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, March 8, 2016, at 6:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors: Present Excused Absence

Scott Hill Kellie Menke Remy Drabkin

Kevin Jeffries Alan Ruden

Larry Yoder

Also present were City Manager Martha Meeker, City Attorney David Koch, Planning Director Doug Montgomery, Fire Chief Rich Leipfert, Community Development Director Mike Bisset, Police Chief Matt Scales, and members of the news media, Don Iler of the *News Register, and* Dave Adams of KLYC Radio*.*

DINNER

CALL TO ORDER: Mayor Olson called the Dinner Meeting to order at 6:28 p.m. and welcomed all in attendance. He noted that Councilor Drabkin had been excused from the evening’s meetings.

HISTORICAL REVIEW OF POLICE ACTIVITY IN THE DOWNTOWN CORE AREA: Police Chief Scales gave a statistical report of police activity in the downtown core area. He reported that since 2012, calls for service had increased approximately 38 percent with a 13 percent increase in criminal complaints. He explained that in 2015, because of the increased call volume, he spoke with the ministerial team at the Coop Ministries about how to mitigate the negative situations that were being reported. He noted that they have done an admirable job in easing the unpleasant state of affairs. Additionally, Police Officer Heidt has been assigned the liaison position between the Police Department and the homeless. The Park Rangers were a very helpful added presence in the downtown area during the summer of 2015. Chief Scales reported that he and his Department continue to work with the City Attorney on matters related to the homeless and the downtown area. He pointed out that many of the activities being observed are constitutionally protected.

UPDATE REGARDING SIGN ORDINANCE AMORTIZATION REQUIREMENTS: Planning Director Montgomery reviewed the history of the City’s sign ordinance and advised that when the ordinance was adopted in 2008, there was a clause in it that required all the non-conforming signs to be brought within the new regulations within eight years. Nearly eight years have passed and many signs continue to be non-conforming. Prior to sending out approximately 160 years to the business owners, staff wished to make sure Council wanted to move forward with the ordinance.

Mayor Olson stated that since McMinnville is still coming out of the recession, perhaps it might be best if the non-conforming signs were grandfathered until such time as the business changed ownership or the occupancy of the site changed. Following discussion, it was determined that additional discussion on the topic was needed and it would occur during the Regular Meeting.

RESOLUTIONS: Fire Chief Leipfert discussed the need for a fee schedule that allows the Fire Department to recover costs for services allowed within the International Fire Code as adopted by the State of Oregon.

Chief Leipfert explained that ordinances in place within the Municipal Code allow the Department to enforce the Fire Code as adopted by the State of Oregon. Historically, the Department has played the part of educator; however, there are often problematic repeat offenders. He explained that the adoption of the proposed resolution would allow staff to charge fees and issue citations.

Chief Leipfert also reported on the purchase of used ambulances from the City of Portland and the savings from those purchases. He also reported that he continues to work in partnership with the Amity Fire District and that staff continues to work through the union’s demand to bargain. He stated that staff continues to look at soliciting partnerships via a limited Intergovernmental Agreement, functional consolidation, or formation of a new fire district. He referenced the Eugene – Springfield consolidation and explained that the reason consolidations are occurring is the lack of funding available to meet the growing needs of the departments.

Community Development Director Bisset stated that the Cook School Sanitary Sewer Rehabilitation Project was scheduled for the summer of 2016. He noted that the scope of the project included the repair or replacement of 9,382 linear feet of sanitary sewer mainline, the installation of 1,675 linear feet of new storm sewer pipe, and other associated work.

ADJOURNMENT: Mayor Olson adjourned the Dinner Meeting at 6:59 p.m.

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, March 8, 2016 at 7:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors: Present Excused Absence

Scott Hill Kellie Menke Remy Drabkin

Kevin Jeffries Alan Ruden

Larry Yoder

Also present were City Manager Martha Meeker, City Attorney David Koch, Planning Director Doug Montgomery, Fire Chief Rich Leipfert, Community Development Director Mike Bisset, Police Chief Matt Scales, Parks and Recreation Director Jay Pearson, Fire Marshal Debbie McDermott, 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 Yoder led in the recitation of the Pledge of Allegiance.

INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Olson asked for comments from citizens on topics not on the evening’s agenda. Jim Galba, 524 SW Drumwood, advised the Mayor and City Council that with regard to the NE Gateway District overlay in an M-2 industrial zoned area, he would be appealing the decision of the Planning Director.

CONSIDER MINUTES: Councilor Hill MOVED to approve the minutes of the December 8, 2015 Dinner and Regular Meeting minutes; SECONDED by Councilor Ruden. Motion PASSED unanimously.

1 NEW BUSINESS

1 a HISTORICAL REVIEW OF POLICE ACTIVITY IN THE DOWNTOWN CORE: Mayor Olson welcomed Police Chief Matt Scales. Chief Scales thanked the Mayor and City Council for the opportunity to review the level of police activity in the downtown core area with them. He explained that he had pulled data from First to Fifth Streets and from Adams to Irvine Streets. The data pull is from 2012 – 2015. He stated that, not surprisingly, the number of calls for service is up a total of 38 percent with an additional 13 percent increase in criminal complaints. He noted that because the downtown is busier, this is not unusual. During the data pull, common threads were identified. There were high calls for disturbances, mental health complaints, and fights. Additionally, officers are being proactive with bar checks and increased field activity. He explained that a high call area was the Coop Ministries; however, the new pastor has done an admirable job and is doing a great deal to mitigate as much impact as possible. They are trespassing people who do not follow the rules and they are taking the lead in being good neighbors.

Chief Scales stated that Parks and Recreation Director Pearson and the McMinnville Downtown Association (MDA) have worked to expand the Park Ranger program. The extra eyes, along with enforcement authority, help to build rapport with those who are sometimes causing trouble. The Park Rangers have the ability to radio other officers if they see a situation that they cannot handle. Additionally, an officer has been making daily contacts with folks in this area and is ensuring they understand the officers’ expectations. He also is taking an active role in ensuring the businesses behind Third Street are abiding by the law. Chief Scales reported that when officers encounter individuals who are experiencing mental health crises, they connect the individual with Yamhill County Mental Health.

Chief Scales spoke about the importance of crime prevention through environmental design – such as natural surveillance, interior and exterior lighting of businesses, natural access, natural barriers, and making sure that broken items, such as windows, are repaired and are in good working order. He stated that moving forward the Police Department personnel will continue to educate people about respectful behavior. Although some people will never comply, officers will do their best to identify and hold offenders accountable. He cautioned that some behaviors, such as cussing, congregating, etc., are constitutionally protected.

Councilor Hill thanked Chief Scales and suggested that this information needs to be more widespread. He suggested that perhaps a View Points article in the *News Register* might be a good way to get the message out.

Councilor Jefferies thanked Chief Scales for the update and asked about people who are a recurring problem. Chief Scales responded that sometimes around the churches people are visibly intoxicated. He pointed out that Yamhill County has many resources available through its court system and through various mental health programs. He also noted that all of the area pastors are aware of the behavioral expectations. He also pointed out that big events in the downtown area are call drivers.

Mayor Olson thanked Chief Scales and stated that as a Council, they take this issue very seriously and while they will take a leadership role in this matter, it is not the City’s to solve alone. Working with all the parties, they will come to a solution.

Chief Scales thanked Captain Marks and Records Specialist Zemlicka for their help in pulling all the data for this presentation.

Mark Davis, 652 SE Washington, thanked Chief Scales and noted that the residential areas in the core area also need to be proactive. It will take everyone to make sure the issues are handled appropriately.

J. W. Millegan, 624 NE Second Street, stated that he really appreciated the safer feel of the neighborhood. He stated that although no one can let his/her guard down, the situation feels better.

1 b UPDATE REGARDING SIGN ORDINANCE AMORTIZATION REQUIREMENTS: Planning Director Montgomery gave a brief historical overview regarding the City’s sign ordinance amortization requirements. The amortization clause in the ordinance states that all nonconforming signs will be brought into compliance by November 2016. Within one year, staff will have to provide written notice to about 160 business and property owners. He stated that before staff moves forward on this project, he wanted to bring it to the Council’s attention and make sure all wished to move forward.

Council discussion ensued. It was noted that the Council appreciated those who have complied, yet how do you protect them from those who have not complied. Staff resources are limited and it may take longer to fix than projected – it may take two to four years to gradually get the enforcement done. With respect to the new businesses and those who have complied, the City Council cannot ignore those who have not complied. They have had seven years to comply. Let City Attorney Koch research the legal problems the City could face if it pushes too hard for compliance. By consensus, the City Council agreed to ask City Attorney Koch to research the matter and report back to them at the April 26, 2016 City Council meeting.

2 RESOLUTIONS

2 a PROVIDING FOR A FEE SCHEDULE THAT ALLOWS THE FIRE DEPARTMENT TO RECOVER COSTS FOR SERVICES ALLOWED WITHIN THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE STATE OF OREGON: Fire Chief Leipfert explained that currently, within the Municipal Code, ordinances allow for enforcement of fire codes and the adoption of the most current State of Oregon code. He explained that historically, Chief McDermott and her staff have worked hard on educating citizens and businesses, but there are people and businesses in the community that are not compliance. Staff has no way to enforce. There are illegal burns, fireworks stands, and large events. These are but a few of the unenforceable issues that the Department sees. A fee schedule is one way to help staff dedicate the time necessary to work with repeat offenders.

Chief McDermott explained that their goal is to educate individuals about why it is important that they comply. Sometimes staff needs resources available to make offenders comply. She stated that staff believes if there is a fee associated with the matter, individuals will pay more attention to the law. She assured the Council that fees would not be assessed as long as the individuals were working toward compliance. Fire Chief Leipfert agreed and stated that it was not the Department’s intent to tie up the Court with frivolous citations. Their goal was to educate, not to project a revenue driver, but an enforcement tool if education does not work.

Councilor Ruden MOVED to adopt Resolution No. 2016-11 providing for a fee schedule that allows the Fire Department to recover costs for services allowed within the International Fire Code as adopted by the State of Oregon; SECONDED by Councilor Menke. Motion PASSED unanimously.

2 b AWARDING THE CONTRACT FOR THE COOK SCHOOL SANITARY SEWER REHABILITATION PROJECT, PROJECT 2014-9: Community Development Director Bisset referenced his brief memorandum located in the informational packet and advised that on February 23, 2016, the following four bids were received, opened, and read aloud:

BIDDER SCHEDULE A SCHEDULE B SCHEDULE C **TOTAL**

(Fund 77) (Fund 45) (Fund 45)

Emery & Sons

Construction

Group $2,024,475.00 $388,028.00 $241,010.00 $2,653,513.00

Landis & Landis

Construction $2,078.694.65 $392,589.00 $245,507/25 $2,727,790.90

C & M

Construction $2,081,571.00 $411,684.00 $268,545.00 $2,761,800.00

Canby

Excavation $2,263,427.00 $422,255.80 $277,936.00 $2,963.618.80

Mr. Bisset advised that the construction estimate for the project work was $2,750,000. He explained that the work is located in the general vicinity of Cook Elementary School and includes sanitary sewer rehabilitation including the repair or replacement of 9,382 linear feet of sanitary sewer mainline and the installation of 1,675 linear feet of new storm sewer pipe which continues the City’s efforts to reduce inflow and infiltration (I&I) (Schedule “A”). The project also includes overlay of area streets and the upgrade of area curb ramps to current accessibility standards (Schedule “B”); and repaving of area streets using a portion of the City’s allotment of state gas tax revenues (Schedule “C”). Mr. Bisset stated that it was staff’s recommendation to award the contract to the lowest, responsible bidder, Emery & Sons Construction Group in the amount of $2,653,513.00.

Responding to Councilor Jeffries’ inquiry, Mr. Bisset advised that staff will identify and send notices to the entire area located within the project zone. If the City identifies a lateral sewer problem, the homeowner is asked to correct the problem. They are given a full year to make necessary repairs and those who do not comply will incur penalties that are assessed until the repair is completed. If the home owner does not comply, a lien is placed on the property and when the property is sold, the new owner receives notification and understands the need to repair the sewer lateral. He advised that the I & I program has been very successful.

Councilor Yoder MOVED to adopt Resolution No. 2016-12 a resolution awarding the contract for the Cook School Sanitary Sewer Rehabilitation Project, Project 2014-9; SECONDED by Councilor Jeffries. Motion PASSED unanimously.

3 ADVICE / INFORMATION ITEMS

3 a REPORTS FROM COUNCILORS ON COMMITTEE AND BOARD ASSIGNMENTS: Each Councilor present gave a brief report.

3 b DEPARTMENT HEAD REPORTS: Each department head present gave a brief report.

4 ADJOURNMENT: Mayor Olson adjourned the meeting at 8:10 p.m.

Rose A. Lorenzen, Recording Secretary