NE Galloway Street, stated that he was the Vice President of Sprint and was on the Portland Karting Association Board of Directors. He noted that the Association generally just runs daytime events; however, they would like to put on an evening race. He advised that the engine noise and the announcer's voice should end about 10:00 p.m. He stated that he had spoken with the manager of the new apartment complex located close by who said that she did not believe there would be any problems caused by the noise. He also stated that the Association would be distributing flyers to the neighborhood notifying them of the race and inviting them to attend free of charge.

A question and answer period ensued. Mr. Reece advised that the drivers are between the ages of 5 and 70. The engines are muffled and do not exceed 92 decibels at 100 feet. Councilor Jeffries noted that although he had received complaints from citizens who live on 18<sup>th</sup> Street regarding noise from the area, he was not sure it was Portland Karting that had caused the noise. He pointed out that it would have been better had Mr. Reece distributed the flyers prior to this evening's meeting.

By consensus, the Council approved the noise variance and directed City Attorney Haines to write a letter to Mr. Reece advising him of the Council's approval of Portland Karting Association's noise variance request.

2 ORDINANCE

2 a RESTRICTING THE CARRYING OF LOADED FIREARMS IN PUBLIC PLACES PURSUANT TO OREGON STATE LAW AND DECLARING AN EMERGENCY: Mayor Olson advised that this topic had been discussed at the Dinner Meeting earlier in the evening.

Councilor Yoder stated that he had concerns regarding people carrying guns in the parks because McMinnville is a small, relatively safe town. He advised that he could support the ordinance; although, he did not know whether the ordinance would change anything because of the City's potential inability to enforce it.

Parks and Recreation Director Pearson stated that the current signage in the City's parks is inaccurate and the next best route for staff is to assess what the state law does allow. He advised that he took his lead from the Police Department and from City Attorney Haines. He agreed that there was no empirical evidence that the proposed ordinance would fix anything, although, it would be a step closer to what has been posted (weapons not allowed). He stated that he believed that the public would have more confidence in park safety if the ordinance were to be posted. It was staff's intent to keep the parks as safe as possible.

Police Chief Scales agreed with Mr. Pearson's assessment and stated that the City wants its park patrons, especially those with children to be safe. The proposed ordinance is a very good option - people are allowed to carry firearms, but can only carry them unloaded. He added that the data does not suggest that there will be many people carrying loaded weapons; however, the proposed ordinance would allow police to approach and investigate. He stated that signage is important and it is very important to educate the public. Everyone should be on the same page in understanding the City's expectations.

Councilor Menke stated that when she first heard about the proposed ordinance it seems to her that it was an additional obstruction, but since she heard about the education piece, she agrees that the ordinance should be adopted.

Councilor Jeffries stated that his thoughts kept returning to the instances where people in this country want to do harm in the most vulnerable places. He agreed that the ordinance would not necessarily keep that from happening in McMinnville, but at least the City would have a law that allows the police to protect. He asked, as a point of clarification, whether concealed carry permits would allow individuals to carry a loaded weapon. City Attorney Haines agreed that if an individual has a concealed carry permit, he or she can carry a loaded firearm either concealed or unconcealed. Councilor Jeffries advised that he was comfortable with that because those with concealed carry permits are practicing gun safety.

Councilor Hill stated that he believed that the parks are the most vulnerable areas in the City. He pointed out that there are many children who frequent the parks, especially in the summer. He believed that it was necessary to make

the parks as safe as they possibly can be made. He agreed with the legislation before them.

Councilor Ruden asked what the protocol would be if the Police Department receives a call from someone who notices someone else with a firearm. Police Chief Scales stated that the Department responds to every call for service. The speed of the response might depend on the background of the call; however, an officer will go out and start a dialogue with the individual in question. He noted for the record that the officers could not take the firearm and inspect it for ammunition, nor would the individual have to talk with the officer if they did not wish to do so. They would, however, know that the police are there. The knowledge that the police are there is important in keeping the peace.

Councilor Drabkin observed that it was somewhat ironic that if the ordinance were to be adopted, the language, which was somewhat vague, will become more concise and actually more restrictive. She stated that she was in concurrence with the department heads and would support and follow their recommendation for passage.

Mayor Olson stated that because the ordinance is crafted to include all public property, he feels that it might be rather restrictive. Historically, other than gang shootings, parks have the least number of shootings. He stated that he is struggling with the idea of posting signs in City parks, but not other City buildings.

City Attorney Haines pointed out that although the title of the ordinance states that it contains an emergency clause, it did not, in fact, have such a clause. Therefore, no emergency exists to make the ordinance enforceable immediately.

Mark Lawrence, 1127 NE Cowsls Street, testified in opposition to the ordinance. He pointed out that everyone had spoken about just the parks, but the ordinance affects all properties owned by the City. He noted that the discussion is not about keeping guns from felons or the mentally ill, or those with restraining or stalking orders. They already cannot carry a gun. The discussion is about law abiding citizens such as a woman who has been raped and chooses to carry a weapon. Older citizens are also victims, as are attorneys and truck drivers. An unloaded gun does nothing. He stated that there is no empirical data available for perusal and he asked that the Council wait to review that data before voting on the ordinance. He believed that the Council would find that law abiding citizens save lives and that bad people prey on vulnerable areas.

Councilor Jeffries pointed out that Mr. Lawrence made excellent points and that was why he had asked about the ability to carry a concealed weapon.

Following additional Council discussion, Mayor Olson asked City Attorney Haines to read the title of the ordinance.

City Attorney Haines read by title only Ordinance No. 4992 restricting the carrying of loaded firearms in public places pursuant to Oregon State Law. (No Councilor present requested that the ordinance be read in full.) The title of the ordinance was read for the second time.

Ordinance No. 4992 PASSED by a unanimous roll-call vote.

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#### RESOLUTIONS

3 a

AUTHORIZING THE APPROVAL OF A COOPERATIVE IMPROVEMENT AGREEMENT BETWEEN THE CITY OF McMinnville AND THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) REGARDING THE OREGON ROUTE 99W AT 2<sup>ND</sup> STREET SIGNAL REPLACEMENT PROJECT (AGREEMENT NO. 30520): Community Development Director Bisset referred the Council to his memorandum in the Council packet. He noted that the project would be completed in cooperation with the Oregon Department of Transportation (ODOT). The City will manage the project, complete the design, and purchase any needed right-of-way. The City will also bid the project, administer the contract, and manage the project construction. ODOT will contribute up to \$500,000 in state funds to cover the signal upgrade costs. He noted that based on recent projects, the \$500,000 should cover the design work and the signals. He explained that traffic studies will need to be completed and then the timing of the signal will need to be determined.

Councilor Hill MOVED to adopt Resolution No. 2015-39 authorizing the approval of a cooperative improvement agreement between the City of McMinnville and the Oregon Department of Transportation regarding the Oregon Route 99W at 2<sup>nd</sup> Street Signal Replacement project (Agreement No. 30520); SECONDED by Councilor Menke. Motion PASSED unanimously.

3 b

AUTHORIZING ENTRY INTO A CONTRACT WITH CENTURY WEST ENGINEERING FOR THE DEVELOPMENT OF THE FLY FRIENDLY PROGRAM AT THE McMinnville Municipal Airport: Community Development Director Bisset referred the City Council to his memorandum in the Council's informational packet. He noted that as long as the City has had an airport, there have been noise complaints. As the helicopter businesses have grown, there has been an increasing number of neighbors concerned about the noise. The Fly Friendly program will hopefully build bridges between the neighbors and airport users. The program will look for unmandated solutions, brochures for new airport users, and will also bring accountability. The neighbors will know that their complaint is being tracked and they will be able to learn how the complaint was handled. He advised that the Airport Commission reviewed the proposed scope of work and cost at

its July 21, 2015 meeting. After review, the Commission voted to recommend approval of the work to the City Council.

A question and answer period ensued. Discussion developed regarding waiting to begin the program until after the new Fixed Base Operator was in place. City Manager Meeker noted that the new Fixed Base Operator should be in place by July 1, 2016. Community Development Director Bisset advised that he was not concerned about the price of the project increasing if there was a delay in the project's start date. Following further discussion, it was decided that the program should begin no later than January 1, 2016.

Councilor Ruden MOVED to adopt Resolution No. 2015-40 authorizing entry into a contract with Century West Engineering for the development of the Fly Friendly program at the McMinnville Municipal Airport; SECONDED by Councilor Yoder. Motion PASSED unanimously.

5 EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing, Mayor Olson advised that he was about to open the Executive Session. He excused audience members and staff at 8:18 p.m.

ADJOURN EXECUTIVE SESSION: Mayor Olson adjourned the Executive Session at 9:05 p.m.

5 ADJOURNMENT: Mayor Olson adjourned the Regular Meeting at 9:06 p.m.

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Rose A. Lorenzen, Recording Secretary