



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

**City Council Meeting Agenda
Tuesday, September 26, 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. 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 comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.*
4. PRESENTATION ON CURBSIDE YARD DEBRIS AND GLASS AND ALTERNATE DISPOSAL PROPOSAL, FRED STEMMLER
5. CONSENT AGENDA
 - a. **Resolution No. 2017-62:** A Resolution approving the acquisition of property from HCP SH ELP1 Properties, LLC for the NW Hill Road Improvements transportation bond project.
 - b. Consider OLCC Liquor License application for full on-premises sales related to a Change of Ownership for Yan's Chinese Restaurant.
6. RESOLUTIONS

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.

- a. **Resolution No. 2017-63:** A Resolution establishing a Downtown Safety Task Force.
- b. **Resolution No. 2017-64:** A Resolution appointing Sylla McClellan, Jeff Sargent, Erika Marksbury, Rick Weidner, Laura Vanhourt, Lindsey Manfrin as members of the Downtown Safety Task Force.

7. ORDINANCE

- a. First reading with possible second reading of **Ordinance No. 5038**: An Ordinance amending Ordinance 4539, adopting by reference certain uniform codes which relate to the maintenance of existing buildings and abatement of dangerous conditions.

8. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
- c. Building Division Report

9. EXECUTIVE SESSION UNDER ORS 192.660(2)(h) CONSULTATION WITH COUNCIL CONCERNING LEGAL RIGHTS AND DUTIES REGARDING CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED.

10. ADJOURNMENT

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City of McMinnville

Curbside Yard Debris & Glass Update

Presented to the
McMinnville City Council
September 26th, 2017

by

Fred Stemmler
General Manager Emeritus, RWO



McMinnville YD & Glass Update

Can/Cart Trash Service Counts (Black Lid):

| Service Description* | Jan 2017 | Aug 2017 | # Change | % Change |
|-----------------------|----------|----------|----------|----------|
| Cans/Carts in Service | 9,388 | 9,592 | 204 | 2.2% |

Mixed Recycling Counts (Red Lid):

| Service Description* | Jan 2017 | Aug 2017 | # Change | % Change |
|----------------------|----------|----------|----------|----------|
| Carts in Service | 10,123 | 10,372 | 249 | 2.5% |

McMinnville YD & Glass Update

Yard Debris Collection Counts (Green Lid):

| Service Description* | Jan 2017 | Aug 2017 | # Change | % Change |
|----------------------|----------|----------|----------|----------|
| 90 gallon roll-cart | 2,731 | 3,835 | 1,104 | 40.4% |

Yard Debris Participation Rate: 40.0%

(*Previous to rollout, subscription was ~ 9.7% , 975 customers)

Mixed Glass Counts (Blue Lid):

| Service Description* | Jan 2017 | Aug 2017 | # Change | % Change |
|----------------------|----------|----------|----------|----------|
| 32 gallon roll-cart | 2,123 | 3,211 | 1,088 | 51.2% |

Glass Participation Rate: 33.5% (*Previous to rollout, service not available)

Questions?

City of McMinnville Alternative Disposal Proposal

Presented to the
McMinnville City Council
September 26th, 2017

by

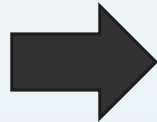
Fred Stemmler
General Manager Emeritus, RWO



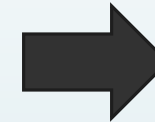
Material Flow - Current



CUSTOMER



COLLECTION

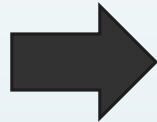


DISPOSAL

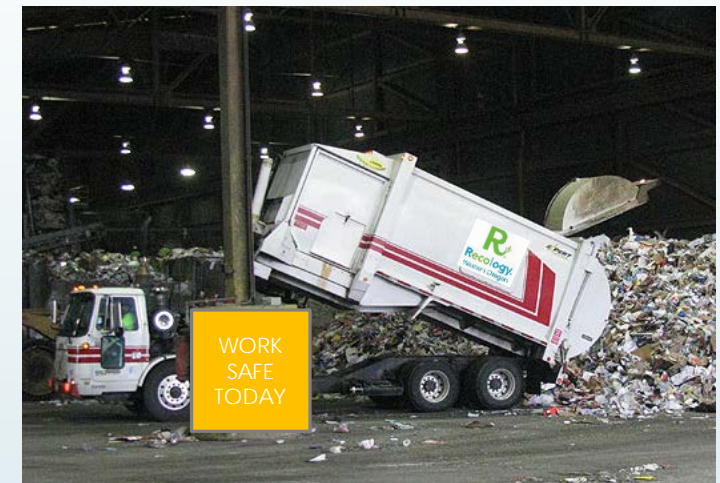
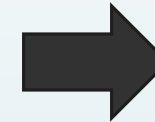
Material Flow - PROPOSED



CUSTOMER



COLLECTION



DROP FOR RELOAD



DISPOSAL



TRANSFER



Cost Model - Procedures

- RWO-Valley (the collection company) will pay RWO-MTS (the transfer station) to accept waste at MTS.
- MTS will charge Valley a set rate per ton to process, reload and transfer the waste to a disposal site.
- This inter-subsidiary billing will work the same as the current system for recycling and organics tip fees.

Cost Model - Impacts

- **RWO-Valley Collection Rates would increase by 10% effective January 1st, 2018.**

Residential (Can/Cart) Examples:

| Service Description* | Current Rate/mo | Change at 10.0% | Proposed Rate/mo |
|---------------------------------------|-----------------|-----------------|------------------|
| 32 gal cart weekly curbside | \$ 22.32 | \$2.23 | \$ 24.55 |
| 90 gal cart every-other-week curbside | \$ 24.20 | \$2.42 | \$ 26.62 |
| 90 gal cart weekly curbside | \$ 37.22 | \$3.72 | \$ 40.94 |

***These are the 3 most common residential rates. 75% of McMinnville customers have one of these service levels.**

Cost Model - Impacts

- **RWO-Valley Collection Rates would increase by 10% effective January 1st, 2018.**

Commercial (Front-Load) Examples:

| Service Description* | Current Rate/mo | Change at 10.0% | Proposed Rate/mo |
|--------------------------|-----------------|-----------------|------------------|
| 2 yard container 1x/week | \$ 236.50 | \$ 23.65 | \$ 260.15 |
| 4 yard container 1x/week | \$ 386.62 | \$ 38.66 | \$ 425.28 |
| 6 yard container 1x/week | \$ 536.73 | \$ 53.67 | \$ 590.40 |

***These are the 3 most common container service levels. 37% of McMinnville customers have one of these service levels.**

Summary

We remain committed to providing the people of McMinnville with the best possible services, at reasonable rates, with the upmost concern for the environment, the stability of local businesses, and the long-term livability of this community.

Questions:

Carl Peters
General Manager
Recology Western Oregon
(eff. October 1st, 2017)
cpeters@recology.com

Call our office at 503-472-3176,
visit us online at www.recology.com,
or find us on Facebook at
“Recology Western Oregon”.





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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: September 26, 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 HCP SH ELP1 Properties, LLC 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 September 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 HCP SH ELP1 Properties, LLC.

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 \$80,100.00, 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 HCP SH ELP1 Properties, LLC for the NW Hill Road Improvements transportation bond project, and authorizing City Manager to execute the dedication deed and purchase documents.

RESOLUTION NO. 2017-62

A Resolution approving the acquisition of property from HCP SH ELP1 Properties, LLC 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 HCP SH ELP1 Properties, LLC.

The total purchase price for the property is \$80,100.00, 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 HCP SH ELP1 Properties, LLC 40 for the NW Hill Road Improvements transportation bond project, at the total purchase price of \$80,100.00, 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 26th day of September, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of September, 2017.

MAYOR

Approved as to form:



CITY ATTORNEY

NW Hill Road Project - ROW Just Compensation & Acquisition Status 9/26/17

| 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 | \$80,100.00 |
| 7a | | HCP (Hillside Manor) | | |
| 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 | \$162,850.00 |

| | | |
|------------------------------|------------------------------------|--------------------|
| 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 |
| | Resolution 2017-58 | \$34,100.00 |
| | HCP Properties (Hillside Manor) | \$80,100.00 |
| | Current Resolution | \$80,100.00 |

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

June 7, 2017

Project Property Number: HMA File 16-04-7

HCP SH ELP1 Properties LLC
Kris Fink, Lease Administrator
1920 Main Street, Suite 1200
Irvine, CA 92614

Re: Letter of Agreement for the property located at 900 NW Hill Road (Tax ID R441901200) for the NW Hill Road Improvement Project

Dear Ms. Fink:

The City of McMinnville has planned the construction of the above referenced project. As you are aware, the property located at the 900 NW Hill 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.

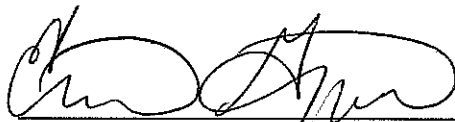
In exchange for executing the documents and subject to final approval by the City of McMinnville, the City agrees to the following:

1. To compensate you, in full, the sum of **\$67,429.00** for the Dedication Deed.
2. To compensate you, in full, the sum of **\$12,671.00** 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



HCP SH ELPI Properties LLC

9-11-17

Date

Erika Govik

Print Name

Vice President

Title

Approved and Accepted by:

The City of McMinnville

Date

OFFICER'S CERTIFICATE

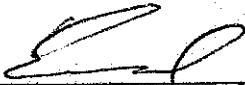
Pursuant to Sections 7.3 and 25.1.1 of the Amended and Restated Master Lease and Security Agreement dated August 29, 2014 (the "Lease"), by and between the entities shown in the Lease as the "Lessor" (as their interests may appear) and Emeritus Corporation, a Washington corporation, Summerville at Hazel Creek LLC, a Delaware limited liability company, and Summerville at Prince William, Inc., a Delaware corporation (collectively, and jointly and severally, "Lessee"), the undersigned Lessee certifies to Lessor, including without limitation to HCP SH ELP1 Properties LLC, a Delaware limited liability company ("Premises Lessor") that the following are true as of this date:

1. Lessee is the tenant under the Lease.
2. The Leased Property under the Lease includes certain real property commonly known as Emeritus at Osprey Court, located at 900 NW Hill Road, McMinnville, Oregon (the "Premises").
3. Lessee has received notice that the City of McMinnville, Oregon (the "City") has planned a project that includes widening and other improvements to NW Hill Road between NW 2nd Street and NW Baker Creek Road, and that, as part of such project, the City proposes to take dedication of certain real property including a portion of the Premises as set forth on the form of Dedication Deed attached hereto as Exhibit A and incorporated herein by this reference and to receive certain temporary construction easement rights over a portion of the Premises as set forth in the form of Temporary Construction Easement attached hereto as Exhibit B and incorporated herein by this reference (collectively, the "Transaction").
4. The Transaction is either reasonably necessary for the use, maintenance and/or operation of the Premises or would not be detrimental to the proper conduct of the Lessee's business at the Premises and, in each case, would not be unreasonably expected to materially reduce the value of the Premises.
5. Lessee acknowledges that Lessor, including without limitation Premises Lessor, will rely on this Certificate in negotiating the Transaction with the City.

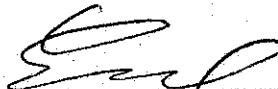
[SIGNATURES ON FOLLOWING PAGE(S)]

This Certificate is dated and effective on August 23, 2017.

EMERITUS CORPORATION,
a Washington corporation

By: 
Name: Eric W. Hoaglund
Its: Vice President

SUMMERVILLE AT HAZEL CREEK LLC,
a Delaware limited liability company

By: 
Name: Eric W. Hoaglund
Its: Vice President

SUMMERVILLE AT PRINCE WILLIAM, INC.,
a Delaware corporation

By: 
Name: Eric W. Hoaglund
Its: Vice President

EXHIBIT A

FORM OF DEDICATION DEED

[See attached]

EXHIBIT B

FORM OF TEMPORARY CONSTRUCTION EASEMENT

[See attached]

GRANTOR: HCP SH ELP1 Properties LLC
GRANTEE: City of McMinnville, Oregon
CONSIDERATION: \$67,429.00

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

HCP SH ELP1 Properties LLC, a Delaware Limited Liability Company, GRANTOR, conveys, warrants 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 **\$67,429.00**.

The above described property is conveyed free of encumbrances, except as specifically set forth herein: NONE, other than encumbrances of record.

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 created or suffered by the Grantor except as specifically set forth on the deed, and that the Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under the Grantor.

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 _____ day of _____, 2017.



HCP SH ELP1 Properties LLC, a Delaware Limited Liability Company

State of _____)
_____) ss.
County of _____)

This record was acknowledged before me on See attached by _____
_____ as _____ of HCP SH ELP1 Properties
LLC, a Delaware Limited Liability Company.

Notary Public for _____
My Commission Expires: _____

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: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS
COUNTY OF ORANGE)

On September 8, 2017, before me, Yury Rose Tolentino, a Notary Public, personally appeared Paul R. Boethel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public

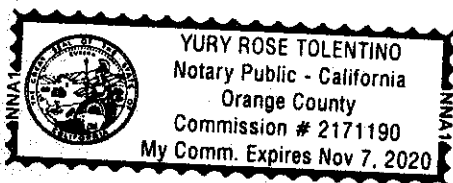


EXHIBIT A - Page 1 of 5

NW Hill Road

NW Hill Road Right of Way Acquisition

TL 441901200

File 007

Parcel 1 – Fee

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property Westerly of the following described line:

Beginning at a point opposite and 40.00 feet Easterly of Centerline Station 28+70 on the herein described center line of NW Hill Road; thence North 06°39'48" East, parallel with said Centerline, a distance of 237.18 feet to the Point of Curve, of a 475.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 25°34'24", a distance of 212.01 feet (chord bears North 19°27'00" East, a distance of 210.25 feet), to a point opposite and 43.67 feet Easterly of Centerline Station 35+32.59 on said Centerline.

The centerline of NW Hill Road is described as follows:

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.

April 25, 2017

EXHIBIT A - Page 2 of 5

NW Hill Road

NW Hill Road Right of Way Acquisition

TL 441901200

File 007

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

This parcel of land contains 3,363 square feet, more or less, outside the existing right of way.

Parcel 2 – Temporary Construction Easement

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property Westerly of the following described line:

Beginning at a point opposite and 60.00 feet Easterly of Centerline Station 28+70 on the herein described center line of NW Hill Road; thence North 06°39'48" East, parallel with said Centerline, a distance of 432.19 feet to the Point of Curve, of a 455.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 25°35'49", a distance of 203.27 feet (chord bears North 19°27'43" East, a distance of 201.59 feet), to a point opposite and 63.67 feet Easterly of Centerline Station 35+32.59 on said Centerline.

EXCEPT therefrom Parcel 1.

The center line of NW Hill Road is described in Parcel 1.

This parcel of land contains 7,910 square feet, more or less, outside the existing right of way.

April 25, 2017

EXHIBIT A - Page 3 of 5
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441901200
File 007

Parcel 3 – Fee

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, therein described as "Parcel 2";

EXCEPT therefrom:

that portion of said property Southerly of the following described line, which will hereafter be referenced as 'Line A':

Beginning at a point opposite and 43.67 feet Easterly of Centerline Station 35+32.59 on the herein described center line of NW Hill Road; thence along a curve to the right, with a 475.00 foot radius, through a central angle of 26°33'52", a distance of 220.23 feet (chord bears North 45°31'08" East, a distance of 218.26 feet), to a Point of Tangent;

thence North 58°48'04" East, a distance of 43.08 feet, to a Point of Curve, of a 9.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 90°00'00", a distance of 14.14 feet (chord bears South 76°11'56" East, a distance of 12.73 feet), to a Point of Tangent;

thence to a point opposite and 201.17 feet Easterly of Centerline Station 38+44.98 on said Centerline.

ALSO EXCEPTING therefrom:

the existing public rights-of-way.

ALSO EXCEPTING therefrom:

Parcel 5 described herein below.

This parcel of land contains 76,700 square feet, more or less, outside the existing right of way.

Parcel 4 – Temporary Construction Easement

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that

April 25, 2017

EXHIBIT A - Page 4 of 5

NW Hill Road

NW Hill Road Right of Way Acquisition

TL 441901200

File 007

Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property included in a strip of land 20.00 feet in width, lying Southerly of the line described herein (Parcel 3) as 'Line A'.

This parcel of land contains 7,131 square feet, more or less, outside the existing right of way.

Parcel 5 – Fee

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property Northwesterly of the following described line **AND** Southeasterly of the East right of way line of NW Hill Road:

Beginning at a point opposite and 255.58 feet Easterly of Centerline Station 38+41.64 on the herein described center line of NW Hill Road;

thence South 87°12'45" East, a distance of 15.44, along the south line of "Parcel 2" of said Deed;

thence North 31°28'09" East, along the Easterly line of said parcel, a distance of 274.29 feet to an Angle Point in said line Easterly line;

thence North 02°15'51" East, along the said Easterly line, a distance of 133.00 feet, to a point opposite and 81.53 feet Easterly of Centerline Station 41+17.72.

This parcel of land contains 6,733 square feet, more or less, outside the existing right of way.

Parcel 6 – Temporary Construction Easement

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of

April 25, 2017

EXHIBIT A - Page 5 of 5

NW Hill Road

NW Hill Road Right of Way Acquisition

TL 441901200

File 007

Yamhill County, said parcel being that portion of said property Northwesternly of the following described line **AND** Southeasterly of the East right of way line of NW Hill Road:

Beginning at a point opposite and 255.58 feet Easterly of Centerline Station 38+41.64 on the herein described center line of NW Hill Road;

thence South 02°43'42" West, a distance of 89.99 feet;

thence South 87°16'18" East, a distance of 160.00 feet;

thence North 02°43'42" East, a distance of 53.50 feet;

thence South 87°16'18" East, a distance of 19.58 feet;

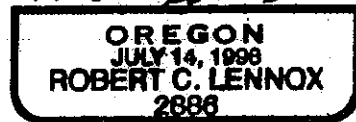
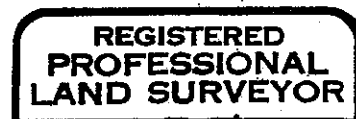
thence North 02°15'51" East, a distance of 56.61 feet;

thence North 89°40'06" West, a distance of 59.36 feet;

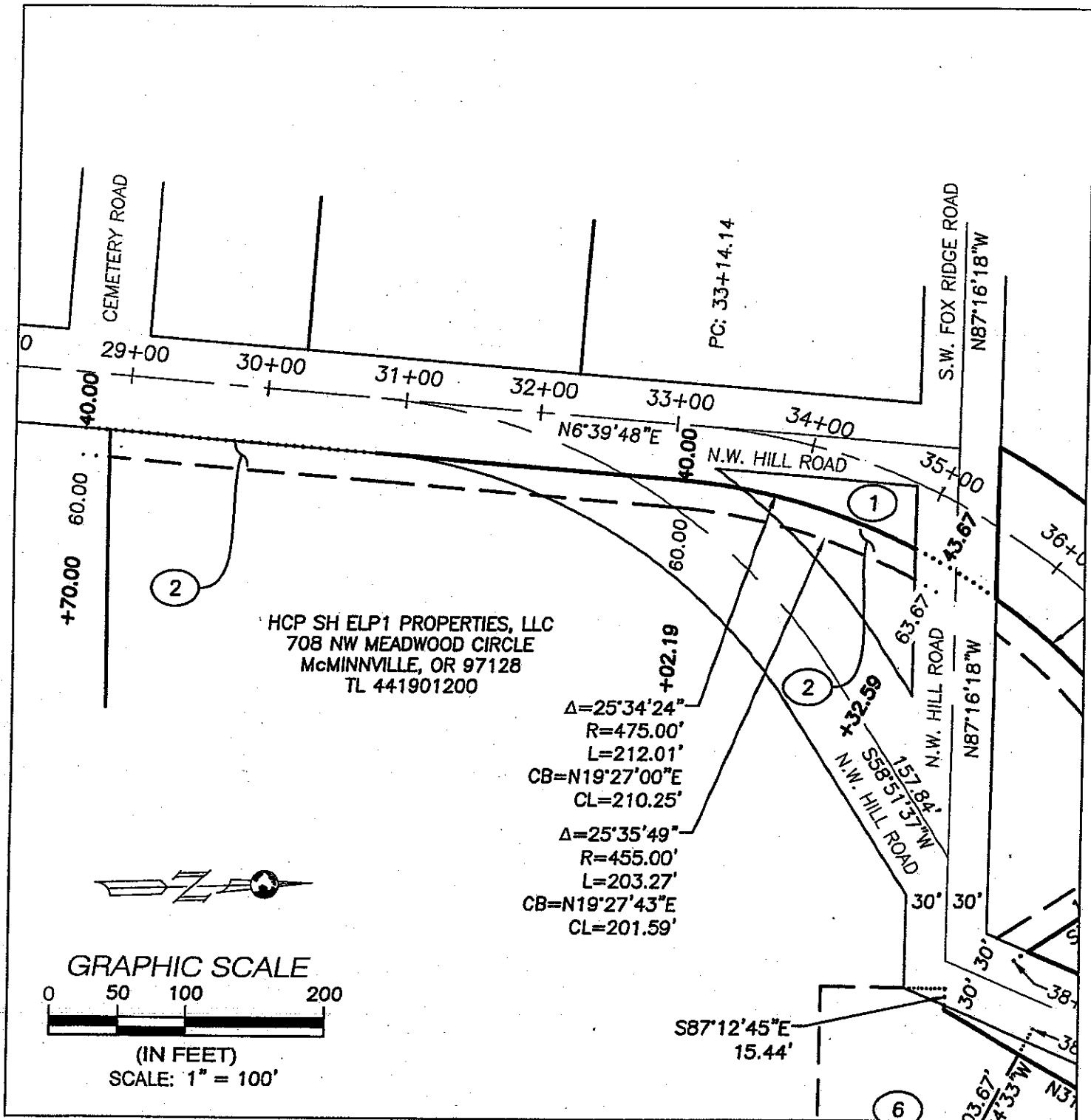
thence North 60°04'33" West, a distance of 103.67 feet, to a point opposite and 213.36 feet Easterly of Centerline Station 38+80.23.

EXCEPT therefrom Parcel 5.

This parcel of land contains 19,781 square feet, more or less, outside the existing right of way.



Renewal 12-31-18



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 007
708 NW MEADWOOD CIRCLE, MCMINNVILLE
NW 1/4 SECTION 19, T4S, R4W, W.M.,
YAMHILL COUNTY, OREGON

SHEET 1 OF 2

DATE APRIL 25, 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: HCP SH ELP1 Properties LLC
GRANTEE: City of McMinnville, Oregon
CONSIDERATION: \$12,671.00

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

HCP SH ELP1 Properties LLC, a Delaware Limited Liability Company, 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 **\$12,671.00**.

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 above described real property to its condition as it was immediately prior to Grantee's use of said property.

Grantee acknowledges and agrees that, except as expressly provided herein, Grantor makes no representations or warranties (whether express or implied) regarding the above described real property, and Grantee accepts the rights granted herein with the above described real property in its current condition, as-is, where-is, and with all faults. Any entry by Grantee onto the above described real property shall be at its own risk.

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 _____ day of _____, 2017.

HCP SH ELP1 Properties LLC, a Delaware Limited Liability Company

State of _____)
) ss.
County of _____)

This record was acknowledged before me on see attached by _____
_____ as _____ of HCP SH ELP1 Properties
LLC, a Delaware Limited Liability Company.

Notary Public for _____
My Commission Expires: _____

APPROVAL OF CONVEYANCE (ORS 93.808)

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

Name: _____
Title: _____

[illegible]

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

Notary Public for Oregon
My Commission Expires: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS
COUNTY OF ORANGE)

On September 8, 2017, before me, Yury Rose Tolentino, a Notary Public, personally appeared Paul R. Boethel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public

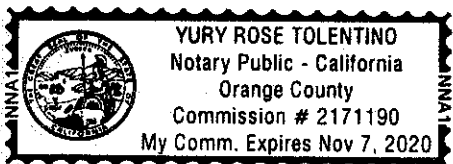


EXHIBIT A - Page 1 of 5
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441901200
File 007

Parcel 1 – Fee

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property Westerly of the following described line:

Beginning at a point opposite and 40.00 feet Easterly of Centerline Station 28+70 on the herein described center line of NW Hill Road; thence North 06°39'48" East, parallel with said Centerline, a distance of 237.18 feet to the Point of Curve, of a 475.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 25°34'24", a distance of 212.01 feet (chord bears North 19°27'00" East, a distance of 210.25 feet), to a point opposite and 43.67 feet Easterly of Centerline Station 35+32.59 on said Centerline.

The centerline of NW Hill Road is described as follows:

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.

April 25, 2017

EXHIBIT A - Page 2 of 5
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441901200
File 007

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

This parcel of land contains 3,363 square feet, more or less, outside the existing right of way.

Parcel 2 – Temporary Construction Easement

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property Westerly of the following described line:

Beginning at a point opposite and 60.00 feet Easterly of Centerline Station 28+70 on the herein described center line of NW Hill Road; thence North 06°39'48" East, parallel with said Centerline, a distance of 432.19 feet to the Point of Curve, of a 455.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 25°35'49", a distance of 203.27 feet (chord bears North 19°27'43" East, a distance of 201.59 feet), to a point opposite and 63.67 feet Easterly of Centerline Station 35+32.59 on said Centerline.

EXCEPT therefrom Parcel 1.

The center line of NW Hill Road is described in Parcel 1.

This parcel of land contains 7,910 square feet, more or less, outside the existing right of way.

April 25, 2017

EXHIBIT A - Page 3 of 5
NW Hill Road
NW Hill Road Right of Way Acquisition
TL 441901200
File 007

Parcel 3 – Fee

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, therein described as "Parcel 2";

EXCEPT therefrom:

that portion of said property Southerly of the following described line, which will hereafter be referenced as 'Line A':

Beginning at a point opposite and 43.67 feet Easterly of Centerline Station 35+32.59 on the herein described center line of NW Hill Road; thence along a curve to the right, with a 475.00 foot radius, through a central angle of 26°33'52", a distance of 220.23 feet (chord bears North 45°31'08" East, a distance of 218.26 feet), to a Point of Tangent;

thence North 58°48'04" East, a distance of 43.08 feet, to a Point of Curve, of a 9.00 foot radius, tangent curve to the right;

thence along said curve, through a central angle of 90°00'00", a distance of 14.14 feet (chord bears South 76°11'56" East, a distance of 12.73 feet), to a Point of Tangent;

thence to a point opposite and 201.17 feet Easterly of Centerline Station 38+44.98 on said Centerline.

ALSO EXCEPTING therefrom:

the existing public rights-of-way.

ALSO EXCEPTING therefrom:

Parcel 5 described herein below.

This parcel of land contains 76,700 square feet, more or less, outside the existing right of way.

Parcel 4 – Temporary Construction Easement

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that

April 25, 2017

EXHIBIT A - Page 4 of 5

NW Hill Road

NW Hill Road Right of Way Acquisition

TL 441901200

File 007

Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property included in a strip of land 20.00 feet in width, lying Southerly of the line described herein (Parcel 3) as 'Line A'.

This parcel of land contains 7,131 square feet, more or less, outside the existing right of way.

Parcel 5 – Fee

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of Yamhill County, said parcel being that portion of said property Northwesterly of the following described line AND Southeasterly of the East right of way line of NW Hill Road:

Beginning at a point opposite and 255.58 feet Easterly of Centerline Station 38+41.64 on the herein described center line of NW Hill Road;

thence South 87°12'45" East, a distance of 15.44, along the south line of "Parcel 2" of said Deed;

thence North 31°28'09" East, along the Easterly line of said parcel, a distance of 274.29 feet to an Angle Point in said line Easterly line;

thence North 02°15'51" East, along the said Easterly line, a distance of 133.00 feet, to a point opposite and 81.53 feet Easterly of Centerline Station 41+17.72.

This parcel of land contains 6,733 square feet, more or less, outside the existing right of way.

Parcel 6 – Temporary Construction Easement

A parcel of land lying in the NW1/4 of Section 19, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Limited Warranty Deed to HCP SH ELP1 Properties, LLC, A Delaware Limited Liability Company, recorded December 06, 2012 as Document No. 201217750, Deed Records of

April 25, 2017

EXHIBIT A - Page 5 of 5

NW Hill Road

NW Hill Road Right of Way Acquisition

TL 441901200

File 007

Yamhill County, said parcel being that portion of said property Northwesternly of the following described line **AND** Southeasterly of the East right of way line of NW Hill Road:

Beginning at a point opposite and 255.58 feet Easterly of Centerline Station 38+41.64 on the herein described center line of NW Hill Road;

thence South 02°43'42" West, a distance of 89.99 feet;

thence South 87°16'18" East, a distance of 160.00 feet;

thence North 02°43'42" East, a distance of 53.50 feet;

thence South 87°16'18" East, a distance of 19.58 feet;

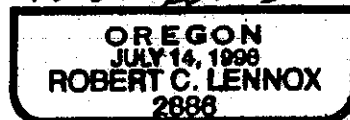
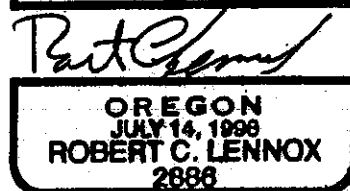
thence North 02°15'51" East, a distance of 56.61 feet;

thence North 89°40'06" West, a distance of 59.36 feet;

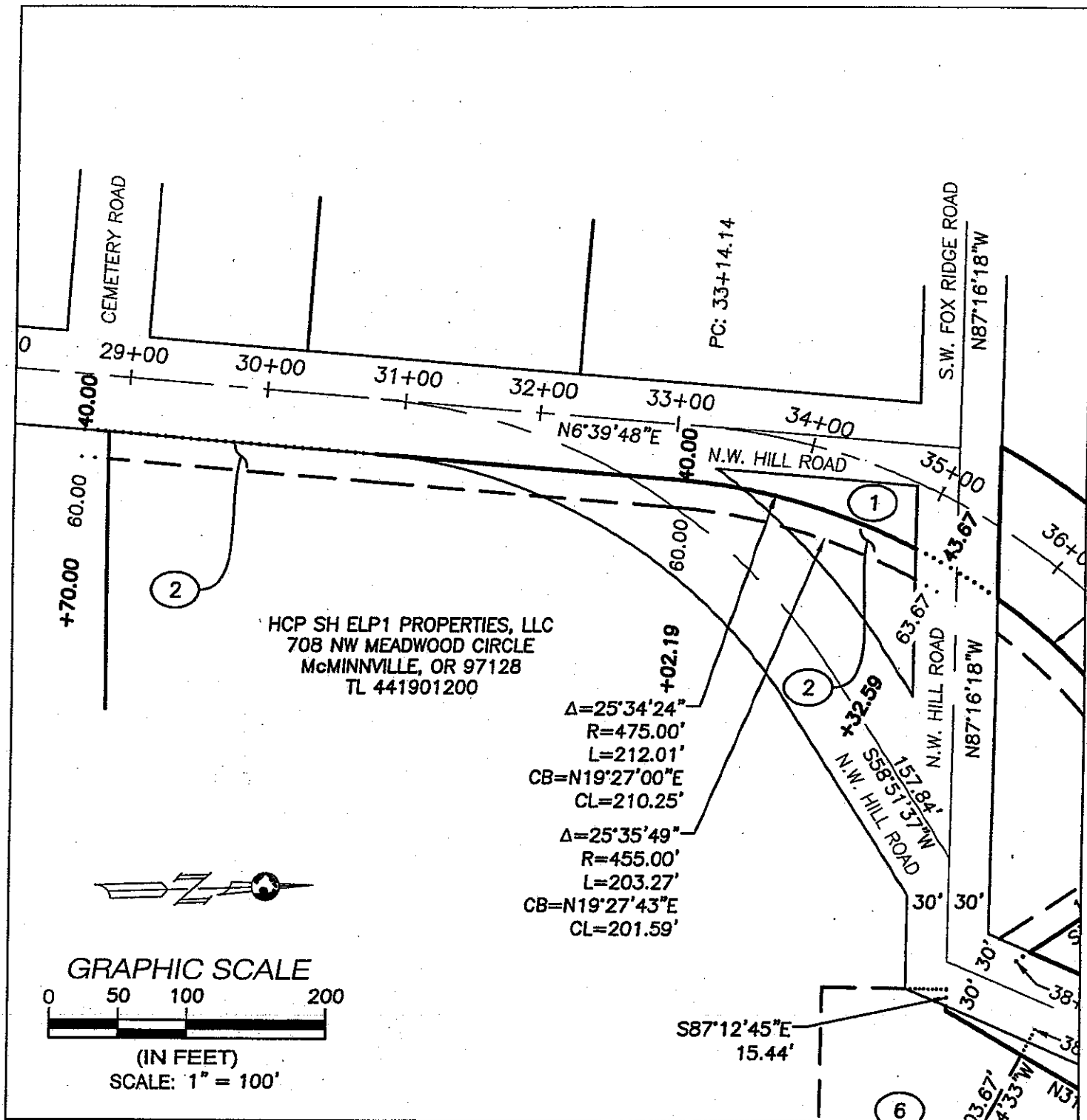
thence North 60°04'33" West, a distance of 103.67 feet, to a point opposite and 213.36 feet Easterly of Centerline Station 38+80.23.

EXCEPT therefrom Parcel 5.

This parcel of land contains 19,781 square feet, more or less, outside the existing right of way.



Renewal 12-31-18



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 007
708 NW MEADOWOOD CIRCLE, McMINNVILLE
NW 1/4 SECTION 19, T4S, R4W, W.M.,
YAMHILL COUNTY, OREGON

SHEET 1 OF 2

DATE

APRIL 25, 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.

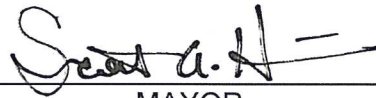
Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of March 2017 by the following votes:

Ayes: Drabkin, Jeffries, Stassens

Nays: _____

Abstention: Ruden

Approved this 28th day of March, 2017.



MAYOR

Approved as to form:



CITY ATTORNEY



| | |
|--|--------------------------------------|
| City Recorder Use | |
| Final Action: _____ | |
| <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Disapproved |

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Yan's Chinese Restaurant
BUSINESS LOCATION ADDRESS: 1822 NE Highway 99W, McMinnville, OR
LIQUOR LICENSE TYPE: Full On-Premises Sales

Is the business at this location currently licensed by OLCC

☒ Yes ☐ No

If yes, what is the name of the existing business:

Yan's Chinese Restaurant

Hours of operation: Sunday – Saturday 11AM to 10PM

Entertainment: Video Lottery Machines

Hours of Music: No

Seating Count: No

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Change of ownership

Matthew 35L

Chief of Police / Designee

City Manager / Designee



City of McMinnville
City Manager's Office
230 NE Second Street
McMinnville, OR 97128
(503) 434-7302

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: September 26, 2017
TO: City Council
FROM: Jeff Towery, City Manager
SUBJECT: Establish Downtown Safety Task Force

Council Goals:

Promote Sustainable Growth and Development and Communicate with Citizens and Key Local Partners by promoting active engagement of the community.

Background & Report:

In recognition of a growing concern for safety in the City of McMinnville, a temporary Task Force Committee will be formed.

Over the next six months, this inclusive group will meet on a frequent basis to share information and provide feedback on proposed solutions to problems in and around the downtown area, to include the residential areas of the economic improvement district (EID). These problems were identified through public testimony during City Council meeting taking place on July 11th and 25th. Having heard the citizens' concerns, the City Council and Mayor requested action by the City. The charge of this downtown safety committee task force is to collect data and interview those affected by negative behaviors taking place in the EID. Once the data has been analyzed and interviews conducted with stakeholders, the task force *may* recommend short term and long term solutions to the City Council.

Proposals made to City Council will be done in a thorough and thoughtful process, ensuring constitutional rights are protected for all. This task force *may* recommend additions or changes to our Municipal Code. Changes made to the Municipal Code would be to specifically address the nuisance or criminal behaviors. Information moved forward to the City Council will identify the **pros and cons** of possible solutions, and success stories if the task force recommends implementation of code changes.

Reports and updates of the Committee work will be made to the City Council during the 2nd, 4th months of work, and at the conclusion of the task force's work in the 6th month.

It is expected that this inclusive task force will:

- Collect data and analyze it
- Review data and define the problem(s)
- Develop a recommended plan of action

The City Council will then consider the recommended plan of action and move forward with potential implementation actions after the committee's work is presented.

After solutions have been implemented data will be collected and measured to see if behavioral issues have been reduced and the desired outcomes have been achieved.

Recommendation/Suggested Motion:

Staff recommends that the Council approve Resolution No. 2017-63.

“I MOVE TO APPROVE RESOLUTION NO. 2017-63.”

RESOLUTION NO. 2017-63

A Resolution establishing a Downtown Safety Task Force.

RECITALS:

The City Council desires to promote public safety, sustainable growth and development and communication with citizens and key local partners through active engagement of the community.

The City Council recognizes the concerns for safety and negative behaviors in the City of McMinnville and specifically in and around the downtown area, including the residential areas of the economic improvement district.

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

1. A Downtown Safety Task Force is established as described in Exhibit A.
2. This Resolution will take effect immediately.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of September, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of September, 2017.

MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A

DOWNTOWN SAFETY TASK FORCE

Purpose. Public Safety is significant to McMinnville's quality of life. In order to continue to promote safety, sustainable growth and development and communicate with citizens and key local partners through active engagement, the Downtown Safety Task Force is hereby established in accordance with the following provisions.

Duties of the Downtown Safety Task Force. The Downtown Safety Task force will:

- A. Share information and provide feedback on proposed solutions to problems in and around (but not limited to) the downtown area and residential areas of the economic improvement district (EID).
- B. Collect data and interview those affected by negative behaviors taking place in the EID.
- C. Conduct Interviews with Stakeholders.
- D. Make recommendations to the City Council for short term and long term solutions.
- E. Recommend additions or changes to the City of McMinnville's Municipal Code.

Information moved forward to the City Council will identify the pros and cons of possible solutions, and success stories if the task force recommends implementation of code changes.

Downtown Safety Task Force Membership.

The Task Force will be comprised of volunteer citizen members, city staff members and a Council Liaison and alternate Council Liaison.

- A. The Task Force Members shall be appointed by resolution of the City Council.
- B. Any Task Force member may resign at any time by providing written notice to the Council Liaison or the City Manager.

Meetings. Meetings of the Downtown Safety Task Force shall be subject to Oregon Public Meeting Law requirements, as described in ORS Ch. 192. The Downtown Safety Task Force will meet on a frequent basis. Reports and updates of the Committee work will be made to the City Council during the 2nd, 4th months of work, and at the conclusion of the task force's work in the 6th month.



City of McMinnville
City Manager's Office
230 NE Second Street
McMinnville, OR 97128
(503) 434-7302

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: September 26, 2017
TO: City Council
FROM: Jeff Towery, City Manager
SUBJECT: Appointing Members of the Downtown Safety Task Force

Mayor Hill and Council President Menke have spoken with the proposed members of the Downtown Safety Task Force and confirmed their interest and commitment.

DOWNTOWN SAFETY TASK FORCE (6-month term)

Volunteers: Sylla McClellan, Jeff Sargent, Erika Marksbury, Rick Weidner, Laura Vanhourt, Lindsey Manfrin

Staff Members: Police Chief Matt Scales, Parks and Recreation Director Susan Muir

Council Liaison: Councilor Adam Garvin

Alternate Council Liaison: Council President Kellie Menke

Recommendation/Suggested Motion:

Staff recommends that the Council approve Resolution No. 2017-64.

“I MOVE TO APPROVE RESOLUTION NO. 2017-64.”

RESOLUTION NO. 2017-64

A Resolution appointing Sylla McClellan, Jeff Sargent, Erika Marksbury, Rick Weidner, Laura Vanhourt, Lindsey Manfrin as members of the Downtown Safety Task Force.

RECITALS:

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

The City Council is responsible for making appointments and re-appointments; and

The Downtown Safety Task Force is comprised of a Council liaison and alternate, two staff members, and volunteer members who are appointed by the McMinnville City Council and serve for six months; and

The Downtown Safety Task Force will meet on a frequent basis, collect and analyze data, and may make short term and long term solutions to the City Council.

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

1. The City Council appoints the following volunteers and staff members as members
DOWNTOWN SAFETY TASK FORCE
(6-month term)

Volunteers: Sylla McClellan, Jeff Sargent, Erika Marksbury, Rick Weidner, Laura Vanhourt, Lindsey Manfrin

Staff Members: Police Chief Matt Scales, Parks and Recreation Director Susan Muir

Council Liaison: Councilor Adam Garvin Alternate: Council President Kellie Menke

2. This Resolution and this appointment will take effect immediately.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of September, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 26th day of September, 2017.

MAYOR

Approved as to form:



CITY ATTORNEY



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: September 26, 2017
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: **Ordinance No. 5038** – McMinnville City Code Text Amendments,
Title 15, “Buildings and Construction”

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This action is the consideration of Ordinance No. 5038, approving proposed text amendments to the McMinnville City Code, Title 15, “Buildings and Construction”. The proposed text amendments adopts Chapter 34, Section 3401 through 3402, of the Oregon Structural Specialty Code. Due to the public safety element of the need to adopt Chapter 34 of the Oregon Structural Specialty Code, this code amendment is adopted by emergency ordinance.

Background:

Title 15 of the McMinnville City Code pertains to the Building and Construction and outlines how the City of McMinnville will administer the building program in McMinnville. In the state of Oregon, building programs are governed by the Oregon Building Code Division and are viewed as a coherent statewide program with state adopted codes that are applied at the local level by approved local building programs. Most codes are adopted by the State of Oregon and then local programs are required to administer those codes in their local jurisdiction. There are only a few opportunities for local values and decisions, and those are usually relative to how the program will be administered and funded and any additional public safety codes that the local jurisdiction would like to adopt which are pre-approved by the State governing agency.

Discussion:

In this case, the City of McMinnville has the opportunity to adopt Chapter 34 of the Oregon Structural Specialty Code for Existing Buildings and Structures. This code is not mandated by the State of Oregon, but allows the Building Official to proactively ensure that existing buildings and structures are still safe for occupancy. Usually the code is implemented when an older building has not been maintained properly and as a result has become structurally compromised.

Proposed sections of Chapter 34 of the Oregon Structural Specialty Code include:

Chapter 34 Existing Buildings and Structures;

Section 3401.2 - Maintenance

Section 3401.3 - Compliance

Section 3401.4 - Building Materials and systems
Section 3401.4.1 - Existing Materials
Section 3401.4.2 - New and replaceable materials
Section 3401.4.3 - Existing seismic force-resisting systems
Section 3401.5 - Dangerous Conditions
Section 3401.6 - Alternative Compliance
Section 3402 - Definitions

Fiscal Impact:

None.

City Council Options:

1. **ADOPT** Ordinance No. 5038, adopting the proposed text amendments to Title 15 of the McMinnville City Code.
2. **REQUEST** more information.
3. **DO NOT ADOPT** Ordinance No. 5038.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5038.

“I MOVE TO ADOPT ORDINANCE NO. 5038.”

ORDINANCE NO. 5038

An Ordinance amending Ordinance 4539, adopting by reference certain uniform codes which relate to the maintenance of existing buildings and abatement of dangerous conditions.

RECITALS:

The City of McMinnville is authorized by State law to adopt certain uniform codes that relate to the maintenance of existing buildings and structures, and the City is desirous of having such codes to protect the general health, welfare and safety of the public.

There currently exists one or more dangerous conditions in existing buildings and structures within the City of McMinnville that require immediate abatement to protect the general health, welfare and safety of the public.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The City of McMinnville amends Ordinance 4539, Section 1 to add the following:

(k) Oregon Structural Specialty Code, Sections 3401 through 3402.
2. There being an emergency, this ordinance shall become effective immediately upon passage by the Council.

Passed by the Council on _____, 20____, by the following votes:

Ayes: _____

Nays: _____

Approved on _____, 20_____.

MAYOR

Approved as to form:

Attest:

CITY ATTORNEY

CITY RECORDER

City of McMinnville

C404 - Privately Owned

Between 08/01/2017 and 08/31/2017

| | Class Code | Permits | Bldgs | Houses | Valuation |
|--|----------------------|------------|-----------|-----------|--------------------|
| | | 89 | 22 | 22 | \$434,643 |
| | Sub-Totals: | 89 | 22 | 22 | \$434,643 |
| <u>Section I - Residential HouseKeeping Buildings</u> | | | | | |
| One-Family Houses Detached | 101 | 6 | 6 | 6 | \$1,386,158 |
| 5 or More Family Buildings | 105 | 1 | 1 | 16 | \$1,251,757 |
| | Sub-Totals: | 7 | 7 | 22 | \$2,637,915 |
| <u>Section III - New Non-Residential Buildings</u> | | | | | |
| Office, Bank & Professional Buildings | 324 | 1 | 1 | 0 | \$582,783 |
| | Sub-Totals: | 1 | 1 | 0 | \$582,783 |
| <u>Section IV - Additions & Alterations</u> | | | | | |
| Add or Alter Dwellings | 434 | 2 | 0 | 0 | \$106,343 |
| | Sub-Totals: | 2 | 0 | 0 | \$106,343 |
| <u>Section V - Demolitions</u> | | | | | |
| Demolish All Other Than Dwellings | 649 | 1 | 1 | 1 | \$30,000 |
| | Sub-Totals: | 1 | 1 | 1 | \$30,000 |
| | Grand-Totals: | 100 | 31 | 45 | \$3,791,684 |

C404 - Publicly Owned

Between 08/01/2017 and 08/31/2017

| | Class Code | Bldgs | Houses | Valuation |
|--|----------------------|----------|----------|-----------------------|
| <u>Section IV - Additions & Alterations</u> | | | | |
| Add or Alter All Other Buildings and Structures | 437 | 0 | 0 | \$2,300,000.00 |
| | Sub-Totals: | 0 | 0 | \$2,300,000.00 |
| | Grand-Totals: | 0 | 0 | \$2,300,000.00 |

Activity Summary Totals Report

Category: BLDG

Issued: 08/01/2017 - 08/31/2017

| Type | # of Permits | Total Fees | Total Valuation |
|-----------------|--------------|--------------|-----------------|
| BLDCOMBO | | | |
| APUB | 1 | \$14,407.38 | \$2,300,000.00 |
| ASFR | 1 | \$1,233.66 | \$85,166.82 |
| NAPT | 1 | \$111,512.01 | \$1,251,757.43 |
| NCOM | 1 | \$5,625.56 | \$582,782.97 |
| NSFR | 6 | \$57,500.35 | \$1,386,157.91 |
| BLDMAJOR | | | |
| ASFR | 1 | \$401.76 | \$21,176.10 |
| BLDMINOR | | | |
| FOUN | 1 | \$417.86 | \$23,000.00 |
| OTHR | 2 | \$174.60 | \$6,600.00 |
| ROOF | 1 | \$315.37 | \$30,081.00 |
| DEMO | | | |
| IND | 1 | \$1,310.27 | \$30,000.00 |
| FLS | | | |
| ALRM | 6 | \$2,678.65 | \$234,207.00 |
| SPRK | 5 | \$1,766.54 | \$128,805.00 |
| SUPP | 1 | \$68.37 | \$2,000.00 |
| MECH | | | |
| COM | 4 | \$537.67 | \$0.00 |
| PUB | 2 | \$1,216.18 | \$0.00 |
| RES | 12 | \$465.94 | \$0.00 |
| MISC | | | |
| | 36 | \$30,054.00 | \$0.00 |
| PLUM | | | |
| IND | 1 | \$411.30 | \$0.00 |
| INS | 1 | \$44.80 | \$0.00 |
| PUB | 2 | \$0.00 | \$0.00 |
| RES | 14 | \$685.44 | \$0.00 |
| SIGN | | | |
| POLE | 1 | \$208.47 | \$9,950.00 |
| Total: | 101 | \$231,036.18 | \$6,091,684.23 |

Activity Summary Totals Report

Category: BLDG

Issued: 07/01/2017 - 08/31/2017

| Type | # of Permits | Total Fees | Total Valuation |
|-----------------|--------------|--------------|-----------------|
| BLDCOMBO | | | |
| ACOM | 2 | \$3,672.80 | \$199,000.00 |
| APUB | 1 | \$14,407.38 | \$2,300,000.00 |
| ASFR | 5 | \$5,717.13 | \$469,323.07 |
| NAPT | 1 | \$111,512.01 | \$1,251,757.43 |
| NCOM | 1 | \$5,625.56 | \$582,782.97 |
| NSFR | 11 | \$106,598.61 | \$2,775,264.53 |
| BLDMAJOR | | | |
| ACOM | 1 | \$305.12 | \$15,500.00 |
| ASFR | 1 | \$401.76 | \$21,176.10 |
| OTHR | 1 | \$474.23 | \$27,635.00 |
| BLDMINOR | | | |
| FOUN | 1 | \$417.86 | \$23,000.00 |
| OTHR | 4 | \$313.47 | \$11,100.00 |
| PATI | 2 | \$433.05 | \$20,655.80 |
| ROOF | 6 | \$2,474.46 | \$252,061.00 |
| DEMO | | | |
| COM | 2 | \$2,472.76 | \$48,000.00 |
| IND | 1 | \$1,310.27 | \$30,000.00 |
| RES | 1 | \$60.57 | \$3,000.00 |
| FLS | | | |
| ALRM | 6 | \$2,678.65 | \$234,207.00 |
| SPRK | 6 | \$2,353.61 | \$182,205.00 |
| SUPP | 1 | \$68.37 | \$2,000.00 |
| MECH | | | |
| COM | 5 | \$702.48 | \$0.00 |
| PUB | 5 | \$2,417.94 | \$0.00 |
| RES | 30 | \$1,288.28 | \$0.00 |
| MISC | | | |
| | 50 | \$47,911.00 | \$0.00 |
| PLUM | | | |
| COM | 3 | \$649.80 | \$0.00 |
| IND | 1 | \$411.30 | \$0.00 |
| INS | 1 | \$44.80 | \$0.00 |
| PUB | 3 | \$940.80 | \$0.00 |
| RES | 36 | \$2,054.08 | \$0.00 |

| Type | # of Permits | Total Fees | Total Valuation |
|---------------|--------------|--------------|-----------------|
| SIGN | | | |
| POLE | 1 | \$208.47 | \$9,950.00 |
| Total: | 189 | \$317,926.62 | \$8,458,617.90 |

City of McMinnville - Account Summary Report

For Post Dates **08/01/2017 - 08/31/2017**

For Category: **BLDG**

Fee Items: **1000,1010,1020,1100,1200,1210,1220,1230,1300,1310,**

Posted Amount

| | | |
|--------------------------------------|--------------------------------------|--------------------|
| Account Code: **ESCROW ACCT** | 1500 STATE SURCHG-GENERAL | \$3,958.46 |
| | | <hr/> |
| | | \$3,958.46 |
| | | |
| Account Code: 70-4400-05 | 1000 PERMIT FEES-BUILDING | \$23,945.74 |
| Account Code: 70-4400-05 | 1300 PLAN REVIEW-BUILDING | \$12,850.68 |
| Account Code: 70-4400-05 | 1400 PLAN REV-FIRE LIFE SAFTY | \$3,398.59 |
| | | <hr/> |
| | | \$40,195.01 |
| | | |
| Account Code: 70-4400-10 | 1100 PERMIT FEES-MECHANICAL | \$3,861.20 |
| Account Code: 70-4400-10 | 1310 PLAN REVIEW-MECHANICAL | \$560.00 |
| | | <hr/> |
| | | \$4,421.20 |
| | | |
| Account Code: 70-4400-15 | 1200 PERMIT FEES-PLUMBING | \$5,180.00 |
| Account Code: 70-4400-15 | 1320 PLAN REVIEW-PLUMBING | \$661.75 |
| | | <hr/> |
| | | \$5,841.75 |
| Total Posted Amount: | | \$54,416.42 |

City of McMinnville - Account Summary Report

For Post Dates **07/01/2017 - 08/31/2017**

For Category: **BLDG**

Fee Items: **1000,1010,1020,1100,1200,1210,1220,1230,1300,1310,**

Posted Amount

| | | |
|--------------------------------------|--------------------------------------|--------------------|
| Account Code: **ESCROW ACCT** | 1500 STATE SURCHG-GENERAL | \$6,523.29 |
| | | <hr/> |
| | | \$6,523.29 |
| | | |
| Account Code: 70-4400-05 | 1000 PERMIT FEES-BUILDING | \$36,940.02 |
| Account Code: 70-4400-05 | 1300 PLAN REVIEW-BUILDING | \$23,311.53 |
| Account Code: 70-4400-05 | 1400 PLAN REV-FIRE LIFE SAFTY | \$4,063.45 |
| | | <hr/> |
| | | \$64,315.00 |
| | | |
| Account Code: 70-4400-10 | 1100 PERMIT FEES-MECHANICAL | \$7,344.20 |
| Account Code: 70-4400-10 | 1310 PLAN REVIEW-MECHANICAL | \$1,047.25 |
| | | <hr/> |
| | | \$8,391.45 |
| | | |
| Account Code: 70-4400-15 | 1200 PERMIT FEES-PLUMBING | \$10,076.00 |
| Account Code: 70-4400-15 | 1320 PLAN REVIEW-PLUMBING | \$706.75 |
| | | <hr/> |
| | | \$10,782.75 |
| Total Posted Amount: | | \$90,012.49 |