

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

Tuesday, June 26, 2018 at 5:30 p.m.

Presiding: Kellie Menke, Council President

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Scott Hill
	Adam Garvin	
	Alan Ruden	
	Wendy Stassens	
	Sal Peralta	

Also present were City Manager Jeff Towery, City Attorney David Koch, Planning Director Heather Richards, Police Chief Matt Scales, and Dave Adams, KLYC Radio.

1. CALL TO ORDER: Council President Menke called the meeting to order at 5:46 p.m.

2. PRESENTATION: CODE ENFORCEMENT.

Planning Director Heather Richards explained that the Code Enforcement program is transitioning from Police Department to the Planning Department. She shared that it has historically been a decentralized, civil process operated primarily out of the Police Department. Ms. Richards shared that there have been communication and customer service challenges. The recommendation is to move to a more centralized program and make it an administrative process in order to provide better customer service and improved efficiencies. The Planning Department will not handle traffic infractions.

Ms. Richards explained that code enforcement is part of the equation that transforms a town from a politically designated area into a community. She stated that good plans justify the municipal code, which justifies code enforcement and allows the City to reach the community goals and vision. The code compliance program is not a criminal program; it's a good neighborhood program where everyone is playing by the same set of rules for everybody's benefit. It is enforced locally and can be enforced by the state as well. The Code Enforcement Program would cover the

Comprehensive Plan, Municipal Code, Zoning Ordinance and Building Code.

The Program will ensure that the code equitably is enforced. Ms. Richards explained that Code Enforcers should:

- Know the code.
- Understand their authority to enforce.
- Understand the reasons behind the code they enforce.
- Work with residents to help them comply.
- Enforce code equitably to all properties and property owners in the community.

Code Enforcement:

- Protects and improves land values.
- Decreases number of attractive nuisances.
- Improves Safety.
- Increases Sense of Community.
- Improves Public Image.
- Improves Quality of Life.
- Reduces Health Threats.
- Increases Economic Development Investment.

The goal is voluntary compliance through education, providing information, communication, relationships, and providing pathways for citizens. It is not meant to be a penal process.

A judicial process happens when there is noncompliance. This is done through an abatement process. Ms. Richards explained the judicial process and administrative abatement. The goal of the process is compliance in a timely manner.

Ms. Richards stated that there will be an intentional approach. She shared various community relations programs related to nuisances.

Ms. Richards stated that the next steps include:

- Evaluating the codes for nuisances and code compliance issues.
- Amend the Municipal Code to create an administrative code compliance process.
- Create a centralized program in the Planning Department.
- Develop a Community Relations Program.
- Bring an amended code to council for adoption.
- Develop a Fee Schedule.
- Hire a Code Compliance Team.

Implementation was discussed. It will involve the community, need to be done incrementally, and an online communication portal will be developed. Ms. Richards shared that she would like a dedicated phone line for complaints.

Police Chief Scales felt that it makes much more sense to move in the direction as described by Ms. Richards. He stated that the community will get a better service and complaints will be dealt with in a more timely manner.

City Manager Towery stated that there will be more discussion in a work session in the next couple of months.

Discussion ensued regarding funding the positions.

City Manager Towery explained that he has seen how quickly the administrative process works.

3.

### PRESENTATION: CAR CAMPING ORDINANCE.

Ms. Richards stated that the program is a recommendation coming forward from the Affordable Housing Task Force and it originated in the Housing for Homeless Subcommittee. The program provides a car camping opportunity on private property. The property owner assumes the liability and the site management would be administered through the Champion team. The intention is not to be a permanent residential solution. The intention of the program is that it provides a safe place to stay for a period of time to advance towards shelter. The City would establish policies and procedures for the program that focus on program success and mitigation of negative impact to neighboring properties.

The Ordinance will describe what is prohibited and where the camping is allowed. Camping on sidewalks, streets, alleys, public right-of-way, parks or any other publicly owned properties would be prohibited unless allowed by ordinances, and special events could be exempted. The Ordinance would allow for permitted overnight sleeping as follows:

- Commercial/ Industrial Property: three vehicles or less, needs to be on parking lot with structure.
- Religious Institution: three vehicles or less, needs to be on parking lot with structure.
- Residence: backyard or driveway.
- Vacant Property: three vehicles or less. Needs to register with city and be part of a supervised program.

The site provisions required would include:

- Dedicated Sanitary Facilities.

- Dedicated Garbage Disposal Services.
- Storage Area for Personal Items.
- Tent or camping shelter in a backyard must be five feet away from property line.
- Not require payment of any fee, rent, or other monetary charge for overnight sleeping. Needs to register with city and be part of a supervised program.

Ms. Richards explained the provisions of the proposed Ordinance. The property owner would be able to revoke permission at any time and for any reason, and any person who had received permission to use the property shall leave the property immediately. The City would have the authority to impose administrative civil penalties on property owners who failed to comply with the Ordinance. The City Manager or the City Manager's designee would have the authority to prohibit overnight sleeping if the city finds that the activity is incompatible with adjacent properties or constitutes a nuisance. The City could adopt administrative rules to implement the program. The City Manager could authorized overnight sleeping associated with a special event. Furthermore there would be a statement that nothing would create any duty on the part of the city or its agents to ensure the protection of persons or property with regard to the permitted overnight sleeping.

Councilor Ruden asked about time restrictions on camping in someone's backyard. Planning Director Richards stated that there is not a time limit. He stated that he could see where this could become a nuisance. Planning Director Richards stated that the City Manager could determine that it was a nuisance if rose to that level.

Discussion ensued regarding the Champion Team's involvement. It was noted that the City would be providing some policies but would not be administering the human aspect of the program. That piece would be administered by Champion Team.

Councilor Drabkin noted that the Committee has been helping look for additional funding for Champion Team. If they were to receive additional funding, they might be able to serve more.

Councilor Peralta commented on keeping families together and that may have more than one car.

Planning Director Richards stated that one of Eugene's recommendations were that it would be good to keep the numbers allowed per site low.

The Council expressed their interest in taking the next steps.

4.

#### PRESENTATION: YAMHELAS WESTSIDER TRAIL.

Wayne Wiebke, representing the Friends of the Yamhelas Westsider shared a history of the Yamhelas Westsider Trail. He stated that the Friends group has been working since 2012. The original effort began in 1991. He stated that the Friends group is asking for an endorsement from the Council that would be used in order to procure grants. Since the trail was purchased in December last year, it opened up opportunities for grant funding. He stated that they will be partnering with Yamhill County and they are trying to fund a master plan or a feasibility study. The first phase would be Carlton-Yamhill. The phase south of Carlton stops at Gun Club corner. The ultimate goal is to have McMinnville and Forest Grove as anchors in the trail system. Mr. Wiebke stated the trails benefit to McMinnville noting that lodging is important to a trail system, including bed and breakfasts. He stated that part of having a trail is about getting people off the trail and coming in to town to spend the night. Ms. Wiebke explained how Cities can use the trail to promote tourism. Gaston and Washington County are involved in securing property for the trail as well. He noted that they would welcome the Council's endorsement and that it would help in the grant writing process.

Councilor Peralta stated that he received a letter from the Friends of the Yamhelas. He noted that the trail has a regional economic benefit that the City's Strategic Plan calls for. Councilor Peralta noted that earlier in the year the Council supported the bypass which won't connect for years and he felt this was similar in terms of economic impact.

Councilor Garvin stated that he felt rail to trail programs were usually positive. He stated that farmer's concerns should be noted. Mr. Wiebke responded that farmers concerns will be considered and that the master plan will look at these concerns and attempt to address concerns in the plan.

Councilor Ruden asked about Yamhill County Commissioners and if they were in support. Mr. Wiebke noted that they are in favor 2-1. Councilor Ruden stated that they have supported things outside of town and that he likes the trail concept.

Discussion ensued regarding the purchase of property and when and how the properties would be purchased to complete the project.

Councilor Stassens commented that she was in support of the work they have been doing. She felt that it was really good.

Council President Menke also expressed her support.

City Manager Towery explained that the City can draft a letter in support of the project and will bring it back to Council

4. ADJOURNMENT: Council President Menke adjourned the Work Session at 6:56 p.m.

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City Recorder

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, June 26, 2018 at 7:00 p.m.

Presiding: Kellie Menke, Council President

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Scott Hill
	Adam Garvin	
	Alan Ruden	
	Wendy Stassens	
	Sal Peralta	

Also present were City Manager Jeff Towery, City Attorney David Koch, Finance Director Marcia Baragary, Planning Director Heather Richards, Police Chief Matt Scales and Dave Adams, KLYC Radio.

AGENDA ITEM

1. CALL TO ORDER: Council President Menke called the meeting to order at 7:07 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Council President Menke led the pledge of allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Council President Menke invited the public to comment.

Tara Gregory, 521 NW Mt. Mazama, stated that she is a medical professional in the area. She commented on the proposed Ordinance No. 5054. She discussed the dangers of second hand smoke and provided a handout to Councilors. She reviewed the two types of second hand smoke. She encouraged the Council to approve Ordinance No. 5054.

Johnathan Olivera, Willamette Valley Vineyards, came on behalf of the second hand smoke ordinance. He stated that their business has been negatively affected on Third Street. He stated that he is in support of the Ordinance, noting that from a business perspective it is very difficult.

4.a. PUBLIC HEARING: Proposed Supplemental Budget for the Fiscal Year June 30, 2018 (related to the Telecommunications Fund).

Finance Director Baragary explained that the supplemental budget is required because there was an occurrence that was not known at the time the budget was prepared that required a change in financial planning. Since the supplemental budget increases expenditures by \$12,000, which exceeds 10 percent of total expenditures in the Telecommunications Fund, the Council is required to hold a public hearing and take public comment prior to adopting the supplemental budget. She noted that an appropriate notice of the public hearing was published in the News Register.

Council President Menke opened the Public Hearing at 7:18 p.m. and asked for comments.

There were no comments.

Council President Menke closed the Public Hearing at 7:18 p.m.

4.b. PUBLIC HEARING: Proposed increase in the Transportation Fund expenditures in the 2018-2019 budget to be adopted by the City Council.

Finance Director Baragary explained that a public hearing was required as the increase in the Transportation Fund expenditures was \$1,352,100, which exceeds the 10 percent limitation. She noted that some of the projects scheduled and budgeted in 2017-2018 will be carried into 2018-2019. She noted that this is typical for capital projects. Local budget law was followed.

Council President Menke opened the Public Hearing at 7:20 p.m. and asked for comments.

There were no comments.

Council President Menke closed the Public Hearing at 7:20 p.m.

- 5.a. PRESENTATION: Receive Report and Recommendation from Gary Eastland, Hagan Hamilton to approve the 2018-2019 Property, Liability, Workers Compensation, and Auto Insurance Coverages.

Gary Eastland of Hagan Hamilton presented the 2018-2019 Property, Liability, Workers Compensation, and Auto Insurance Coverages. He commended City Staff for their support. The proposed annual contribution for the CIS package (Property/ Liability, Auto, Mechanical breakdown) was \$475,655 noting there is a 4.5% increase over the prior year contribution. He stated that the increase was primarily exposure driven.

Mr. Eastland stated that there was a significant increase in CIS workers compensation. The deposit premium is \$181,846 which is up from \$92,584 last year. He shared that the experience modification factor increased from .76 to .97 and that since the number is under one it is still good. City Manager Towery noted that there is currently a 1.8 million insurance reserve fund.

Mr. Eastland stated that the Airport Liability Insurance is a separate policy than CIS and that the premium has been exactly the same amount for the last five years, \$5,675.

6. CONSENT AGENDA

- a. **Resolution No. 2018-32:** A Resolution Declaring the City's election to receive state revenues.
- b. **Resolution No. 2018-33:** A Resolution certifying provision of municipal services by the City of McMinnville as required by ORS 221.760.
- c. **Resolution No. 2018-34:** A Resolution Extending the City of McMinnville's workers compensation coverage to the City of McMinnville volunteers.
- d. **Resolution No. 2017-35:** A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.

Councilor Ruden MOVED to adopt the consent agenda as presented; SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 7.a. **Resolution No. 2018-36:** A Resolution adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations (*Related to the Telecommunications Fund*).



Finance Director Baragary stated that the Resolution proposes a supplemental budget for the Telecommunications Fund. She stated that the supplemental budget is necessary to allow disbursement of higher than anticipated telecommunication fee revenues received in 2017-2018. The increase in expenditures is \$12,000.

Councilor Stassens MOVED to adopt Resolution No. 2018-36 adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations (*Related to the Telecommunications Fund*); SECONDED by Councilor Drabkin. Motion PASSED unanimously.

7.b.

**Resolution No. 2018-37:** A Resolution making a budgetary transfer of appropriation authority for the fiscal year 2017-2018 General Fund, Finance and Library Department budget.

Finance Director Baragary explained that in April 2018 the decision was made to fund all general service employee's Voluntary Employees Beneficiary Associations (VEBA) plan accounts in an amount equal to 100 percent of the employee's annual health insurance deductible. Increasing VEBA contributions for general service employees provided equity between the VEBA benefit for non-represented general service employees and Fire Union members. The higher VEBA contributions were not anticipated when the 2017-2018 budget was adopted. In the Library and Finance Departments there may not be sufficient savings to absorb the additional VEBA contribution costs so the resolution transfers additional appropriate authority to the personnel services categories in those departments.

Councilor Drabkin MOVED to adopt Resolution No. 2018-37 making a budgetary transfer of appropriation authority for the fiscal year 2017-2018 General Fund, Finance and Library Department budget; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7.c.

**Resolution No. 2018-38:** A Resolution making a budgetary transfer of appropriation authority for fiscal year 2017-2018 (*Ambulance Fund*).

Finance Director Baragary stated that the resolution amends the Ambulance fund. There were unexpected vacancies in firefighter positions and absences due to medical leave and therefore overtime costs for shift coverage were higher than anticipated in 2017-2018. In addition a transfer of \$75,000 from contingency to the materials and services category is necessary due to higher than anticipated ambulance revenue "write-off" expenses. It was noted that overall there isn't a change in the net revenue for the Ambulance Fund.

Councilor Garvin MOVED to adopt Resolution No. 2018-38 making a budgetary transfer of appropriation authority for fiscal year 2017-2018 (*Ambulance Fund*); SECONDED by Councilor Stassens. Motion PASSED unanimously.

7.d.

**Resolution No. 2018-39:** A Resolution adopting a new fee schedule for ambulance services provided by the City of McMinnville and repealing Resolution No. 2017-45.

Fire Chief Leipfert stated that the 3.6% was the Consumer Price Index (CPI) increase for the Portland-Salem metro area this year. It has been the City's policy to increase ambulance rates each year by the CPI amount.

Councilor Stassens MOVED to adopt Resolution No. 2018-39 adopting a new fee schedule for ambulance services provided by the City of McMinnville and repealing Resolution No. 2017-45; SECONDED by Councilor Ruden. Motion PASSED unanimously.

7.e.

**Resolution No. 2018-40:** A Resolution adopting the budget for the fiscal year beginning July 1, 2018; making the appropriations; imposing the property taxes; and categorizing the property taxes.

Finance Director Baragary noted that local budget law allows changes to be made from the budget that was approved by the Budget Committee. If the total increase in expenditures in a fund does not exceed 10 percent of the fund expenditures, a public hearing is not required. Ms. Baragary reviewed the changes as follows:

Increase in appropriations in 2018-2019 Budget due to 2017-2018 projects carried forward to 2018-2019

- *Transportation Fund* – Total increase of \$1,352,100 in professional services and capital outlay appropriations for bond related projects, including Hill Road, Old Sheridan Road, 2<sup>nd</sup> Street, 5<sup>th</sup> Street, and 1<sup>st</sup> and 2<sup>nd</sup> Street pedestrian improvements.
- *Wastewater Capital Fund* – Total increase of \$480,000, with \$60,000 for major equipment replacement at the Water Reclamation Facility (WRF) and pump stations and with \$420,000 for capital outlay appropriations for I&I reduction projects.

Increase in personnel services appropriations for 2018-2019 Budget

- *General Fund, Park and Recreation Department* – Increase in Aquatic Center personnel services expenditures by \$3,113; position has been reclassified due to significant change in duties.

- *General Fund, Library Department* – Increase in Library Department personnel services expenditures by \$50,324 due to increasing Library open hours from 45 hours per week to 50 hours per week.

Councilor Ruden MOVED to adopt Resolution No. 2018 -40 adopting the 2018-2019 budget in the total amount of \$111,996,208 for the fiscal year beginning July 1, 2018; to make the appropriations in the amount of \$77,368,779; to impose and categorize the City of McMinnville's permanent property tax rate of \$5.02 per \$1,000 assessed value for general operations and \$3,980,326 for debt service; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7.f.

**Resolution No. 2018-41:** A Resolution Amending the City Manager's Employment Agreement.

City Manager Towery explained the four changes in the contract including clarification of reporting relationships consistent with the FY 18-19 Budget, an increase in vacation accrual to better reflect career experience, a change in mileage reimbursement, and an increase in deferred compensation to better reflect the average benefit packages of comparable cities.

It was noted that the 8% straight deferred compensation contribution has a net impact of \$4,800.

Councilor Ruden MOVED to adopt Resolution No. 2018-41 amending the City Manager's Employment Agreement; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

8.

## ORDINANCE

Consider Second Reading of **Ordinance No. 5054**: An Ordinance Relating to Smoking Regulations in Downtown McMinnville and City Park Areas; establishing MMC Chapter 8.32; and, amending MMC 12.36.020.

Council President Menke called on citizens to provide testimony.

Sylla McCullan, stated that she is representing the McMinnville Downtown Association and is the owner of Third Street Books. She noted that she also served on the Downtown Public Safety Task Force. She stated that one of the suggestions of the Task Force was to create a smoke-free downtown. Ms. McCullan stated that the McMinnville Downtown Association is in support and that if the Ordinance were to pass there is a group that would be going out Downtown to share new Ordinance.

Councilor Drabkin stated that she visited with several business owners that may be impacted if the smokers moved off Third Street onto their streets. She stated that they had not been notified and were concerned about smokers in their downtown businesses.

Police Chief Scales referred Council to his memo and stated that in addition to the Smoke Free Street is an expansion of 50 feet north and south of Third Street. In addition, Oregon state law prohibits smoking within 10 feet of places of employment or enclosed areas open to the public including entrances, exits, windows that open, ventilation intakes that serve an enclosed area and outdoor dining areas.

Councilor Drabkin asked why the Ordinance did not include designated smoking areas. She commented on concerns she heard related to execution, enforcement, and lack of communication to other businesses that may be impacted.

Discussion ensued regarding the potential negative impact to businesses close to Third Street.

City Attorney Koch stated the intent of codifying the State statute is to make it enforceable in the City's Code. He noted that the 10 foot requirement is City wide.

Councilor Drabkin asked about what enforcement would look like. Police Chief Scales stated that it would be a violation. The first thirty days will be an education campaign.

Councilor Peralta asked about signage about "Smoke Free 3<sup>rd</sup> Street" and where smoking is permitted. Police Chief Scales shared that the County Health Department is willing to assist with signage.

Jenny Berg, MDA Board President stated that the MDA discussed talking to the community but felt that since this was something coming from the City and the Downtown Safety Task Force they did not want to go in front of the Council's decision. She stated that the education effort would be made after the enactment. She noted that they let MDA members know that this was being discussed at the City Council Meeting.

Heather Miller, Local Flow Owner and MDA Board Member shared that she will be assisting with the education program. She stated that they are happy to take in information.

Councilor Ruden noted the support of the ban has been overwhelming. He stated that he was in favor of the Ordinance. He also noted that the City

Parks were also included in the Ordinance and that there should be signage there as well.

City Attorney Koch read by title only for a second time Ordinance No. 5054.

Councilor Gavin MOVED to approve Ordinance No. 5054 Relating to Smoking Regulations in Downtown McMinnville and City Park Areas; establishing MMC Chapter 8.32; and, amending MMC 12.36.020; SECONDED by Councilor Ruden. Ordinance No. 5054 PASSED by a unanimous roll-call vote.

9. ADVICE/ INFORMATION ITEMS

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

Councilor Ruden noted that the Airport Commission Meetings are delayed until September. There is a Work Session tomorrow for the Affordable Housing Task Force.

Councilor Drabkin stated that there will be an Affordable Housing Task Force meeting on July 9<sup>th</sup>.

Councilor Stassens stated that there will be a MURAC meeting on the second Wednesday in July.

Councilor Garvin shared that YCOM adopted the budget. He stated that there will likely not be a meeting in July. He stated that each city's Information Systems Department will for how their systems integrate with the new YCOM system.

Councilor Peralta shared that the Mid-Willamette Valley Council of Governments had a presentation on homelessness. He noted that homelessness has been on a rise primarily in rural areas.

Council President Menke shared that Visit McMinnville met and stated that there was conversation around convening regional tourism stakeholders. She stated that the Parkway Committee has been discussing that they will be looking to cities for additional funding. They will be asking for funds to buy land which would be used for land purchases for the next phase of the bypass. She noted that they would first ask the County and Newberg.

9.b. Department Head Reports

Finance Director Baragary shared that on July 9<sup>th</sup> the auditors will be a the City.

City Manager Towery handed out challenge coins to the City Council members as a thank you for their strategic planning efforts.

10. ADJOURNMENT: Council President Menke adjourned the City Council Meeting at 8:28 p.m.

s/s Melissa Grace  
City Recorder