



City Council Meeting Agenda

Tuesday, February 28, 2023

5:30 p.m. – Executive Session (CLOSED TO THE PUBLIC)

6:00 p.m. – Work Session Meeting

7:00 p.m. – City Council Regular Meeting

REVISED 02/27/2023

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

The public is strongly encouraged to relay concerns and comments to the Council in one of three ways:

- Email at any time up to **12 p.m. on Monday, February 27th** to claudia.cisneros@mcminvilleoregon.gov
- If appearing via telephone only please sign up prior by **12 p.m. on Monday, February 27th** by emailing the City Recorder at claudia.cisneros@mcminvilleoregon.gov as the chat function is not available when calling in zoom;
- Join the zoom meeting use the raise hand feature in zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide your First and Last name, Address, and contact information (email or phone) to the City.**

You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:

mcm11.org/live

CITY COUNCIL WORK SESSION & REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminvilleoregon.zoom.us/j/87849065137?pwd=bVlIMHFQk5peXA1cWpvN3kzWGxpQT09>

Zoom ID: 878 4906 5137

Zoom Password: 169166

Or you can call in and listen via zoom: 1-253- 215- 8782

ID: 878 4906 5137

5:30 PM – EXECUTIVE SESSION – VIA ZOOM AND SEATING AT CIVIC HALL (NOT OPEN TO THE PUBLIC)

(Added on 02.27.2023)

1. CALL TO ORDER
2. **EXECUTIVE SESSION pursuant to ORS 192.660 (2) (h):** To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
3. ADJOURNMENT

6:00 PM – WORK SESSION MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER
2. PARKS AND OPEN SPACE MASTER PLAN – WORK SESSION ON SYSTEM DEVELOPMENT CHARGES (SDC'S).
3. ADJOURNMENT OF WORK SESSION

7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PROCLAMATION
 - a. Women’s History Month Proclamation
4. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –
The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.
5. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
6. CONSENT AGENDA
 - a. Consider **Resolution No. 2023-11**: A Resolution authorizing the approval of an intergovernmental agreement between the city of McMinnville and the city of Toledo Oregon regarding Municipal Judge appointments.
 - b. Consider **Resolution No. 2023-12**: A Resolution Appointing Members to the Diversity, Equity, and Inclusion Committee.
 - c. Consider the Minutes of the November 22, 2022 City Council Regular Meeting.
 - d. Consider the Minutes of the December 13, 2022 City Council Regular Meeting.
 - e. Consider the Minutes of the January 24, 2023 City Council Regular Meeting.
 - f. Consider the Minutes of the February 14, 2023 City Council Regular Meeting.
7. NEW BUSINESS **(Added on 02.27.2023)**
 - a. Potential Council action regarding the writ of mandamus.
8. ADJOURNMENT OF REGULAR MEETING



City of McMinnville

City of McMinnville
Parks and Recreation Department

Contact: Susan Muir
McMinnville, OR 97128
(503) 434-7310

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: February 28, 2023
TO: Mayor and City Council
FROM: Susan Muir, Parks and Recreation Director
SUBJECT: Parks and Open Space Master Plan – work session on System Development Charges (SDC's).

Background

On March 16, 2022, the City Council held a [work session](#) on the basics of System Development Charges. Since that conversation, the city has kicked off the update to the Parks, Recreation and Open Space Master Plan (PROS Plan) and City Council discussed the overall project on [June 22, 2022](#). The consulting team has worked through several phases of the work plan for the overall project, and this work session is to kick off the financial work, particularly related to SDC's. The overall goal of the project is to have an updated modern parks plan that is adequately funded and grounded in equity. How we develop and assess system development charges can play a big role in achieving that goal.

Discussion

The staff project team, representing several different city departments, met with the consulting team regarding SDC's in November 2022. Staff shared the background and history about parks SDC's, the conversations the city has had to date, and our overall recommendations for the structure and conversation related to paying for parks and open spaces through SDC's.

The attached Park SDC Methodology Recommendations memo summarizes the discussions to date and provides additional background for the work session.

The consulting team will be facilitating the conversation at the work session with Michaela Jellicoe of Community Attributes Inc. leading the conversation.

Recommendation

There is no staff recommendation at this work session.

Attachment

December 22, 2022 memo on Parks SDC's.



MEMORANDUM

To: Susan Muir, City of McMinnville

From: Michaela Jellicoe, Community Attributes Inc.

Date: December 22, 2022

Re: Park SDC Methodology Recommendations

The following recommendations regarding the methodology for the City of McMinnville's parks system development charge (SDC) were developed based on discussions during the park SDC staff workshop on November 15, 2022. Participants in the meeting were:

- Susan Muir, Parks & Recreation Director
- Katie Noyd, Community Center Manager
- Tom Shauer, Senior Planner
- Anne Pagano, Public Works Director
- Jennifer Cuellar, Finance Director
- Noelle Amaya, Communication & Engagement Manager
- Liz Fliszar, Park Maintenance Supervisor
- David Renshaw, Superintendent
- Elly Schaefer, Project Manager, MIG
- Michaela Jellicoe, Community Attributes Inc., SDC consultant

Review and discussion with city staff, City Council and the Planning Commission may lead to modifications in the recommended methodology.

PARK TYPES, OWNERSHIP AND GEOGRAPHY

1. Types of parks and recreational facilities

- McMinnville's current park SDC methodology calculates the fee using seven park categories. These categories are combined into a single system development charge to cover all parks, recreational facilities, and open space.

- The currently adopted Parks and Recreation Master Plan also establishes levels of service for seven categories, which while similar, are not the same as the categories used for the SDC calculations. The update to the Parks, Recreation and Open Space (PROS) plan will update the inventory of parks and recreation facilities throughout the city and will also update the parks and recreation categories as well as the levels of service for each of these categories.
- Cities have the option of creating separate rates for different types of parks. Defining separate categories for types of parks and recreation facilities within the SDC rate structure forces discipline in the spending and allocation of the collected SDCs. However, categories create administrative complexity and reduce the flexibility of the funding source. Charges collected for each category must be spent on projects within that category.

Recommendation: City of McMinnville staff feedback indicates a preference to continue with the level of flexibility in spending and allocation of park system development charges that the current rate structure provides. The park SDC update should define a single category for all parks, recreational facilities, and open space.

2. Ownership of parks and recreational facilities

- Cities can create reciprocal agreements with other park providers and collected SDC funds can be used for capacity enhancing projects at facilities owned by other park providers.
- The currently adopted Parks and Recreation Master plan includes local school facilities in the resource assessment, inventory, and current level of service analysis. Additionally, the plan discusses options and recommendations for partnerships with local schools.
- The City may in the future retain ownership of facilities currently used by other providers or explore options for reciprocal agreements with selected providers of parks and recreation facilities.

Recommendation: The updated park SDC should match the updated inventory of parks and recreation facilities currently in progress for the updated PROS plan. Depending on City preferences, this may include facilities owned by other providers. The City will have the option to use park system development fees for capacity enhancing projects at facilities owned by other park providers with reciprocal agreements with the City.

3. Service areas for park impact fees

- The City of McMinnville currently designates a single citywide service area for all types of parks.

- McMinnville may establish multiple smaller service areas. Cities may choose to include additional service areas in the park SDC methodology, because it allows them to isolate costs required to service specific areas within the jurisdiction.
- Multiple service areas cause additional administrative complexity. The park SDCs earned for each area may only be spent on capacity enhancing capital costs within the service area where the SDCs were collected. Additionally, establishing multiple smaller service areas may create a risk of collecting insufficient funds within some or all the smaller service areas to fund a project within each area.
- McMinnville’s parks, recreational facilities, and open spaces are open to everyone regardless of where they live.
- Most cities do not have multiple service areas for park SDCs.

Recommendation: The park SDC update should be based on a single citywide service area, consistent with the current park SDC uses.

DEVELOPMENT THAT PAYS PARK SDCS

4. Improvement SDC and/or reimbursement SDC

- Oregon State Law allows for jurisdictions to charge improvement SDCs and/or reimbursement SDCs. ORS 223.299 (4)(a)
- An improvement SDC may only be spent on capacity-increasing capital improvements identified in the Capital Improvement Plan. A reimbursement SDC may be charged for the costs of existing capacity if there is “excess capacity” identified in the methodology.
- The City’s current approach includes only an improvement fee. The park SDC methodology notes that there was “no excess capacity” available for a reimbursement fee.

Recommendation: City of McMinnville staff noted that it is unlikely that excess capacity will be identified during the process of updating the Parks, Recreation and Open Space Plan, therefore making it unlikely that the City could consider a reimbursement fee. The park SDC methodology will review the updated inventory and levels of service standards. The park SDC methodology will likely include an improvement fee only, however this methodology topic may be revisited as needed depending on findings from the updated PROS plan.

5. Types of development that are charged park system development charges

- McMinnville’s current park SDC methodology includes residential development only.

- Employees, customers, and visitors at nonresidential development may use McMinnville’s parks and recreational facilities, and they may receive indirect benefits from the healthier environment and improved aesthetics even if they do not personally use McMinnville’s parks.
- Charging SDCs to nonresidential development ensures that all new development pays a proportionate share of the impact of new development. Nonresidential development charges are typically quite small and charging a small proportion to nonresidential development reduces the amount charged to residential development. Park SDC calculations including nonresidential development allocate the total needs created by growth for parks and recreation facilities across both residential and nonresidential development, rather than just residential development alone.

Recommendation: City staff expressed interest in investigating the inclusion of both residential and nonresidential development in the park SDC methodology. The draft park SDC methodology should calculate the park SDCs using both approaches: 1) for residential only, and 2) for residential and nonresidential development in McMinnville. Cities typically request to see the difference between residential only and residential and nonresidential methodologies when first considering adding nonresidential development. Therefore, a residential development only alternative will be included in the initial calculations should City staff, City Council or Planning Commission request to see the comparison. The City will select the most appropriate alternative.

6. Measure of impact by development

- McMinnville’s current approach uses the number of persons per dwelling unit to calculate the park SDC rate per residential dwelling unit.
- To develop a proportionate fee for both residential and nonresidential development, the park SDC methodology will calculate an average cost per person for parks. This requires that the park SDC methodology also include a measure of the number of persons per dwelling unit to convert the SDC to a per dwelling unit charge.
- Data typically shows that single family homes and larger homes have more persons per dwelling unit than smaller and multifamily dwelling units. Using persons per dwelling unit either by type or by size creates a more proportionate SDC structure for residential development, compared to an average persons per dwelling unit across all residential development.
- Additional complexity in the measure of impact by development creates additional administrative complexity in implementing park SDCs, as compared to using a single per dwelling unit fee.

Recommendation: City staff expressed interest in exploring options in the analysis to ensure the park SDC is proportionate to the impact per dwelling unit. Therefore, the park SDC calculation will include data and analysis of persons per dwelling unit for single family and multifamily dwelling units as well as by size of dwelling unit depending on data availability. Initial calculations will include alternatives including park SDC per average dwelling unit, type of dwelling unit and size of dwelling unit depending on data availability. The City will choose the preferred alternative.

BASIS FOR PARK SYSTEM DEVELOPMENT CHARGES: LEVELS OF SERVICE AND PLANS

7. Level of service metric and benchmark

- Aspirational standards are useful for setting goals, but for system development charges the difference between the actual level of service and the desired standards constitute an existing deficiency that cannot be charged to SDCs.
- SDCs that are based on the current actual level of service require new development to match the current level of service so that growth does not impact current parks and recreational facilities. Using the current actual level of service ensures that park SDCs will not address any gaps or deficiencies in acreage or facilities. This coupled with the use of a single citywide service area means that localized reserve capacity or localized deficient capacity do not affect the level of service for the park SDC.
- The existing park SDC methodology uses the current level of service measured in acres or miles depending on the category of park or recreational facility.
- The in-progress update to the Parks, Recreation and Open Space Plan will identify the current inventory of parks and recreational facilities, as well as the level of service goals for each type of park.
- Most cities in Oregon use a level of service metric measured in acres per 1,000 population.
- The city may consider an investment per capita approach for the level of service calculation for the park SDC methodology. Investment per capita measures the current value of all parks, recreational facilities, natural areas, and trails divided by the current population. This alternative approach is a more flexible metric for calculating level of service and accounts for investments and costs for improvements to the park system, beyond acquisition of park land.

Recommendation: The park SDC methodology will leverage the inventory and level of service analysis conducted for the Parks, Recreation and Open Space Plan update. Depending on data availability, the initial park SDC calculations may present an alternative calculation using the investment per capita approach. Completion of the investment per capita alternative is dependent upon the level of detail within the updated park inventory as well as data available to estimate the current value of parks and facilities.

8. Projects in the Capital Improvement Plan and eligible for park SDCs

- State law requires that park projects to be funded with the parks SDC be identified in the capital improvements plan (CIP) or comparable plan and designated as projects that can be funded with SDC revenue.
- McMinnville’s municipal code in MMC 3.10.040(B) states that capital improvements eligible for parks are included in the adopted facilities plans and park master plans.
- The City of McMinnville is in the process of updating its Parks, Recreation and Open Space plan, which will also update the park Capital Improvement Plan.
- The process of updating the PROS plan and CIP will include the identification of projects in the updated list that can be funded with SDC revenue.

Recommendation: City staff noted that the Capital Improvement Plan to be developed through the PROS plan update process will be the basis for projects to be included in the park SDC methodology. The park SDC update will identify the projects, including land acquisition, planning and all other allowable costs in the updated CIP that can be funded with SDC revenue, as well as allowable administrative costs. The park SDC methodology will also include an appendix that summarizes the park capital improvement projects including projects eligible for park SDCs and the funding planned for these projects, if any.

9. Availability and use of other funding sources for park acquisition and development

- The 2022-2023 City of McMinnville budget does not include significant revenue sources to fund parks capital projects beyond collected SDCs. Past and potential future sources of revenue include both grants and donations.
- If other funding sources have been secured for parks projects eligible for SDCs, the park SDC methodology should account for the availability of these other funds. In particular, the park SDC

methodology should account for the availability of any previously collected park SDC funds, if any, to avoid double-charging new development for planned projects.

- The updated park Capital Improvement Plan developed in the process of the PROS update will include any secured funding sources for parks capital projects, if any. Any uncommitted funding sources can be assigned to projects not eligible for SDC funding. If these funding sources exceed the costs for projects that are not eligible for park SDCs, the surplus is used to reduce the costs that are otherwise eligible for park SDCs.

Recommendation: City staff indicate that no other secured funding sources for parks capital projects currently exist. The park SDC calculations will account for the availability of any previously collected park SDCs and will estimate the amount of other funding sources, if any, that will be available for parks capital projects that provide capacity to serve new development.

IMPLEMENTATION ISSUES

10. Relationship to any other mitigation requirements for parks and recreation

- To avoid double-charging new development for the same park impact, the park SDC methodology should account for any other existing mitigation requirements for parks and recreation facilities.
- No other forms of mitigation are included in the current park SDC methodology.

Recommendation: City staff indicate that there are currently no other forms of mitigation for parks and recreation. The park SDC methodology will not need to include any transition from, or credits for, previous mitigations for parks and recreation.

11. Exemptions from Park SDCs

- The city's SDC code provides for a limited number of specific exemptions from the park SDC. These include alteration, addition, remodel, replacement, or change in use that does not increase the capacity of the development.
- The Municipal Code also includes an exemption for affordable housing that meets specific requirements, however, this exemption is not currently applicable to park SDCs.

Recommendation: City of McMinnville staff mentioned considering adopting an exemption for affordable housing consistent with the existing exemption applicable to other SDCs. However, staff indicated interest in

exploring the availability of other funding sources to provide for the exemption, ensuring that funding for parks capital improvements is not reduced. City staff should review the current exemptions and any other potential exemptions and recommend changes that may be appropriate during the park SDC update.

12. Annual inflation adjustment

- The cost of park land and park improvements generally increase over extended periods of time, but park SDCs are not generally updated regularly.
- Many park SDCs include an annual inflation adjustment so that the SDCs keep up with the increased costs of land and improvements.
- MMC 3.10.020 implements an annual inflation adjustment calculated each January based on the change in the Engineering News Record Construction Index (ENR Index) for Seattle, Washington. This index applies to all types of SDCs.

Recommendation: City staff generally indicated satisfaction with the existing adopted annual inflation adjustment, but also expressed interest in exploring a composite annual index for parks SDCs to factor in the different rate of increase in the cost for land acquisition compared to construction costs. The park SDC should continue to use the adopted annual inflation adjustment currently outlined in the McMinnville Municipal Code. As the city completes updates to SDCs beyond parks, they may consider a composite index for parks.



PROCLAMATION

Whereas, Women’s History Month is a celebration of women’s contributions to history, culture and society and has been observed annually in the month of March in the United States since 1987; and

Whereas, Women’s History Month is a dedicated month to reflect on the often-overlooked contributions of women to United States history; and

Whereas, McMinnville women of every race, class, and ethnic background have made historic contributions to the growth and strength of our city in countless ways; and

Whereas, McMinnville women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of the City by constituting a significant portion of the labor force, working both inside and outside of the home; and

Whereas, McMinnville women have played a unique role throughout the history of the City by comprising the majority of the volunteer labor force of the City; and

Whereas, McMinnville women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our City; and

Whereas, McMinnville women of every race, class, and ethnic background served as early leaders in the forefront of every major social change movement; and

Whereas, McMinnville women have courageously served our country in the national and state armed forces; and

Whereas, McMinnville women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the industrial labor movement, the civil rights movement, and other peaceful movements, which create a more fair and just society for all; and

Whereas, McMinnville women of every race, class, ethnicity, gender identity and sexual orientation continue to make strides in reclaiming their rightful leadership roles in our collective histories, our present, and our future.

NOW, THEREFORE, I, Remy Drabkin, Mayor of the City of McMinnville do hereby proclaim *that March is designated as*

Women’s History Month

in the City of McMinnville and do recommend its observance with appropriate programs, ceremonies, and activities. I also invite all to visit www.WomensHistoryMonth.gov and www.womenshistory.org to learn more about the generations of women who have left enduring imprints on our history

IN WITNESS WHEREOF, I have hereunto set my hand and caused the OFFICIAL Seal of the City of McMinnville to be affixed this 28th day of February, 2023.

Remy Drabkin, Mayor



STAFF REPORT

DATE: February 28, 2023
TO: City Council
CC: Arnold Poole, Municipal Court Judge and Jason Carbajal, Municipal Court Supervisor
FROM: Jennifer Cuellar, Finance Director
SUBJECT: Municipal Judge IGA with City of Toledo

Strategic Priority and Goal



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in brief

The McMinnville Municipal Judge works part time for the City of McMinnville and also serves other cities as their municipal court judge.

The purpose of this Intergovernmental Agreement (IGA) is for each city to acknowledge awareness that Judge Poole is serving more than one jurisdiction and to protect the Judge from allegations of "dual office holding" under the Constitution.

Discussion

In the Circuit Court for Columbia County, a sitting municipal court judge has been challenged as being in violation of the dual office holding prohibition in the Oregon Constitution. An Intergovernmental Agreement pursuant to ORS 221.335 will protect the Judge from similar allegations.

The IGA with the City of Toledo establishes that court staff will work together to address any scheduling concerns that may arise from Judge Poole working for more than one court. As a practical matter, the standing dates for court sessions in McMinnville and Toledo are different so we are not anticipating difficulties in maintaining McMinnville's court calendar or the need for much coordination in this area.

The City of McMinnville employment contract with the Judge is for part time services and does not prohibit him from working as a judge in other jurisdictions.

Options for Council Action

Approve the IGA – this will protect the Judge from the issue of dual office holding as well as the City of McMinnville to the extent that the organization would be exposed to liability in this area. (staff recommendation)

Decline to enter into the IGA – this will increase risk to the Judge, and potentially the city as well.

Attachments

1. Resolution No. 2023- 11
2. IGA between the Cities of McMinnville and Toledo

RESOLUTION NO. 2023 - 11

A Resolution authorizing the approval of an intergovernmental agreement between the city of McMinnville and the city of Toledo Oregon regarding Municipal Judge appointments.

RECITALS:

The City of McMinnville employs a municipal judge part time by contract.

The City of Toledo also employs the same person to be its part time municipal judge.

The schedules of the two courts allow that the activities of each will not generally come into conflict with each other. In the event that scheduling issues arise, the municipal court supervisors will resolve them to the mutual satisfaction of both courts.

An intergovernmental agreement pursuant to ORS 221.335 will protect the judge and jurisdictions from being in violation of the dual office holding prohibition in the Oregon Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into an agreement with the City of Toledo acknowledging that both jurisdictions employ the same person to act as Municipal Court Judge in both jurisdictions is approved.
2. The Mayor is hereby authorized and directed to sign the agreement between the City of Toledo and the City of McMinnville.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a meeting held the 28th day of February 2023 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of February 2023.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

**INTERGOVERNMENTAL AGREEMENT
FOR MUNICIPAL COURT JUDGE
The City of McMinnville, Oregon and the City of Toledo, Oregon**

This Agreement is entered into this _____ day of _____, 2023 by and between **THE CITY OF MCMINNVILLE**, Oregon, and **THE CITY OF TOLEDO**, Oregon.

RECITALS

- A. ORS 190.010 permits units of local government to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has authority to perform; and
- B. ORS 221.355 expressly provides that one City may enter into an intergovernmental agreement with another City for the provision of judicial services; and
- C. ORS 221.355 further provides that such exercise of jurisdiction under an intergovernmental agreement shall not constitute the holding of more than one office in violation of Article II, Section 10 of the Oregon Constitution; and
- D. The City of Toledo pays Judge Arnold W. Poole (“the Judge”) a flat fee as an independent contractor as its Municipal Court Judge; and
- E. The City of McMinnville has since hired a new Municipal Court Judge, Judge Poole; and
- F. In the Circuit Court for Columbia County, Oregon, a sitting municipal court judge has been challenged as being in violation of the dual office holding prohibition in the Oregon Constitution. CIS is defending; and
- G. An Intergovernmental Agreement pursuant to ORS 221.335 will protect the Judge from allegations of “dual office holding” under the Constitution.

NOW, THEREFORE, in consideration for the mutual covenants contained herein the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **RECITALS.** The recitals set forth above are true and correct and are incorporated herein by this reference.
2. **DURATION.** [ORS 190.020(1)(e)]. This Agreement shall be effective upon approval and execution by both City of McMinnville and the City of Toledo. The term of this Agreement shall commence December 1, 2022 and shall terminate on November 30, 2027, unless administratively extended in writing as provided for herein. The McMinnville City

Manager may extend this Agreement by twelve (12) months by indicating in writing to the City of Toledo that an extension of the Agreement is sought under the same terms and conditions of this Agreement. The extension shall also be effective upon receipt of a document from an authorized representative of the City of Toledo that the City of Toledo agrees to the extension under the same terms and conditions.

3. **FUNCTIONS OR ACTIVITIES.** [ORS 190.020(1)]. The City of Toledo shall make available to the City of McMinnville, its independent contractor, not employee, Arnold W. Poole (the Judge) to act as Municipal Court Judge for the City of McMinnville on those dates and at those times as are agreed upon between the Judge and the City of McMinnville, provided such dates and times do not conflict with the City of Toledo Municipal Court proceedings. The Judge's calendar shall be accordingly coordinated through the respective Municipal Court Clerks. Generally, in Toledo, Municipal Court is conducted the 4th Thursday of each month (about one 3 hour period per month).

The Toledo Municipal Court Judge providing services to McMinnville pursuant to this Agreement shall have all judicial jurisdiction, authority, powers, functions, and duties of the Municipal Court of the City of McMinnville under the Charter and laws of McMinnville with respect to any and all violations of the Charter, Oregon Statutes, or City ordinances.

4. **PAYMENT.** [ORS 190.020(1)(a)]. The City of McMinnville pays the Judge directly as a contract employee, for an average estimated 15 hours per week. In addition, the City of McMinnville will report hours worked for the City of McMinnville to PERS and make any PERS payment, if any, required based on the Judge's eligibility based on the aggregate number of hours worked in different jurisdictions. The City of McMinnville is not responsible for payment to PERS for hours worked in other jurisdictions. Notwithstanding the above, it is the Judge's responsibility to ensure that all employers are reporting / paying PERS should his aggregate hours of service qualify. However, notwithstanding the preceding sentence, the City of Toledo will continue to pay the Judge as an independent contractor. No payment shall be required to the City of Toledo from the City of McMinnville. The City of Toledo and the City of McMinnville reserve the right to negotiate and amend their respective and separate employment contracts and /or terms with the Judge without the consent of the other City.

5. **REVENUE.** [ORS 190.020(1)(b)]. All fines, costs, assessments, receipts, and forfeited security deposits collected shall be paid to the respective prosecuting city, as shall be disbursed as required by statute. No revenues are contemplated to be shared. There are no revenues expected to be derived pursuant to this Agreement which need to be apportioned between the parties.

6. **PERSONNEL.** [ORS 190.020(1)(c)]. No employees will be transferred pursuant to this Agreement but the Parties consent and agree to the Judge performing services under this Agreement for both jurisdictions. The parties will separately contract as an independent contractor / employ the Judge under terms and conditions to be agreed upon by the

respective parties. With the exception of any hours of PERS eligible work, the parties are not required to share information.

The City of Toledo and the City of McMinnville remain subject employers under ORS Chapter 656, and shall procure and maintain current valid workers compensation insurance coverage for all subject workers throughout the period of this Agreement as required by law. This Agreement does not change the status of any employee, independent contractor or officer of the respective Cities.

7. **REAL OR PERSONAL PROPERTY.** [ORS 190.020(1)(d)]. There shall be no transfer of title or possession to any real or personal property pursuant to this Agreement.

8. **TERMINATION.** [190.020(1)(f)]. This Agreement may be terminated by mutual consent by both parties; or unilaterally by either party at any time, upon ninety (90) days notice in writing, and delivered by certified mail or personal service. Such termination shall be without prejudice to any obligations or liabilities of either party accrued prior to such termination.

9. **INDEMNITY / HOLD HARMLESS.**

9.1 Subject to the limitations of the Oregon Constitution, and the Oregon Tort Claims Act, the City of McMinnville shall hold harmless, defend and indemnify the City of Toledo from any and all claims, demands, damages or injuries that anyone may have or assert by reason of any error, act or omission of Party for claims arising out of or in any way associated with the Judge in the performance of the Judge's duties as Municipal Court Judge for the City of McMinnville. Subject to the limitation of the Oregon Constitution and the Oregon Tort Claims Act, the City of Toledo shall hold harmless, defend and indemnify the City of McMinnville from all claims, demands, damages or injuries that anyone may have or assert by reason of any error, act or omission of Party for claims arising out of or in any way associated with the Judge in the performance of the Judge's duties as Municipal Court Judge for the City of Toledo. The Parties shall not be held responsible for any claims, actions, costs, judgments or other damages, directly and proximately caused by the criminal or wanton acts of the other Party's employees or the negligence of such employees. Such indemnification shall also cover claims brought against any Party under state or federal employees' compensation laws. It is the intention of the parties, to be solely responsible for the actions of the Judge acting with full judicial power of the respective Cities within or for their local jurisdiction pursuant to this Agreement. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.

9.2 A Party nor any attorney engaged by a party may not defend a claim in the name of another party, nor purport to act as legal representative of the other Party without

consent of the other Party's attorney. Parties may not settle any claim on behalf of another Party without the approval of the other Party.

9.3 The Parties agree that they are not agents of each other and are not entitled to statutory indemnification and defense under ORS 30.285 and ORS 30.287.

10. **METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS.** All notices, bills, and payments shall be made in writing and may be given by personal delivery or by mail. Notices, bills, and payments sent by mail should be addressed as follows:

City of McMinnville
Attn: Jeff Towery, City Manager
230 NE 2nd Street
McMinnville, OR 97128
Phone: (503) 434-7302
Jeff.Towery@mcminnvilleoregon.gov

City of Toledo
Attn: Judy Richter, City Manager
P.O. Box 220
Toledo, Oregon 97391
Phone: 541-336-2247
judy.richter@cityoftoledo.org

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills, and payments shall be deemed given at the time of actual delivery. Changes may be made to the names and addresses of the person to whom notices, bills, and payments are to be given by providing notice pursuant to this paragraph.

11. **MERGER.** This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in two (2) duplicate originals, either as individuals, or by their officers, thereunto duly authorized.

Dated this _____ day of _____, 2023.

City of McMinnville, Oregon

City of Toledo, Oregon

By: _____
Remy Drabkin, Mayor

By: _____
Rod Cross, Mayor

Approved as to Form:

Approved as to Form:

City Attorney

City Attorney

STAFF REPORT

DATE: February 28, 2023
TO: Mayor and City Councilors
FROM: Noelle Amaya, Communication & Engagement Manager
SUBJECT: Resolution No. 2023-12 Diversity, Equity & Inclusion Advisory Committee
Appointment of Members into the (2) vacant member and (1) ex-officio
positions

STRATEGIC PRIORITY & GOAL:



ENGAGEMENT & INCLUSION

Create a culture of acceptance & mutual respect that acknowledges differences & strives for equity.

OBJECTIVE/S: Grow City's employees and Boards and Commissions to reflect our community

Report in Brief:

This is the consideration of Resolution No. 2023-12, which appoints Caitlin Nemeth and Katherine Martin into the vacant member positions and Dianne Rhee into the vacant ex-officio position.

Caitlin Nemeth term ending December 31, 2027.
Katherine Martin term ending December 31, 2027.
Dianne Rhee term ending December 31, 2025.

Background:

On October 6, 2020, the City Council approved Ordinance No. 5097 establishing a Diversity, Equity & Inclusion Advisory Committee (DEIAC).

The DEIAC is responsible for the following:

- 1) Advising the Council on policy decisions related to diversity, equity, and inclusion;
- 2) Making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process;
- 3) Advising the City on culturally responsive service delivery, programming, and communication strategies;
- 4) Updating and overseeing progress on the City's Diversity, Equity and Inclusion Plan;
- 5) Overseeing progress on applicable goals and objectives in the 2019 Mac-Town 2032 Strategic Plan; and
- 6) Identifying local leaders and building leadership capacity in McMinnville's communities of color.

The City Council approved Resolution No. 2022-11 at the February 22, 2022 City Council Meeting, appointing two ex-officio members with terms expiring December 31, 2025.

Discussion:

The committee voted unanimously to move ex-officio member Abby Thomas into the vacant member position during the June 9, 2022 DEIAC meeting, leaving one ex-officio position open. This position has been open since the most recent recruitment whereas two vacancies became available upon December 31, 2022.

Current membership and term lengths of the Diversity, Equity & Inclusion Advisory Committee is as follows:

Karina Alcantara (youth liaison)	Expires: December 31, 2023
Efrain Arredondo	Expires: December 31, 2024
Christine Bader	Expires: December 31, 2024
Zack Geary (City Council liaison)	Expires: December 31, 2023
Myrna Khoury (ex officio)	Expires: December 31, 2025
Tony Lai	Expires: December 31, 2024
Larry Miller	Expires: December 31, 2023
Abby Thomas	Expires: December 31, 2024

Attachments:

1. Resolution No. 2023-12
2. Redacted applications

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Recommendation:

It is recommended that the Council move to approve Resolution No. 2023-12 appointing Caitlin Nemeth, Katherine Martin, and Diane Rhee to the Diversity, Equity & Inclusion Advisory Committee.

RESOLUTION NO. 2023-12

A Resolution Appointing Members to the Diversity, Equity, and Inclusion Committee.

RECITALS:

Whereas, The City of McMinnville has several Boards, Committees, Commissions, and Task Forces made up of volunteers; and

Whereas, The City Council is responsible for making appointments to these committees; and

Whereas, The Diversity, Equity & Inclusion Advisory Committee is made up of seven volunteer community members, one City Council liaison and one youth member; and

Whereas, On June 9, 2022, the DEIAC committee voted to move the ex-officio member into the vacant members position and leaving the ex-officio appointment vacant until further recruitment; and

Whereas, The City Council directs the committee to advise the Council on policy decisions to create a more equitable and inclusive community; and

Whereas, The City Council empowers this committee to be bold in their recommendations and advise the Council with thoughtful input, focus, and leadership.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

The City Council appoints the following volunteers to the Diversity, Equity, and Inclusion Advisory Committee as detailed below.

DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE
(2, 3 or 4-year terms)

Caitlin Nemeth	Expires: December 31, 2027
Katherine Martin	Expires: December 31, 2027
Dianne Rhee (ex-officio)	Expires: December 31, 2025

1. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of February, 2023 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of February, 2023.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EMPLOYMENT APPLICATION



CITY OF MCMINNVILLE
 230 NE 2nd St
 McMinnville, Oregon 97128
 503-434-7405
<https://www.mcminnvilleoregon.gov/>
 Martin, Katherine Lee
 FY2022-00086 DIVERSITY, EQUITY, AND
 INCLUSION ADVISORY COMMITTEE
 MEMBER

Received: 11/22/22
 12:28 AM
 For Official Use Only:
 QUAL: _____
 DNO: _____
 Experience
 Training
 Other: _____

PERSONAL INFORMATION

POSITION TITLE: DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE MEMBER		EXAM ID # : FY2022-00086
NAME: (Last, First, Middle) Martin, Katherine Lee		SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		EMAIL ADDRESS: [REDACTED]
HOME PHONE: [REDACTED]		NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVER'S LICENSE: State: [REDACTED] Number: [REDACTED]	
What is your highest level of education? Master's Degree		

PREFERENCES

ARE YOU WILLING TO RELOCATE? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
WHAT TYPE OF JOB ARE YOU LOOKING FOR? Temporary
TYPES OF WORK YOU WILL ACCEPT: Part Time
SHIFTS YOU WILL ACCEPT: Day, Evening

EDUCATION

DATES: From: 9/2011 To: 6/2013	SCHOOL NAME: Oregon State University	DEGREE RECEIVED: Master's
LOCATION: (City, State/Province) Corvallis, Oregon	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
MAJOR: Adult Education		

WORK EXPERIENCE

DATES: From: 9/1996 To: Present	EMPLOYER: Chemeketa Community College	POSITION TITLE: Instructor
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: chemeketa.edu
PHONE NUMBER: [REDACTED]	SUPERVISOR: [REDACTED] - Director - YVC campus	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 2	# OF EMPLOYEES SUPERVISED: 0	

DUTIES: Instructor: First Year Experience classes Career Exploration English as Second Language Advisor Disability Advisor
REASON FOR LEAVING: [REDACTED]

CERTIFICATES AND LICENSES
Nothing Entered For This Section

Skills
Nothing Entered For This Section

ADDITIONAL INFORMATION
Nothing Entered For This Section

REFERENCES
Nothing Entered For This Section

Agency-Wide Questions

1. Are you a current City of McMinnville employee?
No
2. How did you hear about this job opening?
From a friend or relative
3. Do you qualify for Veteran's Preference?
No
4. Do you have any relatives working here?
No
5. If you qualify for Veteran's Preference, indicate which circumstance applies. You may be required to provide proof of military service.
N/A

Job Specific Supplemental Questions

1. How did you hear about this advisory committee opening?
I was contacted by Tony Lai, a former neighbor and member of this committee.
2. List any languages you speak other than English.
I speak Spanish but not fluently.
3. Which is true?
I live in McMinnville
4. Why are you interested on serving on this committee?
I am recently semi-retired and would like to spend some of my time being of service to my community. Last year I served on the Rental Inspection Program committee as an owner of a 4plex building in McMinnville. It was a good experience and I'd like to continue to involve myself in areas that reflect my background and experience.
5. Briefly describe your professional and personal background, including any experience relevant to this committee:
I have lived in McMinnville for over 30 years and worked in many areas of education that span age groups from preschool through college. I have taught English as Second Language classes to diverse groups of students at Chemeketa for many years, assisted in a school district classroom with preschoolers who were targeted as being at risk for language development, taught reading strategies to young children and adults of all ages and abilities, worked with adult students who returned to school to attain a GED after dropping out of high school, and spent close to ten years as a disability and accommodations advisor to college students at both Chemeketa and Linfield.
I have been an advocate for people of all ages, but am drawn to those who struggle to be understood and don't know how to give voice to their questions and concerns.
6. Share an example of when you have expanded your understanding of and/or built relationships with people of different backgrounds than your own; and/or advocated for diversity, equity, and/or inclusion:
I have always been fascinated with other cultures and how they differ from ours. At the same time, my interest has taken me into jobs that focus on the different ways that people learn. Understanding learning styles, individual strengths, and the ways to maximize those strengths to level the playing field have been how I've approached my interaction with students and co-workers throughout my career. Seeing and helping them visualize what they can do instead of what they can't has regularly been my goal. There were times when I worked with professors to help them understand how to adjust their assignments to students with accommodations. It was a collaborative process most of the time, although sometimes it wasn't easy. I convinced the other advisors at Chemeketa to stagger our work schedules so we could accommodate evening students who didn't begin classes until 7 pm. Normally, advisors went home at 5pm, but we changed it so there was a late shift on Tuesday and Thursday evenings.
7. Share an example of when you have expanded your understanding of and/or built relationships with people of different backgrounds than your own; and/or advocated for diversity, equity, and/or inclusion:
8. Is there anything else you would like to share with the DEIAC?
I believe that we are experiencing a social upheaval in this time period, where hatred, vitriol, and violence against those who are "different" has made it difficult to believe that we have taken any positive steps forward in the area of diversity, equity, and inclusion. However, we will continue to work toward our goals of a more equitable society as long as we are willing to listen and communicate with others and try our best to understand their needs, strengths, and vulnerabilities. We also can't give up on educating others who might have different views, while at the same time trying to see the world through their eyes.

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me. or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of McMinnville and will not be returned. I understand that the City of McMinnville may contact prior employers and other references. I understand that I may be required to pass a criminal background check as a condition of employment. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Katherine Lee Martin on 11/22/22 12: 28 AM

Signature_____

Date_____

EMPLOYMENT APPLICATION



CITY OF MCMINNVILLE
 230 NE 2nd St
 McMinnville, Oregon 97128
 503-434-7405
<https://www.mcminnvilleoregon.gov/>
 Nemeth, Caitlin E.
 FY2022-00086 DIVERSITY, EQUITY, AND
 INCLUSION ADVISORY COMMITTEE
 MEMBER

Received: 1/12/23 3:12
 PM
 For Official Use Only:
 QUAL: _____
 DNO: _____
 Experience
 Training
 Other: _____

PERSONAL INFORMATION

POSITION TITLE: DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE MEMBER		EXAM ID # : FY2022-00086
NAME: (Last, First, Middle) Nemeth, Caitlin E.		SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		EMAIL ADDRESS: [REDACTED]
HOME PHONE: [REDACTED]		NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVER'S LICENSE: State: [REDACTED] Number: [REDACTED]	
What is your highest level of education? Master's Degree		

PREFERENCES

ARE YOU WILLING TO RELOCATE? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

EDUCATION

DATES: From: 8/2020 To: 7/2021	SCHOOL NAME: University of Colorado-Denver	
LOCATION: (City, State/Province) Denver, Colorado	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Master's
MAJOR: Public Administration (Nonprofit management focus)		UNITS COMPLETED: 4 - Quarter
DATES: From: 8/2013 To: 5/2017	SCHOOL NAME: Caitlin Nemeth	
LOCATION: (City, State/Province) Williamsburg, Virginia	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Bachelor's
MAJOR: Public Health Policy, English		UNITS COMPLETED: 8 - Semester

WORK EXPERIENCE

DATES: From: 9/2022 To: Present	EMPLOYER: Yamhill County Public Health	POSITION TITLE: Health Equity Coordinator
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: https://www.co.yamhill.or.us/
PHONE NUMBER: [REDACTED]	SUPERVISOR: [REDACTED] - Public Health Division Manager	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

DUTIES:

As part of a supervisor team, I recruited and coached callers for William & Mary's Phonathon, oversaw professional development training and programming for student callers, organized and hosted professional development seminars on a variety of skills including resume building, mock interviews, cover letter editing, and Excel and other MS Suite products. Within the phone room, I created assignments for callers in the system CampusCall, mentored new callers, coached employees, and boosted morale throughout shifts. I was promoted from student caller to lead caller to professional development supervisor during my three years at W&M Phonathon. As a student caller, I built relationships with alumni and other associates to raise funds that support the college's academic departments, student activities, scholarship programs, research projects, athletic leagues, etc.

REASON FOR LEAVING:

[Redacted]

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

OFFICE SKILLS:

Typing: 95
Data Entry: 0

OTHER SKILLS:

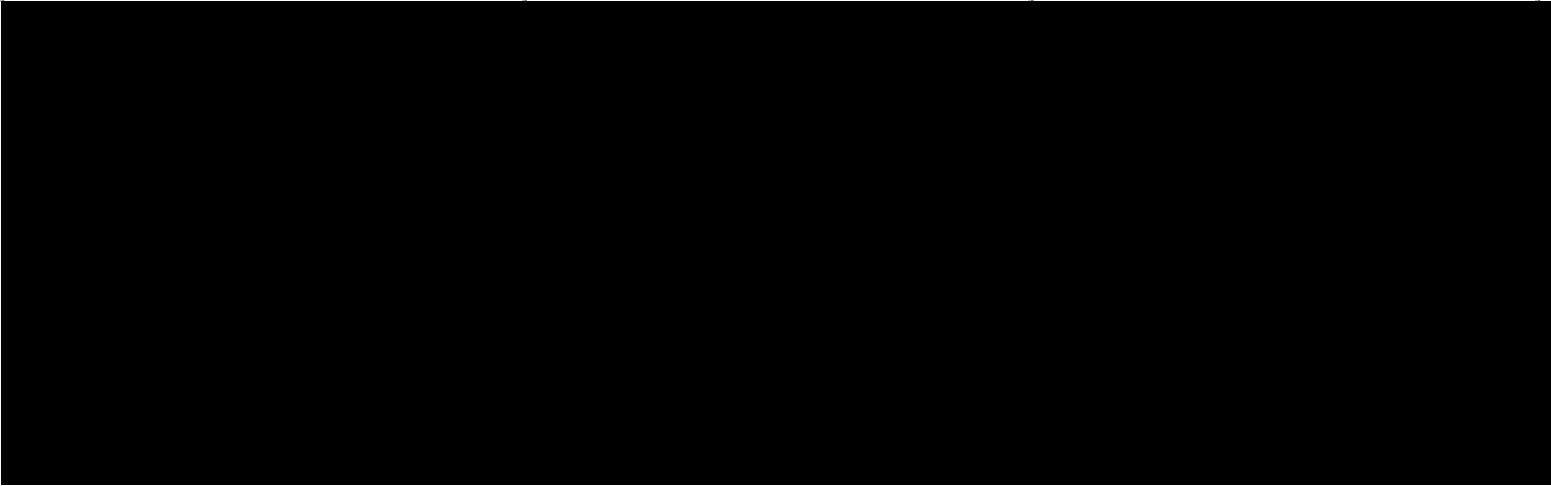
LANGUAGE(S):

Spanish - Speak Read Write

ADDITIONAL INFORMATION

Volunteer Experience
Intern/Volunteer at Avalon Center
Volunteer Experience
Volunteer at Children's Well-Being Foundation
Interests & Activities
Social Equity Series for School of Public Affairs-UCD-Denver, 2020-21
Peer Support Network for Peace Corps-The Gambia, May 2017-May 2018
Volunteer Experience
W&M Peer Advisor, 2015-2016
Honors & Awards
Dean's List, Spring 2015 and Spring 2017
Technical
In early 2020 I took a COVID-19 Contact Tracing course authorized by Johns Hopkins University.

REFERENCES



Agency-Wide Questions

1. Are you a current City of McMinnville employee?
No
2. How did you hear about this job opening?
Professional Association
3. Do you qualify for Veteran's Preference?
No
4. Do you have any relatives working here?
No
5. If you qualify for Veteran's Preference, indicate which circumstance applies. You may be required to provide proof of military service.
N/A

Job Specific Supplemental Questions

1. How did you hear about this advisory committee opening?
From Noelle Amaya who presented at the Latinx Advocacy Coalition meeting
2. List any languages you speak other than English.
Spanish (conversational)
3. Which is true?
I live in McMinnville
4. Why are you interested on serving on this committee?
As a new community member to McMinnville (and the state--I moved from Virginia this past summer), I want to get involved in improving my home. A lot of the improvements I want to see in our community are around accessibility, inclusion, and belonging.
5. Briefly describe your professional and personal background, including any experience relevant to this committee:
I am a white person from Virginia, where I was raised and attended primary and secondary schools. In 2017 I joined the Peace Corps and lived abroad in The Gambia in West Africa for 2 years, working as a Community Health Volunteer. I supported Gambians in their capacity as health workers, often promoting vaccines, complementary healthy foods, and first aid. After returning to the States, I worked as a Community Outreach Specialist for the National Peace Corps Association and was part of the organization's Racial Justice Working Group. During that time, I also attended graduate school for my Master's in Public Administration, and my capstone project examined the workplace culture of equity, diversity, and inclusion within Jefferson County, Colorado. I wanted to continue working in a similar capacity, and I was fortunate enough to get a position doing work here in Oregon for Yamhill County as the Health Equity Coordinator, which combines my two passions -- EDI and public health.
6. Share an example of when you have expanded your understanding of and/or built relationships with people of different backgrounds than your own; and/or advocated for diversity, equity, and/or inclusion:
As a white person with immense privilege, it wasn't until I stepped away from the U.S. that I had the capacity to unpack my internal biases and prejudices about religions, ethnicities, countries, and parts of the world I was unfamiliar with yet had formed opinions on. My time in The Gambia was invaluable for my anti-racism journey, because I truly understood, perhaps for the first time consciously, what it meant to be white and carry privilege and how the way I move through this world is vastly different from those people who do not share that privilege. In particular, as a white American, I held some Islamophobic views that I had to challenge once I lived in a predominantly Islamic culture. For example, my understanding of polygamy transformed during those two years as I saw the practice within my host family and community. I now have a better understanding of the cultural significance and meaning behind the practice than before I lived in an Islamic community.
7. Share an example of when you have expanded your understanding of and/or built relationships with people of different backgrounds than your own; and/or advocated for diversity, equity, and/or inclusion:
I was raised Catholic and attended Catholic elementary school, so it wasn't until middle and high school where I was around "out" LGBTQIA+ people. This out and proud mentality was so vastly different to what I was used to, but I wanted to learn and unpack the homophobia and transphobia I had learned from the church. Those relationships with queer individuals during my adolescence greatly informed my personal journey, because through those friendships I came to understand my own gender identity and sexual orientation, and how "cis" and "straight" don't really define me.
8. Is there anything else you would like to share with the DEIAC?

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me. or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of McMinnville and will not be returned. I understand that the City of McMinnville may contact prior employers and other references. I understand that I may be required to pass a criminal background check as a condition of employment. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Caitlin E. Nemeth on 1/12/23 3:12 PM

Signature_____

Date_____

EMPLOYMENT APPLICATION



CITY OF MCMINNVILLE
230 NE 2nd St
McMinnville, Oregon 97128
503-434-7405

<https://www.mcminnvilleoregon.gov/>

Rhee, Dianne
FY2022-00086 DIVERSITY, EQUITY, AND
INCLUSION ADVISORY COMMITTEE
MEMBER

Received: 1/12/23 10:43
AM

For Official Use Only:

QUAL: _____

DNO: _____

Experience

Training

Other: _____

PERSONAL INFORMATION

POSITION TITLE: DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE MEMBER	EXAM ID# : FY2022-00086
NAME: (Last, First, Middle) Rhee, Dianne	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]	EMAIL ADDRESS: [REDACTED]
HOME PHONE: [REDACTED]	NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
What is your highest level of education? Master's Degree	

PREFERENCES

ARE YOU WILLING TO RELOCATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
WHAT TYPE OF JOB ARE YOU LOOKING FOR? Regular
TYPES OF WORK YOU WILL ACCEPT: Full Time, Part Time
SHIFTS YOU WILL ACCEPT: Day, Evening, Night, Rotating

EDUCATION

DATES: From: 9/2011 To: 12/2013	SCHOOL NAME: Simmons College	
LOCATION: (City, State/Province) Boston , Massachusetts	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Master's
MAJOR: Library and Information Science		
DATES: From: 9/2007 To: 5/2009	SCHOOL NAME: Brandeis University	
LOCATION: (City, State/Province) Waltham , Massachusetts	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Master's
MAJOR: English and American Literature / Women's, Gender, & Sexuality Studies		
DATES: From: 9/2001 To: 8/2005	SCHOOL NAME: University of Washington	
LOCATION: (City, State/Province) Seattle , Washington	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Bachelor's

MAJOR:
English Literature / Classical Studies and History

WORK EXPERIENCE

DATES: From: 5/2022 To: Present	EMPLOYER: Yamhill County	POSITION TITLE: Senior Office Specialist
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: https://hhs.co.yamhill.or.us/publichealth
PHONE NUMBER: [REDACTED]	SUPERVISOR: [REDACTED] - Nursing Supervisor	MAY WE CONTACT THIS EMPLOYER? <input type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	# OF EMPLOYEES SUPERVISED: 0	
DUTIES: Duties include but are not limited to: * Vital Records * Reception * Customer service * Office management		
REASON FOR LEAVING: [REDACTED]		
DATES: From: 10/2021 To: Present	EMPLOYER: Brookdale Senior Living	POSITION TITLE: Receptionist/Concierge
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: www.brookdale.com
PHONE NUMBER: [REDACTED]	SUPERVISOR: [REDACTED] - Director of Financial Services	MAY WE CONTACT THIS EMPLOYER? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
HOURS PER WEEK: 40	# OF EMPLOYEES SUPERVISED: 0	
DUTIES: * Responsibilities increased to Office Manager level of work within a 6 month time frame because of excellent attention to detail, organization, and increased efficiency in all aspects of the position since starting. * Re-organized and increased efficiency of administrative tasks in reception, as well as in dining, facilities, and the programs department, filling in whenever and wherever needed, e.g. serving, starting media, event sign-ups, enforcing policies, etc. * A front facing position where residents, visitors, vendors, and staff are greeted and signed-in in a professional and courteous manner, while also setting a comfortable and approachable environment for all persons who come to the front desk. * Direct customer support emails and calls to appropriate departments/staff, while simultaneously prioritizing and completing administrative tasks such as sorting/delivering incoming and outgoing mail, ensuring policies are implemented properly, scheduling/booking meetings, creating work orders, and copying/filing new files daily. * Frequently assist with the managing and training of other receptionists.		
REASON FOR LEAVING: [REDACTED]		
DATES: From: 1/2020 To: 3/2020	EMPLOYER: City of McMinnville	POSITION TITLE: Assistant Site Director
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: https://www.mcminnvilleoregon.gov/
SUPERVISOR: [REDACTED] - Site Director	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
HOURS PER WEEK: 12	# OF EMPLOYEES SUPERVISED: 5	
DUTIES: * Regularly guided both children and staff as needed, as well as led games and provided instruction for activities in a safe and controlled manner.		
REASON FOR LEAVING: [REDACTED]		
DATES: From: 8/2016 To: 8/2018	EMPLOYER: Massachusetts Institute of Technology	POSITION TITLE: Resource Sharing Assistant
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: https://libraries.mit.edu/
PHONE NUMBER: [REDACTED]	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
HOURS PER WEEK: 35	# OF EMPLOYEES SUPERVISED: 2	
DUTIES: * Facilitate access to MIT library materials for reciprocal borrowers, academic and public libraries, and private institutions by processing ILL requests using various databases and software, processing over 3000 requests alone in the past year. * Deliver excellent and thoughtful customer service by text, phone, and in-person by understanding user/customer needs and resolving issues or questions quickly with excellent communication skills within and outside of the United States. * Cross-trained among different units in ILL to assist in borrowing, lending and delivery to keep work levels at a manageable rate while meeting time sensitive requests via effective team work. * Organize and prioritize accordingly among committees, ILL tasks, circulation desk duties, book delivery, and workshops for a seamless operation within and outside the libraries.		

REASON FOR LEAVING: [REDACTED]		
DATES: From: 6/2014 To: 8/2016	EMPLOYER: U.S. Attorney's Office	POSITION TITLE: Research Librarian
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]		COMPANY URL: http://www.justice.gov/usao-ma
PHONE NUMBER: [REDACTED]	SUPERVISOR: [REDACTED] - Librarian	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	# OF EMPLOYEES SUPERVISED: 0	
DUTIES: * Conducted research on health care fraud, economic crimes, public corruption, and anti-terrorism, while providing reference, database, tech assistance to interns/attorneys. * Self-taught Sharepoint and updated subject guides/documentation and the library research portal to improve usability; as well as processed items in the central library catalog, periodicals, and ILL requests. * Assisted with Westlaw and Lexis database training and troubleshooting frequently. * Sent out daily office-wide news alerts for press analysis and public coverage.		
REASON FOR LEAVING: [REDACTED]		

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

OFFICE SKILLS:

Typing: 65
Data Entry: 0

OTHER SKILLS:

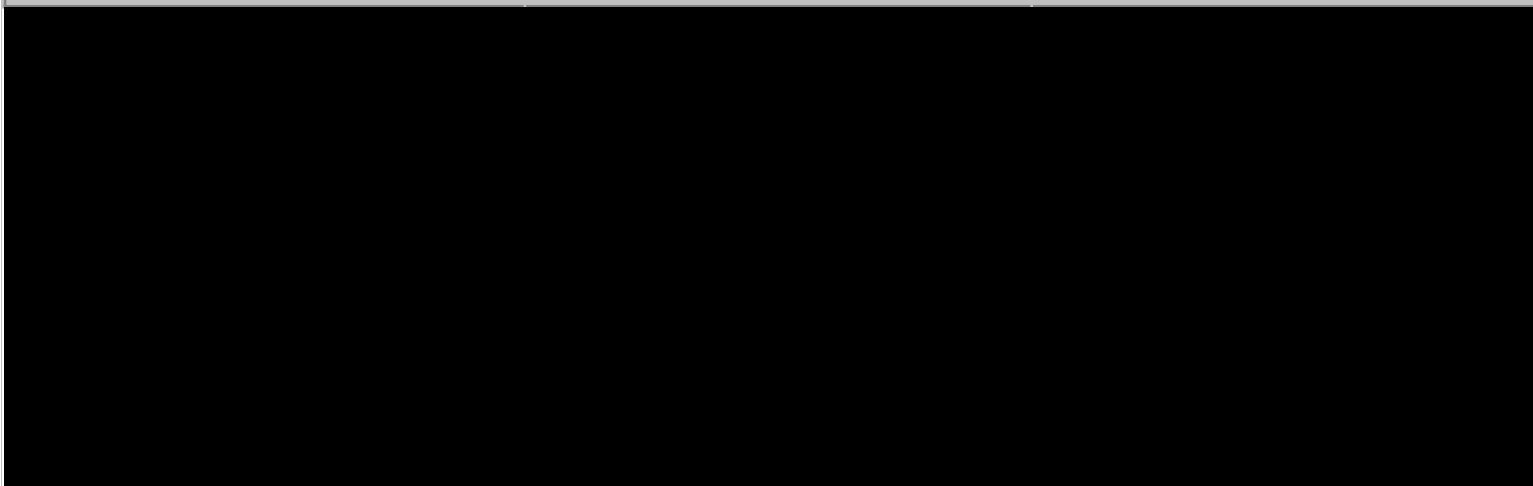
LANGUAGE(S):

Korean - Speak Read Write
German - Speak Read Write

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES



Agency-Wide Questions

1. Are you a current City of McMinnville employee?
No
2. How did you hear about this job opening?
Other
3. Do you qualify for Veteran's Preference?
No
4. Do you have any relatives working here?
No
5. If you qualify for Veteran's Preference, indicate which circumstance applies. You may be required to provide proof of military service.
N/A

Job Specific Supplemental Questions

1. How did you hear about this advisory committee opening?
Coworker
2. List any languages you speak other than English.
Korean
3. Which is true?
I live in McMinnville
4. Why are you interested on serving on this committee?
These topics affect me on a personal level on a daily basis and I am passionate for making the necessary, positive changes so other community members who are similarly facing discrimination have the support and resources available to them. I have a graduate degree in these topics and have faced discrimination first-hand as an Asian woman here in McMinnville. I believe this additional insight from a person who is directly affected by this, with academic education of these issues, and a desire to create positive outcomes may be beneficial for this committee.
5. Briefly describe your professional and personal background, including any experience relevant to this committee:
I am a person of color who grew up in a place that began as a "whites only" state and have faced casual to extreme forms of racism that directly targeted my entire family, so I'm intimately aware of the discrimination that exists here in the city. I have pursued education in topics of race, gender, & sexuality on a graduate level and continue to education myself on these topics. I am part of the DEI committee here at my job for the County as well. My knowledge of these topics are not limited to just Asian Americans and I make effort to understand the layers and levels of how insidious various forms of discrimination affect everyone who it does not benefit.
6. Share an example of when you have expanded your understanding of and/or built relationships with people of different backgrounds than your own; and/or advocated for diversity, equity, and/or inclusion:
When I left the state of Oregon to pursue my education and career, I had an opportunity to meet people from all walks of life. People of different nations, ethnicities, religions, and so on. This has helped expand my empathy and knowledge of all of this is very interconnected. It's different reading about different types of people versus having met and worked with them. I am constantly advocating for myself in my interpersonal and professional relationships as an Asian woman because of preconceived notions of what Asian women are like and are stereotyped to be. I have had to advocate and support disabled coworkers and other races in prior jobs with negative consequences personally and professionally. This is something I would like to prevent happening elsewhere.
7. Share an example of when you have expanded your understanding of and/or built relationships with people of different backgrounds than your own; and/or advocated for diversity, equity, and/or inclusion:
Living in Boston has provided me with an experience that required me to work with those of the Jewish faith and international students from all continents (except Antarctica). I have had to advocate for myself, friends, and coworkers who have faced discrimination and different treatment from others in both interpersonal and professional ways. I try to call out people whenever possible to hold them accountable for their choices and have supported other coworkers and friends who have experienced discrimination with the offending party not being held accountable or had consequences for their harmful actions.
8. Is there anything else you would like to share with the DEIAC?
I would love to be part of a committee that works toward a positive future for all of us.

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept & Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me. or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of McMinnville and will not be returned. I understand that the City of McMinnville may contact prior employers and other references. I understand that I may be required to pass a criminal background check as a condition of employment. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Dianne Rhee on 1/12/23 10: 43 AM

Signature_____

Date_____

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, November 22, 2022 at 7:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Claudia Cisneros

Councilors: Present Absent
Adam Garvin, Council President
Kellie Menke
Zack Geary
Chris Chenoweth
Sal Peralta via Zoom (joined @ 7:02pm)
Jessica Payne

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, Phil Guzzo, 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

Mayor Drabkin led the pledge of allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Drabkin invited the public to comment.

There were no public comments.

4. ADVICE/ INFORMATION ITEMS

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

Mayor stated City Manager evaluations are due today, November 22nd.

Council President Garvin reported on Visit McMinnville and will be having a board retreat in February to talk about infrastructure possibilities. Will present to the sunrise rotary about the fire district tomorrow

November 23rd. Fire district public hearing with the County occurring on December 1st.

Councilor Geary had nothing to report.

Councilor Menke attended the Parkway meeting last week and reported about Phase 2a and Phase 2b.

Councilor Peralta had nothing to report.

Councilor Chenoweth stated McMinnville Economic Vitality Leadership Council (MEVLC) did not meet.

4.b. Department Head Reports

City Manager Towery reported City offices will be closed Thursday and Friday, November 24-25th.

City Recorder had nothing to report.

5. ORDINANCE

a. Consider the second reading of **Ordinance No. 5127**: An Ordinance Extending the Moratorium on the Issuance of Short-Term Rental Permits from an End Date of December 29, 2022 to June 29, 2023.

City Recorder Cisneros stated the ordinance did not pass on a unanimous vote at its first reading at the special called November 16th meeting requiring the second reading of the Ordinance being heard tonight.

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

City Manager Towery read by title only Ordinance No. 5127.

Councilor Menke MOVED to approve Ordinance No. 5127; Extending the Moratorium on the Issuance of Short-Term Rental Permits from An End Date of December 29, 2022 to June 29, 2023; SECONDED by Councilor Peralta. Motion PASSED 4-1 by the following vote:

*Aye – Councilor Geary, Menke, Peralta and Garvin
Nay – Chenoweth*

ADJOURNMENT: Mayor Drabkin adjourned the meeting at 7:07 p.m.

Claudia Cisneros, City Recorder

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 3rd 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 21st 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 Ziply 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 Ziply 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.

Claudia Cisneros, City Recorder

4. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Drabkin invited the public to comment.

Kim Morris, McMinnville resident, spoke about leading the community task force she requested and ensuring working with the Police, County Jail and Sheriff's Department.

Susan Newby, McMinnville resident, shared her concerns about homelessness, crime, and drug activity in the City and the experiences she's dealt with.

5. ADVICE/ INFORMATION ITEMS

- 5.a. Reports from Councilors on Committee & Board Assignments

Mayor presented the group agreements from Goal Setting and asked them to adopt by signing the group agreements.

Councilor Menke MOVED to adopt the City Council Group Agreements as presented; SECONDED by Council President Garvin. Motion PASSED unanimously.

Councilor Chenoweth reported on Parkway Committee and their efforts to expand possibilities for fundraising. Talked about McMinnville Economic Vitality Leadership Council (MEVLC) and appointments to chair and vice-chair and talked about the Noble grant.

Councilor Geary stated Diversity, Equity, and Inclusion Advisory Committee (DEIAC) is working on the assessment tool and recruiting two new members to the board. Reported on McMinnville Urban Renewal Advisory Committee (MURAC) will meet on February 1st, 2023.

Councilor Payne reported on Landscape Review which had a lengthy meeting that was continued and appointed a new member and a new chair.

Councilor Menke reported Yamhill Community Action Partnership (YCAP) and the funding is complete for Yomack, the youth outreach in McMinnville. Talked about the turnkey operations and the YCAP audit is almost complete.

Councilor Peralta stated McMinnville Council of Governments (COG) and the Stratus Village project won the regional cooperative grant award. Working with partners to talk about economic development dollars for funding. Reported Historic Landmark Committee will meet on Friday.

Council President Garvin reported Airport Commission will meet in March and referred the Council to the resolution in the packet regarding the Fire District. Talked about the Visit McMinnville exploring an ambassador program for the downtown area.

Mayor Drabkin talked about City Day at the Capital scheduled for the following day. Talked about Governor Kotek's homeless state of emergency order and has written a letter to the Governor to include Yamhill County. Gave an update on McMinnville Water & Light (MW&L) and the Bonneville power administration reserves distribution clause and MW&L will receive a large sum of money and the recommendations from staff on the use of the funds.

5.b.

Department Head Reports

Interim City Attorney Gowell reported working on procurement questions and contract review questions.

Finance Director Cuellar stated Finance Department is working on the annual budget process.

Fire Chief Leipfert gave an update on staffing.

City Manager Towery talked about the stakeholder meeting convened by Yamhill County Health & Human Services to discuss the opioid crisis settlement dollars. Stated will be out of town the rest of the week.

Police Chief Scales gave an update on staffing.

Information Systems Director Burke had nothing to report.

Library Director Berg mentioned the read to the dogs program will be on Saturday at the library.

Human Resources Manager Hedges gave an update on the City Attorney process.

Community Development Director Richards clarified the information provided in a news article today about the Economic Vitality Leadership Council (EVLC) business licensing program.

6.

CONSENT AGENDA

a. Consider **Resolution 2023-04**: A Resolution authorizing the approval of a cooperative fund exchange agreement between the City of McMinnville

and Oregon Department of Transportation (ODOT) known as Fund Exchange Program (FEX) Agreement No. G0001-T041620.

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

7. RESOLUTIONS

- 7.a. Consider **Resolution 2023-05**: A Resolution adopting a supplemental budget for fiscal year 2022-2023 and making supplemental appropriations for the General Fund, Wastewater Services Fund and Information Services Fund for approved American Rescue Plan Act (ARPA) projects.

Finance Director Cuellar introduced the agenda item stating these appropriations are for already approved ARPA projects. Listed the ten separate projects in general funds for parks and recreation activities, park maintenance, the library electric vehicle, three projects for information services funds, and one project in wastewater funds. Stated the total for these projects is \$769,000 and a have a neutral impact on the general fund.

Councilor Geary MOVED to approve Resolution No. 2023-05, SECONDED by Councilor Menke. Motion PASSED 6-0.

- 7.b. Consider **Resolution 2023-06**: A Resolution approving the Order of the County Commission (attached Exhibit 1) and consenting to the formation of a fire district incorporating the city limits should such a ballot measure be passed by the voters.

Fire Chief Leipfert stated this resolution is a state law requirement for any new proposed fire district.

Council President Garvin MOVED to approve Resolution No. 2023-06, SECONDED by Councilor Peralta. Motion PASSED 6-0.

ADJOURNMENT: Mayor Drabkin adjourned the meeting at 7:44 p.m.

Claudia Cisneros, City Recorder

Resuscitation (CPR). Chief Law asked City Council to participate in demonstrating how to perform CPR on mannequins.

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

There were no public comments.

6. ADVICE/ INFORMATION ITEMS

- 6.a. Reports from Councilors on Committee & Board Assignments

Councilor Payne said Landscape Review meets tomorrow.

Councilor Peralta said Mid-Willamette Valley Council of Governments (MWVCOG) annual meeting is tomorrow and hopes to see McMinnville and Yamhill County delegates there.

Councilor Menke reported on construction exercise tax (CET) and will be presenting to Affordable Housing Committee their recommendation.

Councilor Chenoweth had nothing to report.

Councilor Geary reported on Diversity, Equity, Inclusion Advisory Committee (DEIAC) appointing a new co-chair and doing interviews for the two open positions, and reviewing the prior work plan. Missed the McMinnville Urban Renewal Advisory Committee (MURAC) meeting. The newly established safety task force had its first meeting did introductions and talked about processes.

Council President Garvin stated Airport Commission hasn't met, Yamhill Communications Agency (YCOM) was going to meet today but was canceled. Reported on the continued efforts of the Fire District. Asked for a consensus from the Council to sign on to a letter of support from the Council for the Fire District and be placed on the upcoming voter's pamphlet. There was consensus from the Council for the support of the letter.

Mayor Drabkin stated the Affordable Housing Committee meeting was postponed, reported on the CET recommendation. Reported on a memo from Interim City Attorney Walt Gowell regarding Council quorum requirements. Reported on Governor Kotek's Order 2302 and the Mayor's request to include Yamhill County, sent a letter to County Commissioners to start a conversation about this order.

6.b. Department Head Reports

City Manager Towery said six years ago today he was appointed as City Manager.

Interim City Attorney Gowell had nothing to report.

Community Development Director Richards had nothing to report.

Police Chief Scales gave an update on the press releases from the weekend and the livability transient issues.

Fire Chief Leipfert gave staffing updates.

Human Resources Manager Hedges reported on revamping recruitment efforts with departments and gave staffing updates.

City Recorder Cisneros reported on Community Fair at the State of the City Address being held on Thursday, May 25th, and encouraging the community to nominate community members to receive an award during the State of the City Address. The deadline to submit nominations is February 28th.

Finance Director Cuellar had nothing to report.

7. CONSENT AGENDA

a. Consider **Resolution 2023-07**: A Resolution authorizing the approval of an intergovernmental agreement between the city of McMinnville and the city of Lincoln City Oregon regarding Municipal Judge appointments.

b. Consider the request from Moonlite Candles & Gifts LLC dba NW Cru for Commercial License, OLCC Liquor License located at 325 NE Evans Street.

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

8. RESOLUTIONS

8.b. Consider **Resolution 2023-08**: A Resolution Authorizing the City Manager to sign a contract with McMinnville Economic Development Partnership in the amount of \$245,000 for Coordination of Sustainable, Localized Workforce Programs in association with McMinnville's Business Recovery and Resiliency Grant.

Community Development Director Richards introduced the agenda item. Community Development Special Projects Manager Christensen presented a PowerPoint on the Noble grant program and recommendations for accepting the Resolution.

Councilor Geary asked about staffing for this program.

Councilor Chenoweth MOVED to approve Resolutions 2023-08.

Councilor Chenowith WITHDREW his motion.

Councilor Peralta asked about the request for proposal process (RFP). Community Development Special Projects Manager Christensen stated they reached out to eleven organizations and a few non-profit organizations and the qualifications of the RFP.

Councilor Chenoweth MOVED to approve Resolution No. 2023-08, SECONDED by Councilor Payne. Motion PASSED 6-0.

- 8.b. Consider **Resolution 2023-09**: A Resolution authorizing the City Manager to sign an Annexation Agreement with Anders Johansen, property owner, for the future annexation of Tax Lots R4421 00900 and 01200.

Community Development Director Richards introduced the agenda item and presented a PowerPoint on the property.

Council President Garvin asked about the septic infrastructure. Community Development Director Richards stated the City will collect system development charges (SDCs).

Councilor Peralta thanked the applicants for the care of the property and provided a personal recommendation he'd like to see to the applicants.

Mayor Drabkin thanked the applicant and their family.

Councilor Geary MOVED to approve Resolution No. 2023-09, SECONDED by Councilor Peralta. Motion PASSED 6-0.

- 8.c. Consider **Resolution 2023-10**: A Resolution adopting a supplemental budget for fiscal year 2022-2023 and making supplemental appropriations for the General Fund, Wastewater Services Fund and Information Services Fund for approved American Rescue Plan Act (ARPA) projects and Repealing Resolution No. 2023-05.

Finance Director Cuellar introduced the agenda item stating the clerical error on the Resolution.

Council President Garvin MOVED to approve Resolution No. 2023-10, SECONDED by Councilor Menke. Motion PASSED 6-0.

ADJOURNMENT: Mayor Drabkin adjourned the meeting at 7:53 p.m.

Claudia Cisneros, City Recorder

DRAFT