

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

Tuesday, November 10, 2015 at 5:30p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors: Present

Remy Drabkin (6:00)	Kellie Menke
Scott Hill	Alan Ruden (5:45)
Kevin Jeffries (6:00)	Larry Yoder

Also present were City Manager Martha Meeker, Interim City Attorney Walt Gowell, Planning Director Doug Montgomery, Community Development Director Mike Bisset, Police Chief Matt Scales, Fire Chief Rich Leipfert, Parks and Recreation Director Jay Pearson, Library Director Jenny Berg, 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 5:35 p.m. and welcomed all in attendance. .

WORK SESSION - Regarding Time, Place, and Manner
Restrictions for Marijuana Operations: Mayor Olson asked City Manager Meeker for a brief staff report.

Ms. Meeker stated that the work session would go into what actions were at the Council's disposal regarding time, place, and manner restrictions for marijuana operations and it would also discuss land use related to this topic. Ms. Meeker reminded the Council that personal use of marijuana was approved by the voters; however, there are six business categories that the City Council may legislate. These six areas include locations for medical and recreational dispensaries, medical and recreational processing of marijuana, and medical and recreational grow areas. The State of Oregon has enacted laws that place a 1,000 foot buffer around schools kindergarten through 12th grade and also buffered each of the medical marijuana outlets to not less than 1,000 feet from each other. She pointed out that there are two medical marijuana dispensaries currently operating within the City's boundaries. The Council has the ability to make any time, place, and manner decisions regarding these two facilities. If no changes are made, they will be "grandfathered" in.

Ms. Meeker advised that voiced concerns regarding the marijuana industry at large include wastewater solid waste for both medical and recreational growing and processing; security and odor of marijuana grows sites; water and electrical use and the varying usage needs for indoor and

outdoor grow areas. Other concerns include hours of business for both medical and recreational use of marijuana. She pointed out that it would be much less confusing if there were to be one set of operating hours established for both medical and recreational marijuana.

Ms. Meeker pointed out that the current draft OLCC rules do not restrict density for recreational dispensaries. Medical dispensaries may not be located within 1000 feet of each other.

Responding to Mayor Olson's inquiry regarding restrictions based on where children congregate, Interim City Attorney Gowell stated that this was not an easy question to answer and that there had been a great deal of discussion on buffers and whether they were considered a land-use restriction. He cautioned that if the City were to decide to adopt restrictions, the best path to do this would be from a land use perspective.

Planning Director Montgomery reviewed the materials that were provided in the City Council packets and described the various maps depicting areas where commercial growers, commercial marijuana processing, medical marijuana dispensaries, medical marijuana growers, recreational marijuana dispensaries, and marijuana warehousing could be located. He also discussed the variety state regulations that pertain to the various categories.

Each of the Council members expressed opinion regarding the buffering of Linfield College and Chemeketa Community College and other aspects concerning the manufacturing, wholesaling, and selling of marijuana within the City of McMinnville.

As a wrap up to the discussion, Mayor Olson noted that the discussion had produced strong opinions on both sides of the issue - whether to ban and or all six of the categories discussed and whether to allow all six of the categories with conditions.

City Manager Meeker noted that the question before the City Council at this meeting was whether to vote for a ban and send all to an election or to allow some or all of the six categories with conditions attached. She advised that she was not sure that a ban would be of any assistance because of the social nature of the issue.

RECESS / RECONVENE: Mayor Olson recessed the meeting at 7:15 p.m. He called the meeting back to order at 7:30 p.m.

REGULAR MEETING

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

INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Olson asked for comments from the audience.

Mercedes Chavez, P O Box 1653, read a letter to the Council regarding a McMinnville Police Department complaint she filed. She advised that she did not agree with the citation she had received from the McMinnville Police Officer and felt that she had met all the criteria for being on the road. She noted that she was not guilty of having violated the law; yet, she could not afford an attorney. She stated that she intended to make as many people as possible aware that police behavior is creating a problem. Mayor Olson and City Manager Meeker suggested that Ms. Chavez contact the Chief of Police to talk through her concerns.

CONSIDER MINUTES: Councilor Hill MOVED to adopt the minutes of the September 8, 2015 Dinner and Regular Meetings; SECONDED by Councilor MENKE. Motion PASSED unanimously.

2

NEW BUSINESS

2 a

PRESENTATION BY THE McMINNVILLE SCHOOL DISTRICT ON ITS LONG-TERM FACILITIES PLAN: Mayor Olson welcomed McMinnville School District Board Members Steve Patterson, Larry Volmer, and Paul Haddeland, McMinnville High School Principal Kris Olson, and School Superintendent Maryalice Russell.

Superintendent Russell advised that the Long Range Facilities Task Force had been convened approximately 30 months ago to examine population studies and to look at various scenarios related to growth within the McMinnville school system.

Dr. Haddeland explained that the Task Force's charge was to review the Facilities Assessment Report and to make recommendations for future actions for the School District. Issues included safety and security, maintenance of current buildings, equitable educational facilities, and the ability to keep pace with technology. He pointed out that one of the Task Force's objectives was to not raise taxes. Additionally, the Task Force looked at building space for vocational training, ensuring student safety, and completing seismic upgrades to the school facilities.

Mr. Patterson stated that the Task Force reached out to the community to find what the citizens wanted to see in its school system. They found that vocational training, building maintenance, building upgrades including safety, hygiene, energy efficiency, and technology all rated high priorities.

Superintendent Russell showed a brief PowerPoint presentation that depicted some of the conceptual designs for a vocational education center.

Following the presentation, there was a brief question and answer period. Upon conclusion, Mayor Olson and each of the Councilors thanked the group for their presentation and for the excellent education the District provides the City's children.

Ms. Russell thanked the Mayor and the Council for their kind attention to the serious matter before the community.

2 B

ALPINE AVENUE / 5TH STREET TRANSPORTATION BOND PROJECTS
PRESENTATION: Community Development Director Bisset introduced consultants from HDR Engineering and SERA Architects who provided the Council with an update on the 5th Street / Alpine Avenue Transportation Bond project.

The consultants provided a PowerPoint presentation that gave an overview of the entire project. They noted that Alpine Avenue has been identified as a main component of the NE Gateway Plan. This is a unique street, patterned after the pedestrian friendly Grandville Island in Vancouver, British Columbia, and will be designed to complement the craft industry. They walked the Council through the design principles which tend toward the eclectic, unique, organic, and memorable principles. Alpine Street has been broken into three sub-districts which include the Festival District, Craft District, and the Future District. They showed design and lighting ideas and discussed how the storm water would be directed via shallow gutters.

The consultants reviewed the design of 5th Street - from Adams Street to Lafayette Avenue and explained that the design includes removal of the traffic signal at 4th and Adams Streets and the installation of a traffic signal at 5th and Adams Streets. They discussed the bulbouts planned for 5th and Davis Streets and 5th and Evans Street. New paving will occur on 5th Street from Evans Street east to the railroad tracks. The curb return will be widened at Irvine Street which will help tie it into the entrance to the Granary District. This will make the Granary District more pedestrian friendly and will provide easier access from 3rd Street. Additionally, they discussed the possibility of a round-about at 5th Street and Lafayette Avenue.

Council discussion revolved about the various aspects of the design plan. General Council support for the round-about was expressed. They did note that additional discussion should follow regarding cost of the round-about and access associated with it.

Following the presentation, Mayor Olson thanked the consultants for the design preview.

RECESS / RECONVENE

Mayor Olson called for a brief recess at 9:27 p.m. He reconvened the meeting at 9:34 p.m.

2 c

COUNCIL REVIEW AND APPROVAL OF THE FIXED BASE OPERATOR (FBO) REQUEST FOR PROPOSALS (RFP) PROCESS: Community Development Director Bisset related that staff had issued an RFP for a new FBO. The current operator's (Cirrus Aviation) contract will end on June 30, 2016. Staff received two proposals which the review committee ranked. Both companies were interviewed and following the interview process consensus was that Konect Aviation's proposal was ranked as the highest and best received. At the Airport Commission's November meeting, the proposal received unanimous support and it was recommended that the Council approve the results.

The possibility of a new FBO building was discussed. Mr. Bisset advised that Konect Aviation representatives had included some plans for a new FBO facility in the RFP. Councilor Ruden pointed out that the Airport Commission had been very impressed with the RFP and was optimistic and excited in giving their approval.

Mayor Olson thanked Mr. Bisset for the presentation and advised that by consensus the Council approved the results of the FBO RFP process and they directed staff to enter into lease negotiations with Konect Aviation Oregon LLC for providing FBO services effective July 1, 2016.

3

ORDINANCES

3 a

BANNING ANY OR ALL OF THE SIX CATEGORIES OF THE MARIJUANA INDUSTRY AS ALLOWED BY HOUSE BILL 3400: Mayor Olson explained that the proposed ordinance was the next step in the medical and recreational marijuana process. He asked if there were members of the audience who wished to comment.

Jennifer Sanders, 140 Highway 99, Oakland, Oregon, spoke in support of not placing any of the six potential bans on marijuana. She advised that she was new to the community and was with a company partner to open a medical dispensary and at the former Jake's Deli site and was here as an intermediary to support the community and reintroduce it to marijuana.

Wayne Stocks, 435 NE Johnson spoke in support of not placing any of the six potential bans on marijuana. He advised that if bans were enacted, no one would be able to use any of the processes that are known to help thousands of people in the community. He pointed out that a well-educated community had voted in support of the use of marijuana, both medically and recreationally.

Mercedes Chavez, P O Box 1653, spoke in support of marijuana's use and stated that adults should be allowed to

have a choice. She noted that personally, she had experienced the healing properties of marijuana.

Jim Galba, spoke in support of no bans on the six categories of marijuana industry. He pointed out that if the categories being discussed are banned, it will not stop marijuana from coming into the community.

Adam Garvin, 2940 Lafayette Avenue, stated that the security features built into the marijuana laws will keep access to facilities very limited. He stated that the idea of children walking into a marijuana establishment is built upon fear. He suggested that the Council let the marijuana economy, along with supply and demand principles, take care of itself. He pointed out that many substances are abused, including food, wine, and other alcoholic beverages.

Steve Allen, 835 SW Hilary Street, spoke in support of the marijuana industry.

Marvin Horton, 3599 NE Spring Meadow Drive, encouraged the Council to ban big marijuana operations, particularly related to recreational use. He pointed out the negative aspects of marijuana use as it related to the user's ability to care for children and reach rational decisions.

Anthony Taylor, 1510 SW Friendly Court, encouraged the Council to place no bans on the marijuana industry. He advised that he sat as a member of the OLCC subcommittee and the OLCC is taking great pains to assure safety, as will the Oregon Health Authority. He reviewed rules that will be in place related to access to wholesale and retail locations and the production of cannabis. He pointed out that everyone is nervous about the new laws related to the industry; however, the state is very much aware of the need for public safety and limited access. He urged a "no" vote on the ordinance.

Responding to an inquiry from Councilor Jeffries, Mr. Taylor stated that the OLCC receives complaints regarding alcohol "all the time" and he expects the OLCC to be even more stringent on the rules related to the marijuana industry. He said that he understood Councilor Jeffries concerns; however, 90 percent of the adults in our community follow the law and act responsibly.

Greg Bogh, 2389 Nut tree Lane, advised that if the Council placed a ban on marijuana, it would be inviting the black market into the community. He urged a "no" vote on the ordinance.

Mayor Olson brought the discussion back to the Council.

Councilor Hill clarified that the City currently has two medical marijuana outlets within its borders and that there may be more if a ban was not in place. He agreed that the

Council had heard great things about the two dispensaries that are currently in place.

Following a brief discussion, Mayor Olson asked Interim City Attorney Gowell to read the title of the ordinance.

Interim City Attorney Gowell read by title only Ordinance No. 4995 banning any or all of the six categories of the marijuana industry as allowed by House Bill 3400. (No Councilor present asked that the ordinance be read in full.) The title of the ordinance was read for the second time.

Ordinance No. 4995 TIED in the roll-call vote. (AYE: Hill, Jeffries, Yoder - NAY: Drabkin, Menke, Ruden.) Mayor Olson advised that because the vote was tied, he would vote NAY to break the tie.

Ordinance No. 4995 FAILED.

3 b

AN ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO COASTCOM, INC.: City Manager Meeker advised that Coastcom, a telecommunications provider, wished to transit some of the City's right-of-way with its T-1 cable. The Franchise agreement calls for a \$2,500 fee to be paid to the City each year and an additional 5 percent would be charged if Coastcom provides service to the area.

The Coastcom representative in attendance added that 80 percent of the organization's sales are wholesale and there are not a lot of services to be provided to small business owners. The company's goal is to run fiber through the community on its way from the Oregon Coast to Portland.

Interim City Attorney Gowell read by title only Ordinance No. 4996 granting a non-exclusive telecommunications franchise to Coastcom, Inc. (No Councilor present requested that the ordinance be read in full.) The title of the ordinance was read for a second time.

Ordinance No. 4996 PASSED by a unanimous roll-call vote.

3 c

AMENDING Chapter 13.12.070 OF THE McMinnville MUNICIPAL CODE (ORDINANCE NO. 4987) REGARDING SEWER USER CHARGES FOR MONITORED INDUSTRIAL/COMMERCIAL USERS: Community Development Director Bisset reminded the Council that at the Council's last Regular Meeting, the Sewer Rate Equity Report had been considered and approved.

Interim City Attorney Gowell read by title only Ordinance No. 4997 amending Chapter 13.12.070 of the McMinnville Municipal Code (Ordinance 4987) regarding sewer user charges for monitored industrial/commercial users. (No Councilor present requested that the ordinance be read in full.) The title of the ordinance was read for the second time.

Ordinance No. 4997 PASSED by a majority roll-call vote.
(NAY: Drabkin.) Mayor Olson advised that a second vote on the ordinance would be required at the Council's next meeting.

4 RESOLUTIONS

4 a ESTABLISHING REVISED SANITARY SEWER USER FEES; AND
REPEALING RESOLUTION NO.2012-4: Mayor Olson advised that because Ordinance No. 4997 required a second reading, the vote on this resolution would be postponed.

4 b AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE
AGREEMENT BETWEEN THE CITY OF McMINNVILLE AND THE FEDERAL
AVIATION ADMINISTRATION (FAA): Community Development
Director Bisset advised that the ten-year FAA lease expired in September of the current year. The proposed lease was reviewed by the Airport Commission and it received unanimous recommendation for approval.

Councilor Menke MOVED to approve Resolution No. 2015-52
authorizing the City Manager to enter into a Lease
Agreement between the City of McMinnville and the Federal
Aviation Administration (FAA); SECONDED by Councilor Ruden.
Motion PASSED unanimously.

4 c AWARDING THE CONTRACT FOR THE DESIGN OF THE THREE MILE LANE
#3 PUMP STATION: Community Development Director Bisset
advised that the Three Mile Lane #3 pump station was
constructed and has been in service since 1973. It is at
the end of its service life and needs to be replaced to
increase its capacity and to update its technology.

The Engineering Department issued a Request for Proposals
(RFP) for design and engineering services related to the
Three Mile Lane Pump Station #3 replacement. Three
responses were received. The responders were GHD
(Portland), Keller Associates (Salem), and CH2M Hill
(Portland).

Following a review by the Review Committee, which evaluated
the proposals per the criteria outlined in the RFP, the
highest ranked proposer was determined to be GHD.

Mr. Bisset stated that staff recommended the City Council
adopt the resolution awarding the contract for the design
of the Three Mile Lane Pump Station #3 Replacement to GHD
in the amount of \$110,151.00.

Councilor Hill MOVED to adopt Resolution No. 2015-53
awarding the contract for the design of the Three Mile Lane
#3 pump station; SECONDED by Councilor Yoder. Motion
PASSED unanimously.

4 d AWARDING THE CONTRACT FOR THE DESIGN OF THE NE 2ND STREET
(ADAMS STREET - COWLS STREET) TRANSPORTATION BOND MEASURE
PROJECT: Community Development Director Bisset stated that

this project would address traffic congestion, including the installation of an additional left turn lane and a westbound right turn lane, upgraded traffic signals (funded by ODOT), pedestrian improvements, and sanitary sewer upgrades (funded by wastewater capital funds). He stated that as part of the voter approved 2014 Transportation Bond measure, the City Council established a list of firms qualified to provide consulting services related to the design and construction of the street improvement and repair bond projects. Murray, Smith & Associates, Inc. was selected from the qualified list to provide design services on the NE 2nd Street project. The summer of 2017 is targeted for the improvements.

Councilor Ruden MOVED to approve Resolution No. 2015-54 awarding the contract for the design of the NE 2nd Street (Adams Street - Cows Street) Transportation Bond Measure Project; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

4 e AWARDING THE CONTRACT FOR THE DESIGN OF THE NW HILL ROAD (2ND - BAKER CREEK ROAD) TRANSPORTATION BOND MEASURE PROJECT: Community Development Director Bisset referred to his brief memorandum in the Council packet and advised that CH2M Hill had been chosen to provide design services for this project from the established list of firms qualified to provide consulting services related to the design and construction of the street improvement and repair bond projects.

Councilor Menke MOVED to adopt Resolution No. 2015-55 awarding the contract for the design of the NW Hill Road (2nd Street - Baker Creek Road) transportation bond measure project; SECONDED by Councilor Ruden. Motion PASSED unanimously.

4 f AWARDING THE CONTRACT FOR THE DESIGN OF THE 2015 STREET REPAIR AND REPAVING TRANSPORTATION BOND MEASURE PROJECT: Community Development Director Bisset referred to his brief memorandum in the Council packet and advised that David Evans and Associates, Inc. had been chosen to provide design services for this project from the established list of firms qualified to provide consulting services related to the design and construction of the street improvement and repair bond projects.

Councilor Jeffries MOVED to adopt Resolution No. 2015-56 awarding the contract for the design of the 2016 Street Repair and Repaving transportation bond measure project; SECONDED by Councilor Yoder. Motion PASSED unanimously.

5 ADVICE / INFORMATION ITEMS

5 a and b COUNCIL AND DEPARTMENT REPORTS: Because of the lateness of the hour, the Council and Department Head Reports were omitted.

ADJOURNMENT: Mayor Olson adjourned the meeting at 10:57
p.m.

Rose A. Lorenzen, Recording Secretary