



Kent Taylor Civic Hall
200 NE Second Street
McMinnville, OR 97128

**City Council Meeting Agenda
Tuesday, August 22, 2017**

**6:00 p.m. – Dinner Meeting
7:00 p.m. – Regular Council Meeting**

Welcome! All persons addressing the Council will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item. If you wish to address Council on any item not on the agenda, you may respond as the Mayor calls for "Invitation to Citizens for Public Comment."

6:00 PM – DINNER MEETING – CONFERENCE ROOM

1. CALL TO ORDER
2. REVIEW CITY COUNCIL AGENDA
3. ADJOURNMENT

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PRESENTATION
4. INVITATION TO CITIZENS 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 topic already on the agenda; 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 the duration of these comments.*
5. PUBLIC HEARING ON PROPOSED BUDGET AMENDMENT RELATED TO THE AIRPORT MAINTENANCE FUND.
6. CONSENT AGENDA
 - a. Consider the Minutes of the May 23, 2017 Dinner and Regular Meeting.
7. RESOLUTIONS
 - a. **Resolution No. 2017-57:** A Resolution adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations. *(Related to the Airport Maintenance Fund)*

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702. For TTY services, please dial 711.

- b. **Resolution No 2017-58:** A Resolution approving the acquisition of property from McMinnville School District No. 40 for the NW Hill Road Improvements transportation bond project.
 - c. **Resolution No 2017-59:** A Resolution regarding the award of the contract for the construction of the 4th and Ford Sanitary Sewer Rehabilitation Project, Project 2016-14.
- 8. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
- 9. EXECUTIVE SESSION UNDER ORS 192.660(2)(d) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED TO CARRY OUT LABOR NEGOTIATIONS.
- 10. RETURN FROM EXECUTIVE SESSION TO TAKE ACTION.
 - a. **Resolution No. 2017-60:** A Resolution ratifying a collective bargaining agreement between the City of McMinnville and the McMinnville Police Association (MPA) for wages only for the period starting July 1, 2017.
- 11. ADJOURNMENT

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NOTICE OF SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposed supplemental budget for the City of McMinnville for the fiscal year ending June 30, 2018, will be held at McMinnville Civic Hall, 200 NE Second Street, McMinnville, Oregon. The hearing will take place on August 22, 2017 at 7:00 p.m. The purpose of the hearing is to discuss the supplemental budget with interested persons. A copy of the supplemental budget document may be inspected or obtained on or after August 18, 2017 at McMinnville City Hall, Finance Department, 230 NE Second Street, McMinnville, Oregon, between the hours of 8:00 a.m. and 5:00 p.m.

SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THE FUND BEING MODIFIED

Airport Maintenance Fund

Resource:

Intergovernmental revenues \$5,997,451

Revised Total

Resources \$7,071,920

Expenditure:

Airport Maintenance -

Capital Outlay \$5,599,241

Revised Total

Requirements \$7,071,920

A supplemental budget is necessary due to unanticipated delay in runway rehabilitation construction project. Approximately \$1.6 million in capital outlay expenditures that were expected to be spent in fiscal year 2016-2017 will be spent in 2017-18. Federal and State grant funds for the delayed project costs will be received in 2017-18.

Marcia T. Baragary
Finance Director
City of McMinnville

Publish: August 15, 2017

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

Tuesday, May 23, 2017 at 6:00 p.m.

Presiding: Scott A. Hill, Mayor

Recording: Melissa Grace, City Recorder

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|-------------|---------------------------------|------------------------|
| Councilors: | <u>Present</u> | <u>Excused Absence</u> |
| | Remy Drabkin | |
| | Kevin Jeffries | |
| | Adam Garvin | |
| | Kellie Menke, Council President | |
| | Alan Ruden | |
| | Wendy Stassens | |

Also present were City Manager Jeff Towery, City Attorney Koch, Community Development Director Mike Bisset, and Tom Henderson of the *News Register* and Dave Adams of KLYC radio.

DINNER

CALL TO ORDER: Mayor Hill called the Dinner Meeting to order at 6:41 p.m. and welcomed all in attendance.

DISCUSSION:

Mayor Hill asked for a volunteer to lead the Pledge of Allegiance and Councilor Drabkin volunteered.

Mayor Hill reviewed the agenda for the evening.

Discussion ensued regarding public communication on the Slurry Seal project as well as with others projects.

ADJOURNMENT: The Dinner Meeting was adjourned at 6:54 p.m.

Melissa Grace, City Recorder

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

Tuesday, May 23, 2017, at 7:00 p.m.

Presiding: Scott A. Hill, Mayor

Recording: Melissa Grace, City Recorder

| | | |
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| Councilors: | <u>Present</u> | <u>Excused Absence</u> |
| | Remy Drabkin | |
| | Kevin Jeffries | |
| | Adam Garvin | |
| | Kellie Menke, Council President | |
| | Alan Ruden | |
| | Wendy Stassens | |

Also present were City Manager Jeff Towery, City Attorney David Koch, Community Development Director Mike Bisset, Police Chief Scales, Tom Henderson of the *News Register* and Dave Adams of KLYC radio.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Councilor Drabkin led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Mark Davis, McMinnville resident, stated that he appreciated Council's attention to the details in the Council packet regarding the Baker Creek Development public hearing on April 25. He thought it would have served the City better to continue that public hearing because the hour was so late and many citizens left who had signed up to speak. He also shared that he feels that important land use decisions should not be made after midnight and that there

needed to be a balance between getting things done and letting citizens have a say.

Councilors responded that the public hearing period had been left open for quite some time.

Susan Chambers, McMinnville resident, noted that she pays Transient Lodging Tax for her rental. She attended the annual meeting of Visit McMinnville on May 5 and heard about the potential increase to the tax rate. She expressed her hope that the revenues from the increased taxes would be used to reduce homelessness in McMinnville.

Mayor Hill clarified 70% of the revenues had to be used for tourism per State statute. The 30% that came to the City could be used for items in the General Fund.

Dan Hilbert, McMinnville resident, was against increasing the Transient Lodging Tax. He explained how he had traveled extensively, usually sleeping in his van instead of hotels or motels due to the room tax. He expressed his thoughts that travelers were targeted and that the tax was extortion. He said that he believes the funds were being used frivolously and that it was being suggested that the tax apply to RV parks and campgrounds. He urged the Council to deny this proposal as it was unwarranted, unneeded, and might lead to law suits in the future.

Renee Vorm, Board Chair of Yamhill Community Mediators of Yamhill County (YCM), shared the services that they had provided to the citizens of the County for over 27 years. It was work that required skill and it was something that most people did not want to do or were not able to do. She then reviewed their sources of funds which included the State, court system, Yamhill County, and other cities and noted that about 50% to 60% of their budget was going to McMinnville. She understood there was not support in the guidelines for McMinnville to contribute to the administration costs, but withdrawing all funds from YCM placed them in jeopardy of their matching grant from the State. They did not fit in the guidelines that had been enacted on April 11, 2017, and she asked where they did fit and if they valued this organization in McMinnville.

Discussion ensued regarding how YCM was valued, but a restrained budget had shifted priorities towards affordable housing and homelessness.

John Francis, member of YCM, stated mediation saved a great deal of costs to the City. Yamhill County was getting mediators for free as they were volunteers.

He stated that he felt it seemed like a bad way to save money by eliminating this service when many cities had to pay for it.

Kathy Bequith, member of YCM, stated that she volunteered in the Juvenile Detention Center. She taught youth mediation skills and believed it was transformational in their lives. She also did many community mediations. YCM was integral to the quality of life in McMinnville and in the County. It was hugely impactful to the families who used the service.

Beth Kereky, member of YCM, had been a volunteer with YCM for 20 years. She shared how they had helped with the homeless population. The hours they put in were incredible and all the volunteers had day jobs. She asked for any assistance the City could offer to help YCM sustain their services.

Roger Goodwin, McMinnville resident, discussed the April 25 City Council meeting. He was there to appeal the Baker Creek subdivision decision.

City Attorney Koch stated that he would need to make his appeal to the Oregon Land Use Board of Appeals.

Mr. Goodwin stated that he did not believe the packet could have been carefully reviewed and that it was not clear what the cost of the homes would be and the developer would only be developing 20% of the properties. He thought the density was too great for the area. The traffic in the neighborhood would be problematic. There was nothing in the conditions of approval regarding the access of emergency vehicles to the property. The decision should be reconsidered.

4. **CONSENT AGENDA**

4.a. Consider the Minutes of the August 23, 2016, and September 13, 2016 Dinner and Regular Meeting.

Council President Menke MOVED to adopt the consent agenda; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

5. Visit McMinnville Presentation

Jeff Knapp, Executive Director of Visit McMinnville, stated that they were proud of the work that had been accomplished over the last year. Visit McMinnville was staffed by two people and they have a very involved board. He stated the purpose and mission statement of Visit McMinnville.

He explained the marketing model. He then reviewed their activities in FY 2017 which included:

- Increase transient lodging tax (TLT) by 6.5% in the 2016 calendar year.
- McMinnville visitor survey strategy executed, data collected, and report was delivered.
- Over 76,000 unique website visitors to visitmcminnville.com. July 2016 through April 2017 (2016 numbers exceed Travel Oregon's expectation for a new DMO site by 400%).
- All social media channels have or are on pace to exceed 100% growth goals in FY 17.
- Created Winter TV Ad (on Comcast and Xfinity), using visitor survey data to target travelers most likely to visit McMinnville
- Over 941,000 earned media impressions (estimated coverage views + social shares) gained through media relations efforts. July 2016 through April 2017 (outpacing goal of 1,000,000 impressions).
- Created an engaging Winter campaign with print & digital creative used in targeted media buys in key shoulder and low season months.
- Engaged well known travel photographer as an artist-in-residence, capturing images at 10 staged shoots, local events, and day to day wine country life.
- Created an engaging Winter campaign with print and digital creative used in targeted media buys in key shoulder and low season months.
- Executed board-level strategic planning retreat, focused on building a 1-3 year plan.
- Collaborated on founding the McMinnville Community Wayfinding Committee whose focus is to create easily accessible information systems that guide people to and through town.

- Brought regional, national and international media and FAM tours to town with custom itineraries to showcase McMinnville as a premium tourism destination.
- Enhanced the visitmcminnville.com user experience with a homepage redesign, new header and footer navigation options, and optimized page speed.
- Engaged influencers and media at Portland's FEAST food festival.
- Distributed McMinnville lookbooks and Wine Walk passports to Welcome Centers around the state and to premier corporate partners like Boeing, Intel, and AAA.
- Worked with the city, local interests, and other economic development organizations to contribute to a cohesive, long term economic development plan.
- Created 8 vignette videos to bring awareness to a wide variety of businesses and attractions in McMinnville.
- Partnered with the Oregon Truffle Festival to bring high income food and wine enthusiasts to McMinnville during the off season.
- Created the McMinnville Umbrella Share program to encourage shoulder and off season shopping with 100 Wine Walk branded golf umbrellas available for guest use throughout McMinnville's Downtown and Granary districts.
- Created a Wine Walk app for Apple and Android with maps, geolocation stamps, and winery information.

Mr. Knapp displayed a chart of Transient Lodging Tax growth.

He then discussed the Fiscal Year 2018 goals and objectives as follows:

- Increase in annual Transient Lodging Tax (TLT) revenue by 7%.
- Execute strategy to attain 120,000 unique website visitors; a projected 30% increase over expected FY 2017 unique visitors to visitmcminnville.com.
- Execute shoulder and low season (November – April 2018) promotional campaign to improve healthier seasonality mix in the McMinnville tourism industry.
- Increase focus on brand awareness of Visit McMinnville's Wine Walk promotion.
- Increase all social media channel audiences by 50%.
- Secure regional and national non-paid media coverage resulting in 1.25 million impressions.

- Optimize visitmcminnville.com by launching a new database, and measure use/success by increase in time spent on site, page views, and referrals to stakeholders' sites.
- Enhance investments in visitmcminnville.com increasing organic traffic by 30% through maximizing search engine optimization (SEO) and search engine marketing (SEM).
- Manage and lead the development of a McMinnville Community Wayfinding Master Plan through collaborations with the McMinnville Community Wayfinding Committee and Sea Reach.
- Execute Visit McMinnville's current marketing plan by adding additional winter creative content, videography and photography
- Research McMinnville market feasibility study for convention, event, and sports opportunities.
- Design and implement program to attract group visits with focus on shoulder and low season (November-April 2018)
- Expand Visit McMinnville's current branding campaign by adding a new lookbook, a newly designed map, two new radio spots and new video edits.
- Build consumer email list to fuel quarterly consumer e-newsletters
- Complete plan for 2018/19 videography and photography projects to kick off Summer 2018.
- Plan and execute second successful board retreat and strategic visioning in January 2018.
- Collaborate with McMinnville Downtown Association (MDA), McMinnville Economic Development Partnership (MEDP), and the McMinnville Chamber of Commerce on supporting the execution of a city-wide hospitality/service/concierge program.
- Collaborate with MDA, MEDP, and the Chamber on a city-wide economic development plan.

Mr. Knapp reviewed the tourism numbers:

- 63% visitors who live outside Oregon
- 6.5 % increase in TLT in 2016
- 39% visitors stay overnight
- 8% visitors are from outside the USA
- 100,077 unique visits in 2016 to Visit McMinnville.com
- 3.4 average number of nights stayed by overnight visitors
- 1,609 jobs in Yamhill County because of tourism
- 80% came to visit downtown
- 31% visitors from Portland

- \$143,000 average annual household income of visitors
- 95% visitors who gave McMinnville gave a 4 or 5 rating

Website performance for 2016 showed the following:

- 100,077 unique visits
- 8,340 average monthly visits
- 196,451 total page views
- 29.1% visitors who find us through organic search
- May most monthly visits
- 1:55 average time on site
- January fewest monthly visits
- 23.4% visitors who clicked through to a partner's website

Part of the strategy was related to Media Relations. It allowed Visit McMinnville to reach the national and international market. He reviewed the names of their media relations partners.

Mr. Knapp then displayed the 2018 Fiscal Year Budget. Revenue came from City Funding (\$471,088), Advertising (\$3,000), and Grant Funding (\$40,000). Regarding expenditures, about 25% was spent on General Administration costs and the rest on Marketing.

Council President Menke commented on the success of Visit McMinnville.

There was discussion regarding the popularity of the videos and the feedback matrix for what worked and what did not.

Kitri McGuire, Marketing Manager of Visit McMinnville, explained the process of evaluating the marketing efforts. Print advertising worked well for them as well as advertising on their website.

Discussion ensued regarding the number of jobs created by tourism. .

Mayor Hill commented on the history of Visit McMinnville. They were becoming known and a bright spot in the state. The Mayor thanked Visit McMinnville and their board members for their efforts.

Council President Menke MOVED to accept the Business Plan FY 2018 & Budget; SECONDED by Councilor Garvin. Motion PASSED unanimously.

Mr. Knapp continued by discussing the Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis of tourism in McMinnville. He discussed the need for year round tourism with a particular emphasis on November to April. McMinnville could benefit from not only focused marketing efforts but from group sales opportunities as well. He proposed the following changes to the current Transient Lodging Tax ordinance: an increase to the current Transient Lodging Tax (TLT) of 2% and the term “lodging” to include RV parks and campsites. He then displayed a chart reflecting the anticipated revenue increases as a result of adding RV parks and campsites to the Transient Lodging Tax ordinance. Adding RV parks and campsites would bring in \$24,000 more in tax funds. Mr. Knapp then showed the comparable communities’ TLT rates. McMinnville’s tax was on the lower end of other comparable cities. These were taxes paid by visitors and not by residents. He did not think visitors would notice or have a problem with the additional taxes. He continued by showing the current revenue versus the forecasted revenue for Visit McMinnville and City of McMinnville (8% to 10%). If the Council agreed to the 2% increase, the additional dollars would be used to perform a feasibility study to increase group sales during the shoulder and off seasons.

Councilor Ruden questioned Mr. Knapp on what they were currently doing to promote tourism during the winter months and how it would be expanded through the additional funds. Mr. Knapp stated that they currently focused on print advertising, digital advertising, videography, social media, commercial placements, and family travel.

Councilor Drabkin stated that the City’s portion of the additional revenues from a TLT increase should be earmarked to go towards homelessness. This benefitted many City departments and non-profits. Everyone in the community including Visit McMinnville was impacted by homelessness.

Councilor Stassens questioned how they determined a 2% increase. Mr. Knapp responded it was not the highest or lowest in comparison to other cities and it would help McMinnville to become a premier Oregon tourism destination. He thought the market could bear the proposed increase. He would plan a feasibility study to determine what types of business they should focus on, and it would advise next action steps.

Councilor Stassens was in support of the 2% increase and agreed that the City’s portion should go to homelessness.

Councilor Garvin asked how the increase would affect those who stayed in the RV park long term. Mr. Knapp explained that anything less than 30 days was considered transient. Councilor Garvin asked what size of groups he was hoping to reach. Mr. Knapp said it was conference size groups. The feasibility study would show them what specific groups to target. Councilor Garvin noted that this would place McMinnville as the third highest TLT rate in comparable communities. He wanted to make sure that would not be detrimental to the off seasons they were struggling with. Mr. Knapp thought they would have leverage in negotiating the rates for group sales. He did not think it would affect the traditional vacation traveler.

Councilor Garvin said in general he was in support of the recommendations and earmarking the funds for homelessness.

Councilor Jeffries was also in support and echoed the thoughts of other Councilors regarding using the increased revenues to address homelessness.

Council President Menke supported the recommendations. The extra funds could help bring in partners for facilities for conferences. She thought charging the RV parks was a good idea as there would be more of them in the future and they had offered no objections. She did not think the funds should be specifically earmarked, as additional visitors to the City meant additional stresses on police, public works, and other emergency services. It should be discussed during the strategic planning session.

Mayor Hill agreed earmarking the funds should be a separate discussion. He suggested the Council only vote on the TLT increase and including RV parks and campsites.

Discussion ensued regarding the feasibility study and possibly building a convention center.

Councilor Drabkin stated that she would not be ready to vote on an ordinance at the next meeting until they had a conversation about what would be done with the additional funds.

Councilor Garvin suggested setting aside 1% of the TLT for affordable housing.

Councilor Jeffries concurred that all revenue sources should be brought to the strategic planning session and prioritized. Councilor Stassens also agreed.

There was consensus to direct staff to prepare an ordinance to increase the current Transient Lodging Tax by 2% and to have the term “lodging” include RV parks and campsites and to bring the ordinance to the June 13, 2017 City Council meeting.

6. RESOLUTIONS

6.a. **Resolution No. 2017-33:** A Resolution approving a waiver of deed restriction.

City Attorney Koch stated that the waiver of deed restriction was a continuation of an item that was before Council last month. It was a request by Parallel Infrastructure to grant a waiver of deed restriction that was imposed on a portion of property that was conveyed by the City to Evergreen Helicopters in 1971. He had discussed with the applicant reserving space on the tower for City emergency communications.

Aaron Bloom, Regional Director of PI Tower Development in Portland, reviewed the proposal for the waiver of deed restriction.

Councilor Drabkin said the contract guaranteed the City had 10 feet of space reserved on the tower. She asked where that space would be.

Mr. Bloom said it could be anywhere on the tower. It was the highest available on a first come first serve basis. The worst case scenario was the City’s space would be at 80-90 feet.

Discussion ensued regarding bandwidth, interference, and the various levels. Mr. Bloom stated that radio engineers determined the best height.

Councilor Ruden MOVED to adopt Resolution No. 2017-33 approving a waiver of deed restriction; SECONDED by Councilor Stassens. Motion PASSED unanimously.

6. b. **Resolution No. 2017-34:** A Resolution awarding the contract for the design of the Water Reclamation Facility Tertiary Treatment and Disinfection Project, Project 2017-2.

Community Development Director Bisset stated this resolution would award a design contract to CH2MHill for the next project in the Wastewater Facilities Plan. Staff completed a Request for Qualifications process and CH2MHill was the highest ranked proposer. He explained what would be included in the

contract. The cost would be \$124,230 to be paid for by the Wastewater Services Fund and Wastewater Capital Fund.

Council President Menke MOVED to adopt Resolution No. 2017-34 awarding the contract for the design of the Water Reclamation Facility Tertiary Treatment and Disinfection Project, Project 2017-2; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

- 6.c. **Resolution No. 2017-35:** A Resolution awarding the contract for the construction of the 2017 Slurry Seal Project 2017-3.

Community Development Director Bisset stated the City had been using slurry seal applications for almost ten years. It was an effective tool for the City's pavement maintenance strategy as it extended useful pavement life by five to seven years. This year's project would include application to almost 56,000 square yards of pavement surface on 34 streets in 7 different neighborhoods totaling 3.2 miles of City network. Five bids were received, and the lowest was Black Light, Inc. in the amount of \$85,086.80. The project would be funded by the State gas tax funds.

Councilor Garvin thought more advertising needed to be done on the benefit of the slurry seal projects to improve citizen perception.

Councilor Garvin MOVED to adopt Resolution No. 2017-35 awarding the contract for the construction of the 2017 Slurry Seal Project 2017-3; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. NEW BUSINESS

City Attorney Koch deferred to Councilor Garvin on the discussion of the Community Contributions Committee applications recommendation.

Councilor Garvin explained that five applications were received by the deadline. The applications were reviewed by the Community Contributions Committee and they recommended funding four of the applications. The Gospel Rescue Mission would receive \$10,000 and the other three applicants would receive \$5,000.

Councilor Stassens asked about the reasoning behind not recommending any funding to YCM. Councilor Garvin replied it was noted that the business model of YCM did not seem to be sustainable and that the purpose of the grant monies should not be for administrative costs.

Councilor Drabkin expressed concern with the potential cost to the City if YCM dissolved.

Discussion ensued regarding the value that YCM added to the community. It was noted that the Mayor went to each agency that had received funds in the past to let them know that the process was being changed. It was also noted that several other organizations whose funding the City had to cut had found other funding sources.

The Mayor planned to sit down with YCM and have a discussion about this issue.

City Attorney Koch said some questions had come in from Mandy Goff from Yamhill Community Action Partnership (YCAP). The first was about the \$10,000 match, did it need to come from other agencies or could it come from YCAP internally? Could the \$10,000 be in kind contributions? Why were they the only ones asked to provide a match?

Council President Menke answered that however a match could be provided was acceptable. City Attorney Koch clarified there was discussion about how the project not only benefitted the City, but would be a County-wide benefit. The Committee wanted to see the County and City of Newberg help fund the project.

Councilor Garvin said the \$5,000 from the City was for the study to be done. However YCAP funded the other \$10,000 to get the study done was acceptable. He did not think it should be a condition that the County and Newberg contributed to the project.

Council President Menke MOVED to approve the recommendation from the Community Contributions Committee to award \$5,000 to the Greater Yamhill Watershed Council, \$5,000 to the McMinnville Area Chamber of Commerce; \$5,000 to the Yamhill Community Action Partnership contingent upon the organization securing a total of \$10,000 in additional matching funds, and \$10,000 to the Yamhill County Gospel Mission; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ADVICE/ INFORMATION ITEMS

7. a. Reports from Councilors on Committee and Board Assignments

Councilor Drabkin shared that the next Affordable Housing Task Force would meet the next day at 10 a.m. in the Community Development Center.

Mayor Hill provided an update on the Parkway Committee.

Councilor Jeffries stated that the Council of Local Governments has hired Sean O'Day. He also mentioned that he that he testified against the expansion and use of Riverbend Landfill. He noted that it was impactful for the City to say that it would not use it.

Council President Menke provided an update on the Wayfinding Committee.

7.b. Department Head Reports

Police Chief Scales noted that Captain Dennis Marks will be retiring at the end of the month. He thanked Captain Marks for his 25 years of service with the City. Rhonda Sandoval is the interim Police Captain.

Community Development Director Bisset noted that it is National Public Works Week and there would be an annual lunch celebration the following day. He expressed his thanks for his team and noted the great service that the Public Works Department provides.

8. ADJOURNMENT: Mayor Hill adjourned the Regular City Council meeting at 9:45 p.m.

Melissa Grace, City Recorder



CITY OF McMINNVILLE
FINANCE DEPARTMENT
230 NE Second Street
McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

MEMORANDUM

DATE: August 22, 2017
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution No. 2017-57, a Resolution adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations

Discussion:

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). A supplemental budget may increase total expenditures in a fund's adopted budget. If the supplemental budget increases a fund's expenditures by 10 percent or less the supplemental budget may be adopted at a regularly scheduled meeting of the governing body. If the supplemental budget will increase a fund's expenditures by more than 10 percent, a public hearing must be held by the governing body and public comment must be taken before adoption of the supplemental budget.

Resolution No. 2017-57 proposes a supplemental budget for the Airport Maintenance Fund. Because the contractor did not complete work as expected, approximately \$1.6 million in runway and taxiway construction costs budgeted in fiscal year 2016-17 will be spent in 2017-18. FAA and ODOT Connect Oregon grant funds for the delayed costs of the project will be received in 2017-18.

The supplemental budget increases capital outlay appropriations in the Airport Maintenance Fund by \$1,600,000, from \$3,999,241 to \$5,599,241 to allow payment of project costs occurring in fiscal year 2017-2018.

The increase in Airport Maintenance Fund expenditures exceeds 10 percent of total expenditures in the adopted budget of the fund. Therefore, the governing body is required to hold a public hearing and take public comment prior to adopting the supplemental budget.

As required by ORS 294.473, a public hearing for the governing body to take public comment on the supplemental budget is scheduled for August 22, 2017. Appropriate notice of the public hearing was published in the News Register.

Attachment: Resolution No. 2017-57, a Resolution adopting a supplemental budget for fiscal year 2017-18 and making supplemental appropriations

Action: A motion is needed to approve Resolution No. 2017-57.

RESOLUTION NO. 2017-57

A Resolution adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations

RECITAL:

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations. If the supplemental budget will increase a fund's expenditures by more than 10 percent, a public hearing must be held by the governing body and public comment must be taken before adoption of the supplemental budget.

This resolution proposes a supplemental budget for the Airport Maintenance Fund. Because the contractor did not complete work as expected, approximately \$1.6 million in runway and taxiway construction costs budgeted in fiscal year 2016-2017 will be spent in 2017-2018. Federal Aviation Administration (FAA) and Oregon Department of Transportation (ODOT) Connect Oregon grant funds for the delayed costs of the project will be received in 2017-2018. The supplemental budget increases capital outlay appropriations in the Airport Maintenance Fund from \$3,999,241 to \$5,599,241 to allow payment of project costs occurring in fiscal year 2017-2018.

As required by ORS 294.473, a public hearing to take public comment on the supplemental budget was held by the governing body at the August 22, 2017, Council meeting. Appropriate notice of the public hearing was published in a local newspaper of general circulation prior to the public hearing.

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

1. **Adopt the following Supplemental Budget:** The Council of the City of McMinnville adopts the following Supplemental Budget for 2017-2018 in the Airport Maintenance Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2017-2018 are hereby appropriated as follows:

Airport Maintenance Fund resource and requirement increases due to the unanticipated carryover of project costs from fiscal year 2016-2017 to 2017-2018.

| <u>Airport Maintenance Fund:</u> | <u>Adopted Budget</u> | <u>Budget Adjustment</u> | <u>Amended Budget</u> |
|---|----------------------------------|-------------------------------------|----------------------------------|
| Resources: | | | |
| Beginning Fund Balance | \$ 808,459 | | \$ 808,459 |
| Intergovernmental | 4,397,451 | 1,600,000 | 5,997,451 |
| Charges for Services | 249,210 | | 249,210 |
| Miscellaneous | 16,800 | - | 16,800 |
| Total Resources | <u>\$5,471,920</u> | 1,600,000 | <u>\$7,071,920</u> |

Requirements:

| | | | |
|-------------------------------|---------------------|------------------|---------------------|
| Materials & Services | 574,586 | | 574,586 |
| Capital Outlay | 3,999,241 | 1,600,000 | 5,599,241 |
| Transfers Out to General Fund | 123,902 | | 123,902 |
| Contingency | 300,000 | | 300,000 |
| Ending Fund Balance | <u>474,191</u> | <u>-</u> | <u>474,191</u> |
| Total Requirements | <u>\$ 5,471,920</u> | <u>1,600,000</u> | <u>\$ 7,071,920</u> |

This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of August, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of August, 2017.

MAYOR

Approved as to form:



CITY ATTORNEY



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: August 22, 2017
TO: Jeff Towery, City Manager
FROM: Larry Sherwood, Project Manager
VIA: Mike Bisset, Community Development Director
SUBJECT: Right-of-way dedication for the NW Hill Road Improvements transportation bond measure project

Council Goal:

Plan and Construct Capital Projects

Report in Brief:

This action is the consideration of a resolution approving the acquisition of property from McMinnville School District No. 40 for the NW Hill Road Improvements transportation bond project, Project 2015-16.

Background:

The NW Hill Road Improvements Project is the largest of the five Capital Improvement Projects identified within the Transportation Bond approved by voters in 2014. This project will construct widening and other improvements between NW 2nd Street and NW Baker Creek Road including; wider travel lanes; bike lanes; sidewalks; turn lanes; landscaping; street lighting; drainage improvements; and improved roadway geometry. The "S-curves" at Fox Ridge Road will be softened and roundabouts will be constructed at Hill Roads intersections with Baker Creek Road and Wallace Road. The project is expected to start in August 2017 and be completed by October 31, 2018.

Discussion:

At their December 13, 2016 and March 28, 2017 meetings, the City Council adopted Resolution 2016-88 and Resolution 2017- 24 respectively authorizing the acquisition of property for the NW Hill Road Improvements transportation bond project. The City's consultant, Hanna, McEldowney and Associates, has completed the appraisal and negotiation process to acquire property for the project from McMinnville School District No. 40.

Attachments:

1. Proposed Resolution
2. Dedication deeds with exhibits
3. Adapted Resolutions 2016-88 and 2017-24

Fiscal Impact:

The total purchase price for the property is \$34,100.00, plus closing and escrow costs. The purchase is funded by 2014 transportation bond proceeds, and the costs are contained in the adopted FY18 Transportation Fund (Fund 45) budget.

Recommendation:

Staff recommends that the City Council adopt the attached resolution approving the acquisition of property from McMinnville School District No. 40 for the NW Hill Road Improvements transportation bond project, and authorizing City Manager to execute the dedication deed and purchase documents.

RESOLUTION NO. 2017-58

A Resolution approving the acquisition of property from McMinnville School District No. 40 for the NW Hill Road Improvements transportation bond project.

RECITALS:

At their December 13, 2016 and March 28, 2017 meetings, the City Council adopted Resolution 2016-88 and Resolution 2017- 24 respectively authorizing the acquisition of property for the NW Hill Road Improvements transportation bond project.

The City's consultant, Hanna, McEldowney and Associates, has completed the appraisal and negotiation process to acquire property for the project from McMinnville School District No. 40.

The total purchase price for the property is \$34,100.00, plus closing and escrow costs.

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

1. That the acquisition of property from McMinnville School District No. 40 for the NW Hill Road Improvements transportation bond project, at the total purchase price of \$34,100.00, is hereby approved, and the City Manager is hereby authorized and directed to execute the deeds, easement, repurchase agreement, and purchase documents.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of August, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of August, 2017.

MAYOR

Approved as to form:



CITY ATTORNEY

NW Hill Road Project - ROW Just Compensation & Acquisition Status 8/22/17

| File Number | Property ID\Tax Lot | Owner | Recommended Just Compensation | Negotiated & Agreed Upon Compensation |
|--------------------|----------------------------|--------------------------------|--------------------------------------|--|
| 7 | 4.4.19-01200 | HCP (Hillside Manor) | \$80,100.00 | In Process |
| 7a | | HCP (Hillside Manor) | | In Process |
| 8 | 4.4.18-00701 | McMinnville School District | \$34,100.00 | \$34,100.00 |
| 8a | 4.4.18-00700 | Fox Ridge Developers | \$6,500.00 | \$6,500.00 |
| 9 | 4.4.18DC-01500 | Joanne Wilgus | \$15,450.00 | In Process |
| 10 | 4.4.18DC-01400 | Michael Warren | \$15,150.00 | \$18,300.00 |
| 11 | 4.4.18-00200 | Baker Creek Development | Donated | \$0.00 |
| 12 | 4.4.18-00203 | Baker Creek Development | Donated | \$0.00 |
| 13 | 4.4.18-01200 | Dennis Draper | \$4,350.00 | \$8,400.00 |
| 14 | 4.4.18-01700 | CAN Enterprises (Larry George) | \$10,450.00 | \$10,450.00 |
| 15 | 4.4.18-0100 | Baker Creek Development | Donated | \$0.00 |
| | | Estimated Closing Costs | | \$5,000.00 |
| | | Totals to Date | \$166,100.00 | \$82,750.00 |

| | | |
|------------------------------|------------------------------------|--------------------|
| File Closing Complete | Fox Ridge Developers | \$6,500.00 |
| File Negotiations Complete | Michael Warren | \$18,300.00 |
| File Negotiations in Process | Baker Creek Development | \$0.00 |
| | Baker Creek Development | \$0.00 |
| | Dennis Draper | \$8,400.00 |
| | CAN Enterprises (Larry George) | \$10,450.00 |
| | Baker Creek Development | \$0.00 |
| | Resolution 2017-55 | \$43,650.00 |
| | McMinnville School District No. 40 | \$34,100.00 |
| | Current Resolution | \$34,100.00 |

HANNA, McELDOWNNEY & ASSOCIATES
8835 S.W. CANYON LANE, SUITE 405
PORTLAND, OR 97225
(503) 297-9588 Fax: (503) 297-2835

June 6, 2017

Project Property Number: HMA File 16-04-8

McMinnville School District No. 40
Attn: Peter Keenan
1500 NE Baker Street
McMinnville, OR 97128

Re: Letter of Agreement for the property at the northwest corner of the intersection of NW Hill Rd and NW Wallace Rd (Tax ID R441800701) for the NW Hill Road Improvement Project

Dear Mr. Keenan:

The City of McMinnville has planned the construction of the above referenced project. As you are aware, the property located at the northwest corner of the intersection of NW Hill Road and NW Wallace Road will be affected by this project. A Dedication Deed and Temporary Construction Easement are required in order to give the City of McMinnville the legal right to construct the necessary improvements.

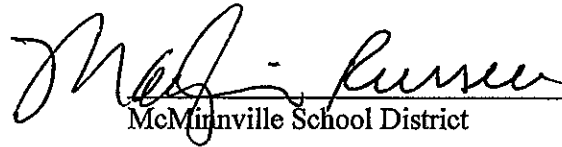
In exchange for executing the documents and subject to final approval by the City of McMinnville, the City agrees to the following:

1. To compensate you, in full, the sum of **\$32,553** for the Dedication Deed.
2. To compensate you, in full, the sum of **\$1,547** for the Temporary Construction Easement.
3. To clean up all construction debris at the conclusion of the project.
4. To pay all recording and closing costs.
5. To close the transaction in escrow by the escrow agent if required by the City of McMinnville. Prior to closing, each party will deposit with the escrow agent the funds, documents and instructions necessary for closing. The cost of escrow and expenses incidental to transfer of the real property interests shall be paid by the City of McMinnville. The Owner is responsible to perfect the title to the property, where required. If the City of McMinnville chooses to close this transaction outside of escrow, the property owner will supply the necessary documents to complete the transaction.
6. To comply with the terms and conditions of this Letter of Agreement, which is the entire, final, and complete agreement between the Owner and the City of McMinnville pertaining to the acquisition of the real property interest, and supersedes and replaces all written and verbal agreements heretofore made.

Thank you,



Linda Birth, Hanna, McEldowney & Associates,
Acting as Buyers Agent on behalf of the City of McMinnville


McMinnville School District

8/10/17
Date

Maryalice Russell
Print Name

Superintendent
Title

Approved and Accepted by:

The City of McMinnville

Date

GRANTOR: McMinnville School District No. 40
GRANTEE: City of McMinnville, Oregon
CONSIDERATION: \$32,553.00

After recording return to:
City of McMinnville
230 NE 2nd Street
McMinnville Or 97128

Until a change is requested, all tax statements shall be sent
to the following address: N/A

DEDICATION DEED

McMinnville School District No. 40, GRANTOR, conveys and dedicates to the **City of McMinnville**, a Municipal Corporation of the State of Oregon, GRANTEE, a perpetual right-of-way for roadway, pedestrian and public utility purposes, as described in Exhibit "A" and as shown on Exhibit "B", both attached hereto and incorporated herein by this reference.

The true and actual consideration for this conveyance is **\$32,553.00**.

The above described property is conveyed free of encumbrances, except those of record or which would be disclosed by a physical inspection of the described property.

The Grantor hereby covenants that the Grantor is lawfully seized of the estate in the property, that the Grantor has good right to convey the same, that at the time of the delivery of the deed the property is free from encumbrances except those of record or which would be disclosed by a physical inspection of the described property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

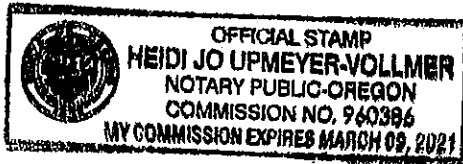
In construing this deed and where the context so requires, the singular includes the plural.

Dated this 2 day of August, 2017.

Maryalice Russell
McMinnville School District No. 40

State of Oregon)
) ss.
County of Yamhill)

This record was acknowledged before me on 8/2/17 by Maryalice Russell as Superintendent of McMinnville School District No. 40.



Heidi Jo Upmeyer-Vollmer
Notary Public for Oregon
My Commission Expires: 3/9/2021

APPROVAL OF CONVEYANCE (ORS 93.808)

The City of McMinnville hereby approves of this conveyance and accepts title.

Name:
Title:

State of Oregon)
) ss.
County of Yamhill)

This record was acknowledged before me on _____
by _____ as _____ of the City of McMinnville.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT A - Page 1 of 4
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441800701
File 008

Parcel 1 – Fee

A parcel of land lying in the SW1/4 of Section 18, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Warranty Deed to McMinnville School District No. 40, a Public Body of the State of Oregon, recorded February 09, 1996 as Document No. 199601998, Deed Records of Yamhill County, said parcel being that portion of said property Easterly of the following described line:

Beginning at Centerline Station 44+48.12 on the herein described center line of NW Hill Road;

thence to a point opposite and 100.46 feet Westerly of Centerline Station 44+48.12 to the Point of non-tangent Curve, of an 81.00 foot radius curve to the right concave to the east;

thence along said curve through a central angle of 53°30'06", a distance of 75.64 feet (chord bears North 22°42'09" East, a distance of 72.92 feet), to the Point of Reverse Curve, of a 61.00 foot radius curve to the left;

thence along said curve, through a central angle of 47°11'41", a distance of 50.25 feet (chord bears North 25°51'22" East, a distance of 48.84 feet), to a point opposite and 55.46 feet Westerly of Centerline Station 45+61.21;

thence North 02°15'51" East, parallel with said centerline, a distance of 129.75 feet to the Point of Curve of a 685.50 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 07°45'41", a distance of 92.86 feet (chord bears North 06°08'41" East, a distance of 92.79 feet), to a point opposite and 49.18 feet Westerly of Centerline Station 47+83.53;

thence North 10°01'31" East, a distance of 53.15 feet to the Point of Curve of a 1,364.50 foot radius, tangent curve to the left;

thence along said curve, through a central angle of 01°51'04", a distance of 44.09 feet (chord bears North 09°05'59" East, a distance of 44.09 feet), to a point opposite and 36.75 feet Westerly of Centerline Station 48+79.96;

thence to a point on said Centerline at Station 48+79.96.

The centerline of NW Hill Road is described as follows:

March 15, 2017

EXHIBIT A - Page 2 of 4
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441800701
File 008

Beginning at Centerline Station 10+00.00, said Station being the Centerline intersection of Northwest Hill Road and West Second Street, monumented by a 5/8" iron bar, with aluminum disc, marked "City of McMinnville", in a monument case;

thence North 02°14'49" West, a distance of 1,195.53 feet, to a Point of Intersection at Centerline Station 21+95.54, monumented by a 3/4" inside diameter iron pipe;

thence North 06°39'48" East, a distance of 1,118.61 feet, to a Point of Curve at Centerline Station 33+14.14, of a 500.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 59°11'44", a distance of 516.58 feet (chord bears North 36°15'40" East, a distance of 493.91 feet), to a Point of Reverse Curve at Centerline Station 38+30.72, of a 500.00 foot radius, tangent curve to the left;

thence along last said curve, through a central angle of 63°35'41", a distance of 554.97 feet (chord bears North 34°03'42" East, a distance of 526.92 feet), to a Point of Tangency at Centerline Station 43+85.69;

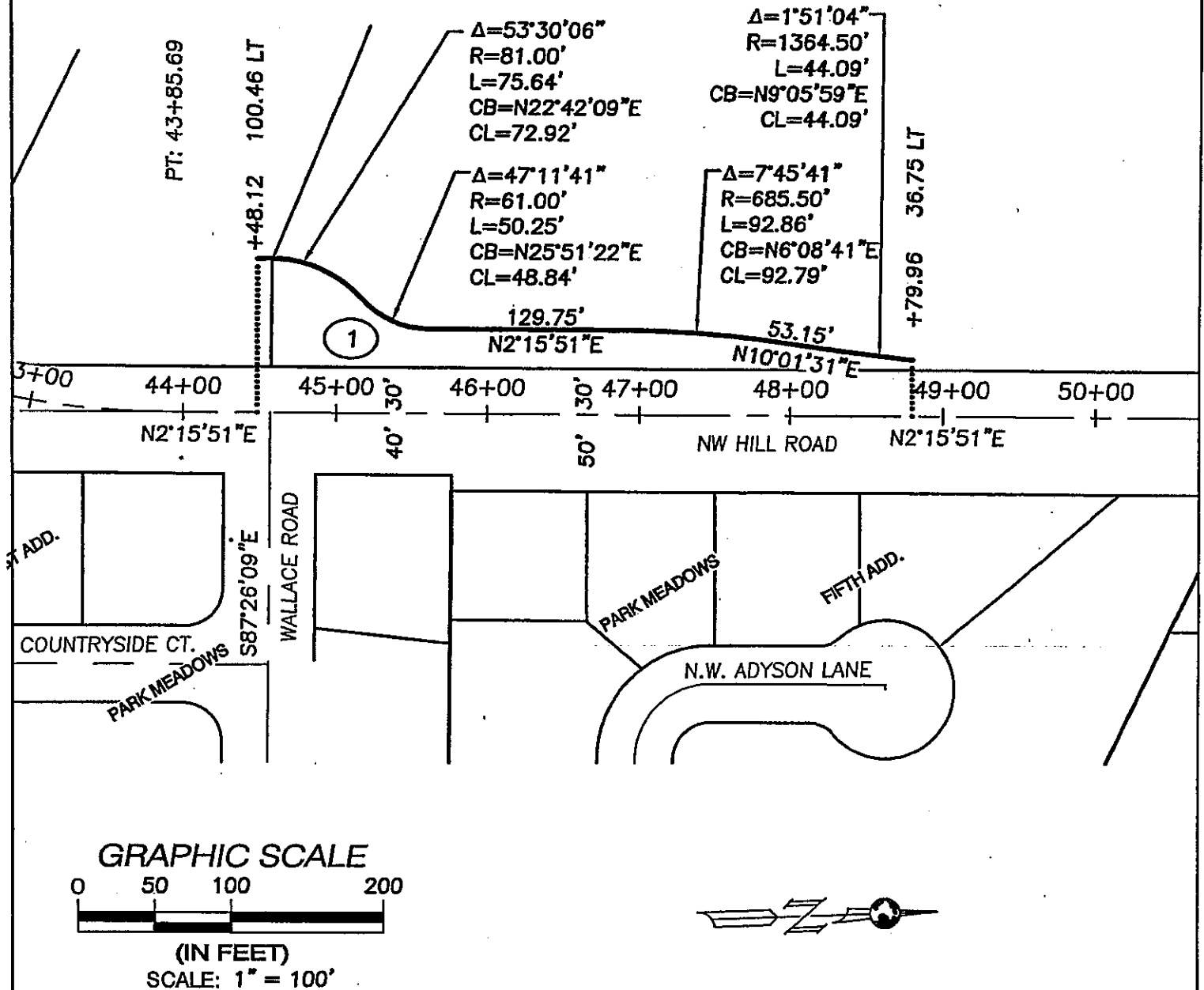
thence North 02°15'51" East, a distance of 3,383.41 feet to Centerline Station 77+69.10, said Station being the Centerline intersection of said Northwest Hill Road and Baker Creek Road, from which a 5/8" iron rod with yellow plastic cap, marked "Barker PLS 636" bears North 02°15'51" East, a distance of 30.22 feet.

Bearings are based on County Survey No. 13244 Yamhill County Survey Records, Yamhill County, Oregon.

This parcel of land contains 11,809 square feet, more or less, outside the existing right of way.

March 15, 2017

McMINNVILLE SCHOOL DISTRICT NO. 40
1600 NW HILL ROAD
McMINNVILLE, OR 97128
TL 44-1800701



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox
OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886
RENEWAL: 12-31-18

EXHIBIT B

NW HILL ROAD RIGHT OF WAY ACQUISITION - FILE 008
1600 NW HILL ROAD, MCMINNVILLE
SW 1/4 SECTION 18, T4S, R4W, W.M.,
YAMHILL COUNTY, OREGON
SHEET 1 OF 2

DATE MARCH 15, 2017
JOB NO. 2015018

**bluedot
group**

land surveying & mapping
11700 sw 67th ave
portland, or 97223
v. 503.624.0108
f. 503.624.9058

GRANTOR: McMinnville School District No. 40
GRANTEE: City of McMinnville, Oregon
CONSIDERATION: \$1,547.00

After recording return to:
City of McMinnville
230 NE 2nd Street
McMinnville Or 97128

Until a change is requested, all tax statements shall be sent
to the following address: N/A

TEMPORARY CONSTRUCTION EASEMENT

McMinnville School District No. 40, GRANTOR, does hereby grant to the **City of McMinnville**, a Municipal Corporation of the State of Oregon, GRANTEE, a temporary construction easement and right-of-entry for the purpose of road widening and sidewalk construction over and across the real property described in Exhibit "A" and shown on Exhibit "B", attached hereto and incorporated herein by this reference.

The true and actual consideration for this conveyance is **\$1,547.00**.

The Grantee's use of the easement shall include the right for the Grantee, its employees, agents, assigns, contractors and employees of contractors, to enter and use the easement area for construction work in connection with the NW Hill Road Improvement Project.

Grantee, within a reasonable time after completion of said construction, shall replace and restore as nearly as practicable the surface of the above described real property to its condition as it was immediately prior to Grantee's use of said property.

Grantor agrees that the consideration recited herein is just compensation for the property or the property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

This temporary construction easement shall become effective on the date the City of McMinnville issues the notice to proceed to the contractor, and shall terminate two (2) years from that date, or when construction on the property is completed, whichever occurs first.

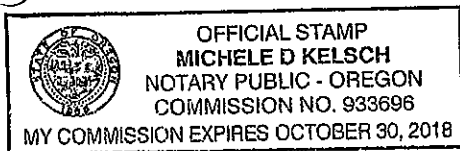
In construing this deed and where the context so requires, the singular includes the plural.

Dated this 10 day of August, 2017.

Margalite Russell
McMinnville School District No. 40

State of Oregon)
) ss.
County of Yamhill)

This record was acknowledged before me on August 10, 2017 by _____
Margalite Russell as Superintendent of McMinnville School District No. 40.



Michele D. Kelsch
Notary Public for Oregon
My Commission Expires: 10-30-2018

APPROVAL OF CONVEYANCE (ORS 93.808)

The City of McMinnville hereby approves of this conveyance and accepts title.

Name:
Title:

State of Oregon)
) ss.
County of Yamhill)

This record was acknowledged before me on _____
by _____ as _____ of the City of McMinnville.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT A - Page 3 of 4
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441800701
File 008

Parcel 2 – Temporary Construction Easement

A parcel of land lying in the SW1/4 of Section 18, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Warranty Deed to McMinnville School District No. 40, a Public Body of the State of Oregon, recorded February 09, 1996 as Document No. 199601998, Deed Records of Yamhill County, said parcel being that portion of said property Easterly of the following described line:

Beginning at Centerline Station 44+54.26 on the herein described center line of NW Hill Road;

thence to a point opposite and 115.92 feet Westerly of Centerline Station 44+54.26 to the Point of non-tangent Curve, of an 96.00 foot radius curve to the right concave to the east;

thence along said curve through a central angle of 48°50'35", a distance of 81.84 feet (chord bears North 25°01'55" East, a distance of 79.38 feet), to the Point of Reverse Curve, of a 46.00 foot radius curve to the left;

thence along said curve, through a central angle of 47°11'41", a distance of 37.89 feet (chord bears North 25°51'22" East, a distance of 36.83 feet), to a point opposite and 70.46 feet Westerly of Centerline Station 45+61.20;

thence South 87°44'09" East, a distance of 10.00 feet to a point opposite and 60.46 feet Westerly of Centerline Station 45+61.20;

thence North 02°15'51" East, parallel with said centerline, a distance of 129.75 feet to the Point of Curve of a 690.50 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 07°45'41", a distance of 93.53 feet (chord bears North 06°08'41" East, a distance of 93.46 feet), to a point opposite and 54.13 feet Westerly of Centerline Station 47+84.20;

thence North 10°01'31" East, a distance of 53.15 feet to the Point of Curve of a 1,359.50 foot radius, tangent curve to the left;

thence along said curve, through a central angle of 01°49'46", a distance of 43.41 feet (chord bears North 09°06'39" East, a distance of 43.41 feet to a point opposite and 41.78 feet Westerly of Centerline Station 48+79.96.

March 15, 2017

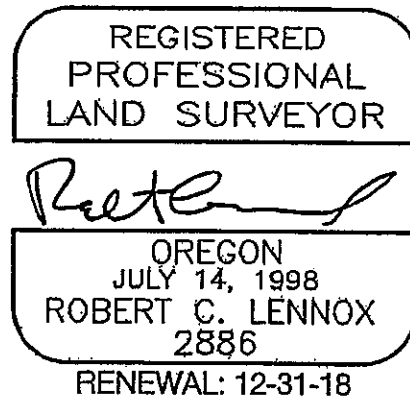
EXHIBIT A - Page 4 of 4
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441800701
File 008

thence to a point on said Centerline at Station 48+79.96.

Excepting therefrom Parcel 1

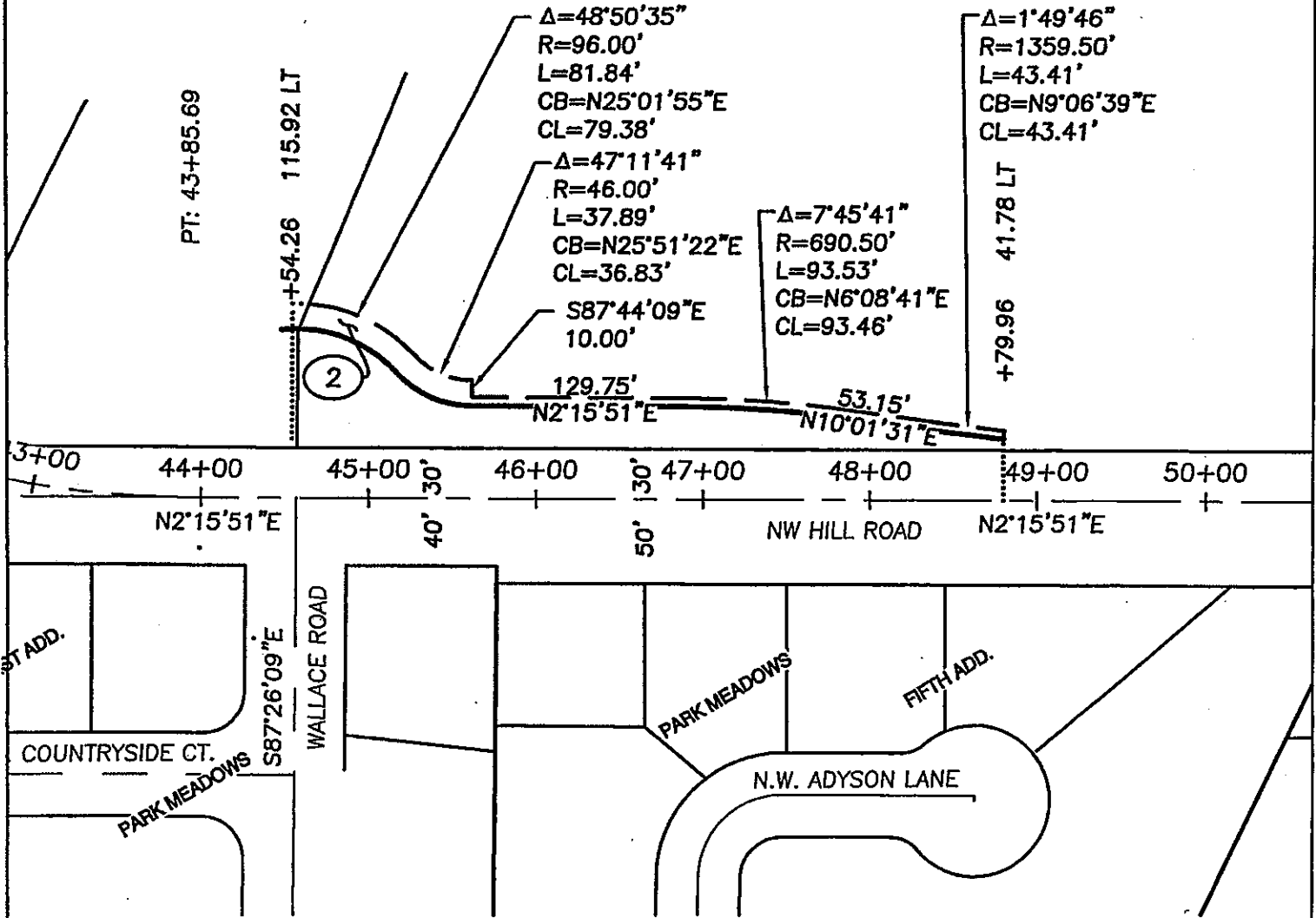
The centerline of NW Hill Road is described in Parcel 1.

This parcel of land contains 3,291 square feet, more or less, outside the existing right of way.



March 15, 2017

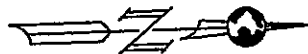
McMINNVILLE SCHOOL DISTRICT NO. 40
1600 NW HILL ROAD
McMINNVILLE, OR 97128
TL 441800701



GRAPHIC SCALE



(IN FEET)
SCALE: 1" = 100'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-18

EXHIBIT B

NW HILL ROAD RIGHT OF WAY ACQUISITION - FILE 008
1600 NW HILL ROAD, MCMINNVILLE
SW 1/4 SECTION 18, T4S, R4W, W.M.,
YAMHILL COUNTY, OREGON
SHEET 2 OF 2

DATE MARCH 15, 2017

JOB NO. 2015018

**bluedot
group**

land surveying & mapping
11700 sw 67th ave
portland, or 97223
v. 503.624.0108
f. 503.624.9058

RESOLUTION NO. 2016-88

A Resolution authorizing the acquisition of property for the NW Hill Road transportation bond project, and exercising the power of eminent domain.

RECITALS:

The City of McMinnville may exercise the power of eminent domain under ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City Council to accomplish public purposes for which the City has responsibility.

The City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

The City is acting to improve NW Hill Road, from NW 2nd Street to Baker Creek Road. The project includes the widening of Hill Road and the installation of turn lanes, bike lanes, sidewalks, landscaping, storm water facilities and the installation of roundabouts at the Hill Road/Wallace Road and Hill Road/Baker Creek Road intersections. The project is consistent with the City's adopted 2010 Transportation System Plan, and funding for the project was included in the voter approved 2014 Transportation Improvement bond measure.

The project has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of transportation infrastructure so that property damage is minimized, transportation promoted, and travel safeguarded.

To accomplish the Project, it is necessary to acquire the fee title interest in eleven (11) parcels, sight line easements over two (2) parcels and temporary construction easements over five (5) parcels of property located along the existing City right-of-way, as described and shown in the attached Exhibit A.

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

1. The foregoing statements of authority and need are true and the Project is in the public interest.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in the attached Exhibit A subject to payment of just compensation and to procedural requirements of Oregon law.
3. The City's staff and the City's agents are authorized to negotiate an agreement with the owner and other persons in interest as to the compensation to be paid for each acquisition and, in the event that no satisfactory agreement can be reached, the City's staff and the City's agents are authorized to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition.
4. The City of McMinnville expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 13th day of December, 2016 by the following votes:

Ayes: Jeffries, Menke, Ruden, Yoder

Nays: _____

Approved this 13th day of December, 2016.



MAYOR

Approved as to form:



CITY ATTORNEY

RESOLUTION NO. 2017-24

A Resolution amending Resolution 2016-88, authorizing the acquisition of property for the NW Hill Road transportation bond project, Project 2015-16, and exercising the power of imminent domain.

RECITALS:

At their December 13, 2016 meeting, the City Council approved Resolution 2016-88 authorizing the acquisition of property for the NW Hill Road transportation bond project, Project 2015-16, and exercising the power of imminent domain under ORS 223.105(2) and ORS Chapter 35.

Resolution 2016-88 authorized the acquisition of the fee title interest in eleven (11) parcels, site distance easements over two (2) parcels and temporary construction easements over five (5) parcels of property located along the existing City right-of-way.

Subsequent to the adoption of Resolution 2016-88, the City's agents determined that the acquisition files did not accurately reflect the ownership of two parcels along the corridor. The acquisition documents did not reflect the transfer of property from the McMinnville School District (taxlot R4418 00701) to Fox Ridge Developers (taxlot R4418 00700) via warranty deed, recorded on February 9, 1996 as document 199601998.

As a result, the acquisition files approved via Resolution 2016-88 need to be amended to reflect a reduction in the amount of property need from the McMinnville School District parcel (taxlot R4418 00701), and the addition of a file to acquire property from Fox Ridge Developers (taxlot R4418 00700). The amendments to Resolution 2016-88 are as described and shown in the attached Exhibit A.

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

1. Resolution 2016-88 is hereby amended to reflect the reduction in the amount of property need from the McMinnville School District parcel (taxlot R4418 00701), and the addition of a file to acquire property from Fox Ridge Developers (taxlot R4418 00700), as described and shown in the attached Exhibit A.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in the attached Exhibit A subject to payment of just compensation and to procedural requirements of Oregon law.
3. The City's staff and the City's agents are authorized to negotiate an agreement with the owner and other persons in interest as to the compensation to be paid for each acquisition and, in the event that no satisfactory agreement can be reached, the City's staff and the City's agents are authorized to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition.
4. The City of McMinnville expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

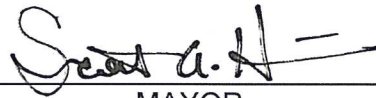
Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of March 2017 by the following votes:

Ayes: Drabkin, Jeffries, Stassens

Nays: _____

Abstention: Ruden

Approved this 28th day of March, 2017.



MAYOR

Approved as to form:



CITY ATTORNEY



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: August 22, 2017
TO: Jeff Towery, City Manager
FROM: Roy Markee, Engineering Project Manager
VIA: Mike Bisset, Community Development Director
SUBJECT: 4th and Ford Sanitary Sewer Rehabilitation Project 2016-14

Council Goal:

Plan and Construct Capital Projects

Report in Brief:

This action is the consideration of a resolution to award a public improvement contract in the amount of \$385,428.00 to Emery & Sons Construction Group for the construction of the 4th and Ford Sanitary Sewer Project 2016-14.

Background:

The project work includes the rehabilitation and repair of sanitary sewer lines. The sanitary sewer system in the project area is a combined storm/sanitary system, this work will separate the storm water from the sanitary system. The pipes will be repaired using dig and replace and pipe bursting techniques. The work will be paid for using Wastewater Capital Fund (77) monies.

The attached project vicinity map reflects the work areas covered by the contract. The project work is expected to start in September and be completed by December 31, 2017.

Discussion:

On Thursday, August 10, 2017, five bids were received, opened, and publicly read for the construction of the 4th and Ford Sanitary Sewer Rehabilitation Project 2016-14. The bid results are as follows:

- | | |
|-----------------------------------|--------------|
| • Emery & Sons Construction Group | \$385,428.00 |
| • Landis & Landis Construction | \$417,839.50 |
| • Jesse Rodriguez Construction | \$449,381.00 |
| • James W Fowler | \$497,000.00 |
| • Pacific Excavation | \$615,000.00 |

The construction estimate for this work was \$345,000.00.

The bids were checked for completeness, including a review of the following:

- Was the bid submitted, on time, in a properly sealed and labeled envelope?
- Was the Bid Form properly filled out and executed?
- Was a Bid Bond included?
- Was the First Tier Subcontractor Form turned in on time?

Four of the five bids were complete and met the City's requirements. Pacific Excavation failed to turn in the First Tier Form. A detailed breakdown of the received bids is on file in the Engineering Department.

The bid from Emery & Sons Construction Group, in the amount of \$385,428.00, was deemed to be the lowest responsible and responsive bid.

Attachments:

1. Resolution
2. Vicinity Map

Fiscal Impact:

Funds for the design work are included in the adopted FY18 Wastewater Capital Fund (77) budget.

Recommendation:

Staff recommends that the City Council adopt the attached resolution approving the Public Improvement Contract with Emery & Sons Construction Group for the construction of the 4th and Ford Sanitary Sewer Project.

RESOLUTION NO. 2017-59

A Resolution regarding the award of the contract for the construction of the 4th and Ford Sanitary Sewer Rehabilitation Project, Project 2016-14.

RECITALS:

On Thursday, August 10, 2017, bids were received, opened, and publicly read for the construction of the 4th and Ford Sanitary Sewer Rehabilitation Project. Five bids were received, four were complete and met the City's requirements.

The bid from Emery and Sons Construction Group, in the amount of \$385,428.00, was deemed to be the lowest responsible and responsive bid.

This project is funded by wastewater capital fund (77), and the project is included in the FY2018 wastewater budget.

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

1. That entry into a contract between the City of McMinnville and Emery and Sons Construction Group for the construction of the 4th and Ford Sanitary Sewer Rehabilitation Project, Project 2016-14, in the amount of \$385,428.00, and with a project deadline of December 31, 2017, is hereby approved.
2. The City Manager is hereby authorized and directed to execute the contract for the 4th and Ford Sanitary Sewer Rehabilitation Project, Project 2016-14.
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 22nd day of August, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of August, 2017.

MAYOR

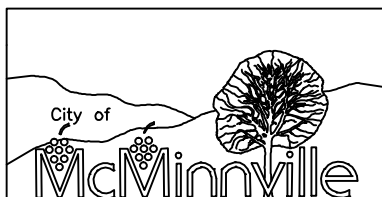
Approved as to form:



CITY ATTORNEY



— Sewer to rehabilitate



CITY OF McMINNVILLE, OREGON
ENGINEERING DEPARTMENT
4TH AND FORD
SANITARY SEWER REHABILITATION
VICINITY MAP

| |
|----------------------|
| SCALE: |
| Drawn: RM |
| Checked: RS/LS/JG/MB |
| Date: MARCH 16, 2017 |
| Project No. 2016-14 |
| SHEET 1 of 1 |