



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

**City Council Meeting Agenda
Tuesday, October 10, 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
 - a. Mid-Willamette Valley Council of Local Governments
5. RESOLUTIONS
 - a. **Resolution No. 2017-65:** A Resolution of the City of McMinnville, Yamhill County, Oregon authorizing the issuance, sale and delivery of general obligation bonds; designating an authorized representative; authorizing execution of the bonds and related matters.
 - b. **Resolution No. 2017-66:** A Resolution initiating the proceedings and setting a date and time for a public hearing to vacate a portion of SW Edmunston Street (RV 2-17).

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.

6. CONSENT AGENDA

- a. Consider the Minutes of the September 12, 2017 - Dinner and Regular City Council Meeting, September 18, 2017 -Special Called City Council Meeting and September 26, 2017 - Dinner and Regular City Council Meeting.
- b. Consider OLCC Liquor License application for winery “second location” for Oregon Synergy Partners, LLC (Retour Wine Company) located at 336 NE Davis Street.
- c. Consider OLCC Liquor License application for limited on-premises sales for The Blue Quail located at 701 NE 3rd Street.
- d. Consider OLCC Liquor License application for winery “no consumption” for Gusty Farm Estate Vineyard and Winery, LLC located at 2803 NE Orchard Ave.

7. REPORT ON STRATEGIC PLANNING

8. ADVICE/ INFORMATION ITEMS

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

9. ADJOURNMENT

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Mid-Willamette Valley Council of Governments

City of McMinnville
City Council Meeting
October 10, 2017

Agenda

- What is the Council of Governments?
- How is it funded?
- What programs and services do we provide?
- Feedback for us?

Council of Governments

- Formed in 1957 as a Regional Planning Agency
- Created / Governed by Intergovernmental Agreement
- Primary Services:
 - Community Development,
 - Transportation/GIS,
 - Business Lending, &
 - Member Services

Membership

Amity
Aumsville
Aurora
Carlton
Dallas
Dayton
Detroit
Donald
Dundee
Falls City
Gates

CITIES:
Gervais
Hubbard
Idanha
Independence
Jefferson
Keizer
Lafayette
McMinnville
Monmouth
Mt. Angel
Newberg

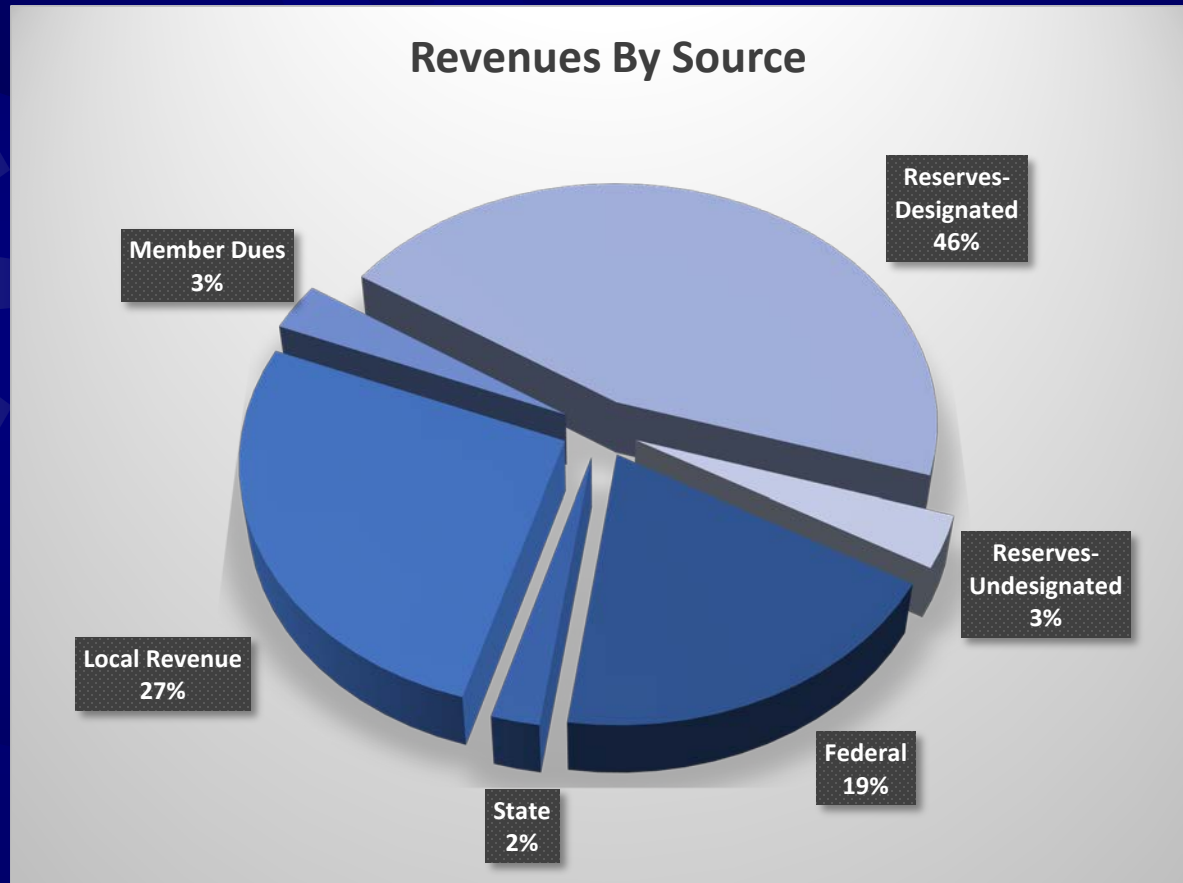
St. Paul
Salem
Scotts Mills
Sheridan
Silverton
Stayton
Sublimity
Turner
Willamina
Woodburn
Yamhill

COUNTIES:
Marion County
Polk County
Yamhill County

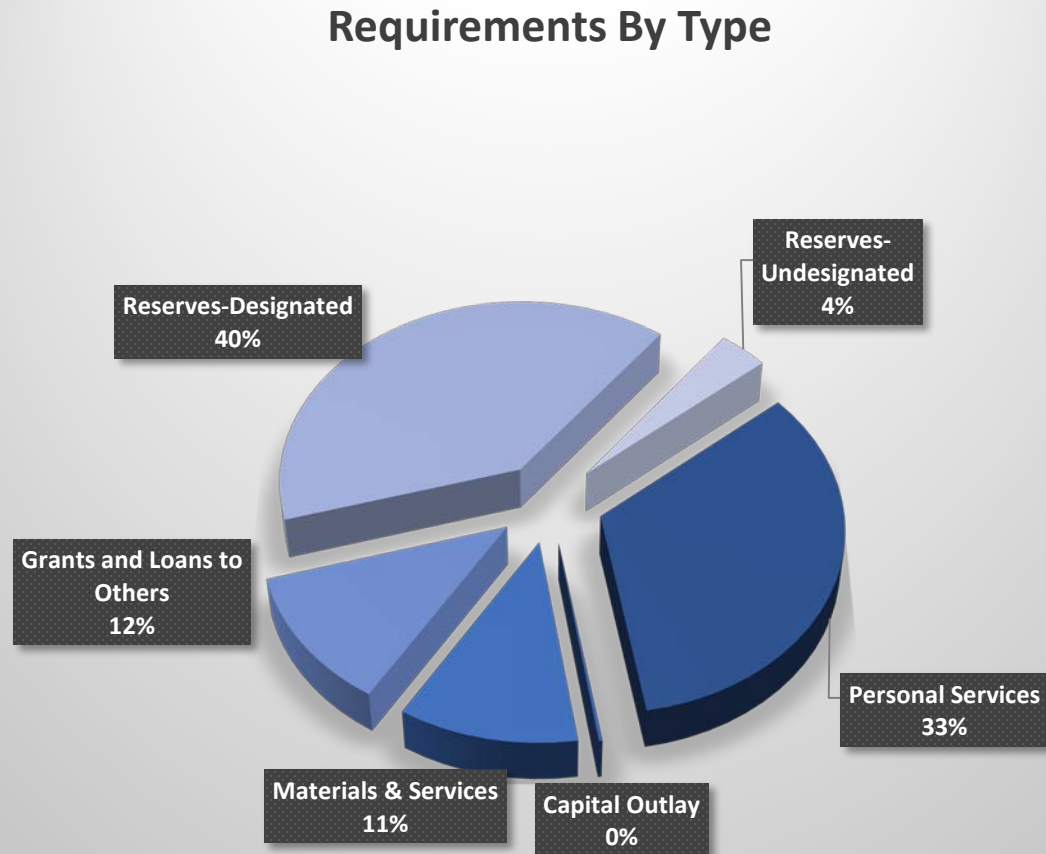
TRIBAL GOVERNMENT:
The Confederated Tribes of Grand Ronde

SPECIAL DISTRICTS:
Chehalem Park & Recreation District
Chemeketa Community College
Salem-Keizer School District
Salem-Keizer Transit District
Willamette Education Service District

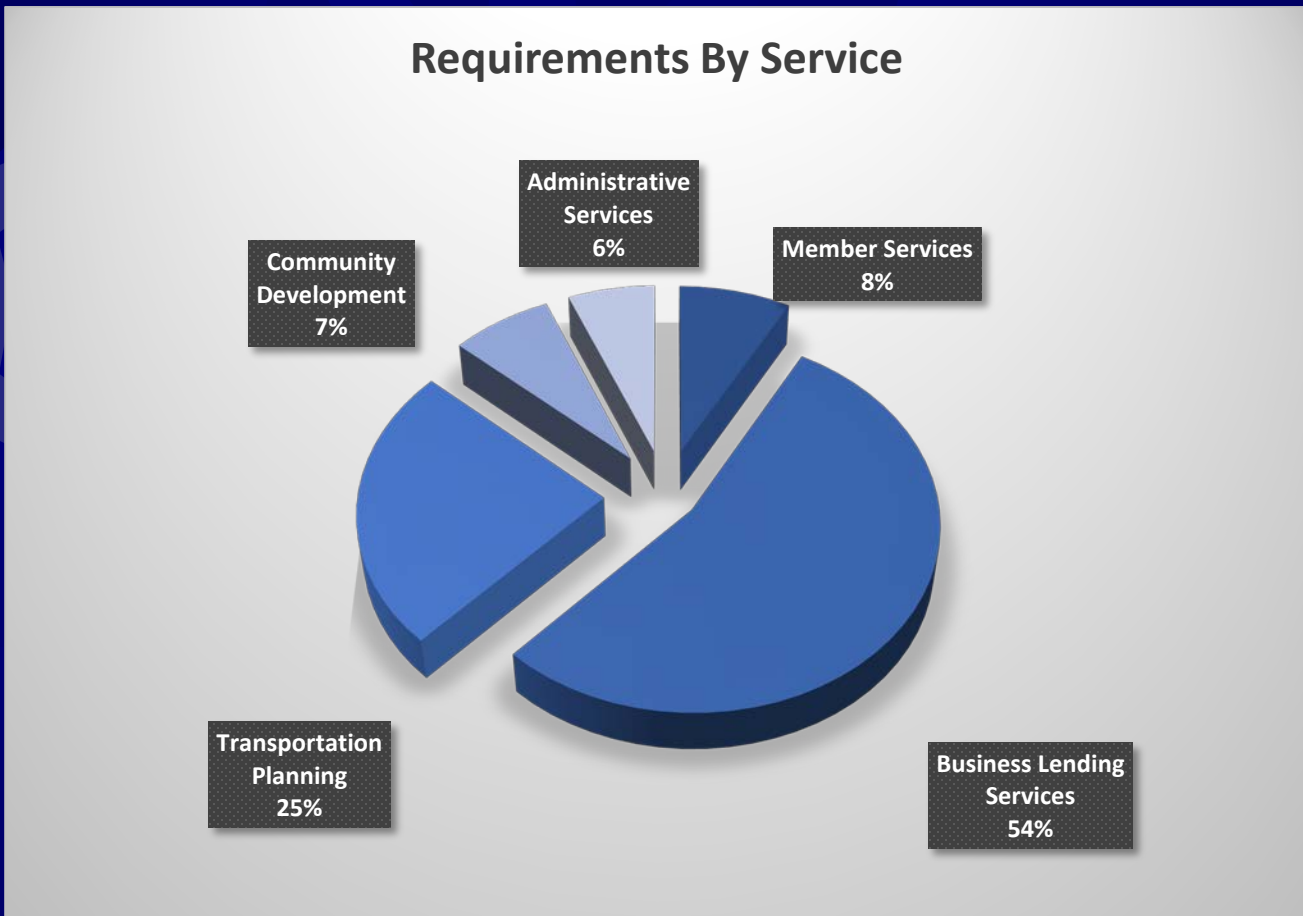
Revenues by Source



Requirements by Type



Requirements by Service





Community & Economic Development Services

- Economic Development District (CEDDS)
- Land Use Planning
- Grant Applications and Administration
- Housing Rehabilitation
- Urban Renewal Area/Plan Development
- Other Services: ADA Assessments; economic dev staff meetings; MIIWV and PNMP partnerships; Planning Commissioner trainings

Transportation Planning/GIS

- Metropolitan Planning Organization (SKATS)
- Mid-Willamette Area Commission on Transportation (MWACT)
 - Enhance, ConnectOregon, Legislature
- GIS Services
 - web-based GIS Mapping Application
 - US Census workshops and training
 - ODOT Project notification lists
 - Regional bike map



Small Business Loan Program

- Access to all major government loan programs (e.g. EDA, USDA, SBA, Business OR),
- Help cities administer local Revolving Loan Programs (e.g. Newberg),

Member Services

- Executive Level Recruitments
 - Background Check Services
- Goal Setting / Facilitation
- Charter Review and Update Assistance
- Customized Training
- New Councilor Orientation
- Technical Assistance
- CEO Evaluation Coordination
- Other Services as Requested

Looking to the Future

- Human Resource Services
- Enhanced Training
- Legal Services
 - land use, general governance, telecommunications
- Enhanced Grant Services
 - identification, application, administration
- Regional Advocacy



Questions and Feedback



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

STAFF REPORT

DATE: October 10, 2017
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Issuance of Remaining Transportation General Obligation Debt

Council Goal:

Plan and Construct Capital Projects

Background:

In November 2014, McMinnville voters approved \$24 million of general obligation debt with proceeds to be used for transportation projects. The City issued \$16,085,000 in general obligation bonds in April 2015. Bond proceeds are being used for design and construction of a number of projects, including 1st and 2nd Street pedestrian improvements, street resurfacing, and 2nd Street, 5th Street and Alpine Avenue improvements.

Discussion:

Staff recommends issuance of the remaining \$7,915,000 in general obligation debt in January 2018. This will provide continued funding of projects that are currently underway and will also provide funding for completion of such projects as the Hill Road North and Old Sheridan Road improvements.

For issuance of the \$16,085,000 general obligation bonds, we contracted with Ms. Kieu-Oanh Nguyen for municipal advisor services. Ms. Nguyen is continuing to provide these services for issuance of the remaining debt. She has identified several options that the City could pursue.

Ms. Nguyen has provided a memorandum regarding issuance of the remaining debt and is attending the October 10th City Council meeting to present those options and answer the Council's questions.

Also on the October 10th meeting agenda, for the Council's consideration, is a resolution authorizing issuance of the remaining \$7,915,000 in general obligation debt.

Attachments:

- 1) Memorandum from Ms. Nguyen regarding Issuance of Remaining Transportation General Obligation Bonds
- 2) Resolution authorizing the issuance, sale and delivery of general obligation bonds; designating an authorized representative; and authorizing execution of the bonds and related matters.

Recommendation:

Staff recommends that City Council adopt the attached resolution approving the issuance of the remaining \$7,915,000 in general obligation debt.



September 26, 2017

Memorandum

To: Marcia Baragary, Jeff Towery

Cc: Mike Bisset

From: Kieu-Oanh Nguyen

Re: Issuance of remaining transportation General Obligation Bonds

pfm

650 NE Holladay Street
Suite 1600
Portland, OR 97232
503.837.8445

pfm.com

Voters approved \$24 million of general obligation bonds in 2014. In April 2015, the City issued \$16,085,000 of that authorization, leaving \$7,915,000 to be issued (the "Bonds"). The City wishes to issue this remaining amount in January/February 2018.

The bond explanatory statement provided that the bonds would mature over 15 years. The City has two methods of sale available: selling bonds to the public (**Public Sale**) or selling bonds to a commercial bank for the bank's own portfolio (**Bank Placement**).

We ran two scenarios to compare a public sale vs a bank placement:

	Public Sale	Bank Placement	Difference
Par Amount	\$ 7,915,000	\$ 7,915,000	\$ -
Project Fund	\$ 8,514,259	\$ 7,867,209	\$ 647,051
All in True Interest Cost	2.56%	2.41%	0.15%
Average Annual Debt Service	\$ 690,823	\$ 631,328	\$ 59,495
Average Tax Rate	\$ 0.21	\$ 0.19	\$ 0.02
Tax on \$160,000 AV	\$ 33.31	\$ 30.44	\$ 2.87
Offering Document	Official Statement	None	
Project Funds	Higher due to premium bonds	Lower due to par bonds	
Ongoing disclosure	Public	Bank only	
Staff time	More work	Less work	
Note: Interest rates are estimated and too close to be of significant difference			
Ave Annual DS on \$7,867,209	\$638,214	\$631,207	\$7,007

Our estimate shows that the all-in true interest cost of a bank placement is about 0.15% lower than a public sale. However, due to our confidence level, we do not deem this difference to be significant.

The most significant difference between the two methods of sale is the amount of bond proceeds that can be generated. In a Public Sale, the City can sell premium bonds and generate more money for projects. The premium is estimated at \$647,000 based on assumptions of a competitive sale under current market. This amount will vary (up or down) depending on the ultimate bond purchaser and market conditions. The City can control the amount of premiums further under a negotiated Public Sale (i.e., selecting an Underwriter in advance rather than accepting bids for the bonds via competitive sale). Of course, the higher amount available for projects will also increase the annual debt service. The City can choose to downsize the par amount to decrease annual

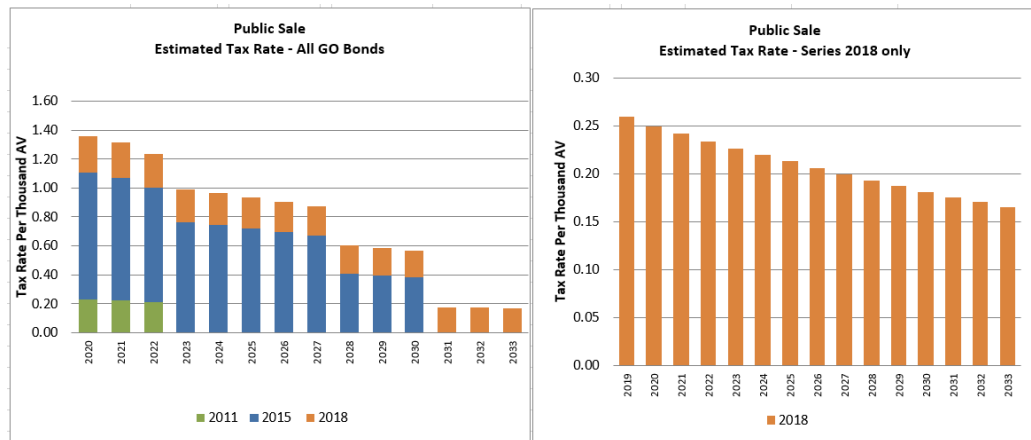


debt service, but project funds would be decreased accordingly. The Public Sale method requires more time of staff and the preparation of an official statement, and ongoing public disclosure. The City sold the first series of bonds under this bond measure via a competitive Public Sale in 2015. The City has also done Bank Placements for other financings (most recently, the PERS refinancing and URA financing).

Below are charts showing estimated tax rates under the two methods of sale. Please note that the City has the ability to manage the tax rates to some extent, by changing the principal amount of bonds due each year, if desired.

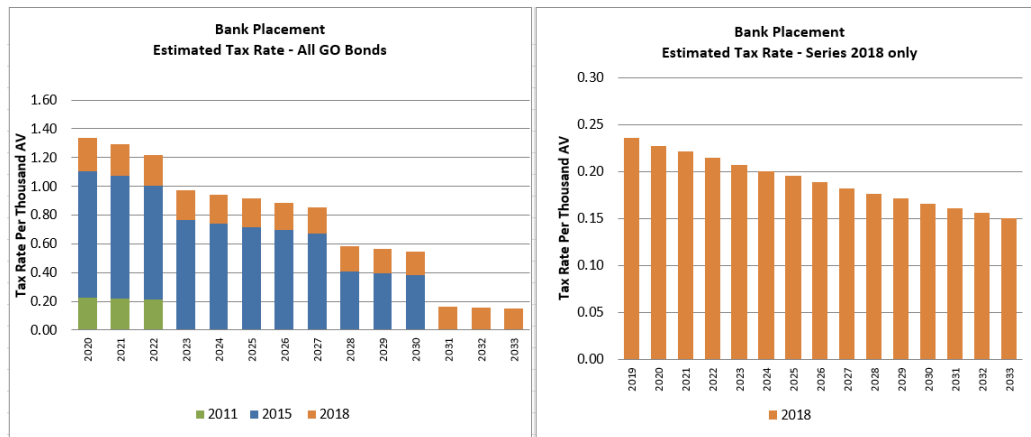
Public Sale

The average tax rate under this option is 21 cents per \$1,000 of assessed value, with the City obtaining an estimated \$647,000 more for projects.



Bank Placement

The average tax rate under this option is 19 cents per \$1,000 of assessed value.



Please let me know if you have any questions. I plan to be at the City's October 10 council meeting as well.

RESOLUTION NO. 2017-65

A RESOLUTION OF THE CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS; DESIGNATING AN AUTHORIZED REPRESENTATIVE; AUTHORIZING EXECUTION OF THE BONDS AND RELATED MATTERS

SECTION 1. FINDINGS

The City Council (the “Council”) of the City of McMinnville, Yamhill County, Oregon (the “City”) finds:

- a. The City is authorized pursuant to the Oregon Constitution and Oregon Revised Statutes Chapters 287A to issue general obligation bonds to finance capital costs as set forth in the ballot title (the “Project”); and
- b. On July 22, 2014, the City adopted Resolution No. 2014-35 authorizing submission to the voters of the City at a measure election on November 4, 2014, the question of contracting a general obligation bonded indebtedness in an amount not to exceed \$24,000,000 to finance capital costs as set forth in the ballot title and to pay bond issuance costs; and
- c. The election was duly and legally held on November 4, 2014 and the general obligation bonds were approved by a majority of the qualified voters of the City voting at the election; and
- d. On April 16, 2015, the City issued \$16,085,000 of this \$24,000,000 authorization; and
- e. The City adopts this resolution to provide the terms under which the remaining \$7,915,000 of general obligation bonds will be sold and issued.

SECTION 2. BONDS AUTHORIZED

The City hereby authorizes the issuance of General Obligation Bonds (the “Bonds”) in an aggregate principal amount not to exceed \$7,915,000 for the Project and bond issuance costs.

The Bonds shall mature over a period not exceeding fifteen (15) years from their date of issue. The Bonds shall be issued in fully registered form in the principal denominations of \$5,000 or any integral multiple thereof. The remaining terms of the Bonds shall be established as provided in Section 9 hereof.

SECTION 3. DESIGNATION OF AUTHORIZED REPRESENTATIVES

The Council designates the City Manager, Finance Director (each an “Authorized Representative”) or a designee of the Authorized Representative to act on behalf of the City as specified in Section 9 hereof.

SECTION 4. SECURITY

Pursuant to ORS 287A.315, the City hereby pledges its full faith and credit and taxing power to pay the Bonds. The City hereby covenants for the benefit of the Owners to levy annually, as necessary, a direct ad valorem tax upon all of the taxable property within the City which is sufficient, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes and other

legally available amounts, to pay all Bond principal and interest when due. This tax shall be in addition to all other taxes of the City, and this tax shall not be limited in rate, amount or otherwise, by Sections 11 or 11b of Article XI of the Oregon Constitution.

SECTION 5. FORM OF BONDS

The Bonds shall be issued in substantially the form as approved by the Authorized Representative. The Bonds may be printed or typewritten, and may be issued as one or more temporary Bonds which shall be exchangeable for definitive Bonds when definitive Bonds are available.

SECTION 6. EXECUTION OF BONDS

The Bonds shall be executed on behalf of the City by the Authorized Representative.

SECTION 7. BOOK-ENTRY SYSTEM

During any time that the Bonds are held in a book-entry only system (the "Book-Entry System"), the registered owner of all of the Bonds shall be The Depository Trust Company, New York, New York ("DTC"), and the Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The City has entered into or shall enter into a Blanket Issuer Letter of Representations (the "Letter") wherein the City represents that it will comply with the requirements stated in DTC's Operational Arrangements as they may be amended from time to time.

SECTION 8. REDEMPTION

The Bonds may be subject to optional redemption or mandatory redemption prior to maturity as determined by the Authorized Representative as provided in Section 9 hereof.

SECTION 9. DELEGATION FOR ESTABLISHMENT OF TERMS AND SALE OF THE BONDS

The Authorized Representative is hereby authorized, on behalf of the City for a period of six (6) months from the adoption of this resolution and without further action of the Council, to:

- a. establish the principal and interest payment dates, principal amounts, interest rates, denominations, and all other terms for the Bonds, including determining whether the Bonds will be issued in one or more series;
- b. determine if the Bonds shall be placed with a bank or other financial institution or sold through the public markets and select a lender or underwriter and negotiate terms of a bond purchase agreement or conduct a competitive sale, as determined by the Authorized Representative;
- c. appoint a financial advisor and bond and disclosure counsel;
- d. appoint a registrar and paying agent for the Bonds, if required;
- e. take such actions as are necessary to qualify the Bonds for the book-entry only system of The Depository Trust Company, if required;
- f. enter into covenants regarding the use of the proceeds of the Bonds and the projects financed with the proceeds of the Bonds, to maintain the tax-exempt status of the Bonds;

g. approve of and authorize the distribution of the preliminary and final official statements for the Bonds, if required;

h. obtain one or more ratings on the Bonds if determined by the Authorized Representative to be in the best interest of the City, and expend Bond proceeds to pay the costs of obtaining such rating;

i. apply, if available and deemed appropriate, and expend Bond proceeds to pay any insurance premium;

j. approve, execute and deliver a Continuing Disclosure Certificate pursuant to SEC Rule 15c2-12, as amended (17 CFR Part 240, § 240.15c2-12), if required;

k. make any clarifying changes or additional covenants not inconsistent with this Resolution;

l. approve, execute and deliver the Bond closing documents and certificates; and

m. execute and deliver a certificate specifying the action taken by the Authorized Representative pursuant to this Section 9 and any other certificates, documents or agreements that the Authorized Representative determines are desirable to issue, sell and deliver the Bonds in accordance with this Resolution.

SECTION 10. DEFAULT AND REMEDIES.

The occurrence of one or more of the following shall constitute an Event of Default under this Resolution and the Bonds:

a. Failure by the City to pay Bond principal, interest or premium when due (whether at maturity, or upon redemption after a Bond has been properly called for redemption);

b. Failure by the City to observe and perform any covenant, condition or agreement on its part to be observed or performed for the benefit of Owners of Bonds, for a period of sixty (60) days after written notice to the City by the Owners of fifty-one (51%) percent or more of the principal amount of Bonds then Outstanding specifying such failure and requesting that it be remedied; provided however, that if the failure stated in the notice cannot be corrected within such sixty (60) day period, it shall not constitute an Event of Default so long as corrective action is instituted by the City within the sixty (60) day period and diligently pursued, and the default is corrected as promptly as practicable after the written notice referred to in this paragraph; or,

c. The City is adjudged insolvent by a court of competent jurisdiction, admits in writing its inability to pay its debts generally as they become due, files a petition in bankruptcy, or consents to the appointment of a receiver for the payments.

The Owners of fifty-one (51%) percent or more of the principal amount of Bonds then Outstanding may waive any Event of Default and its consequences, except an Event of Default as described in (a) of this Section.

Upon the occurrence and continuance of any Event of Default hereunder the Owners of fifty-one (51%) percent or more of the principal amount of Bonds then Outstanding may take whatever action may appear necessary or desirable to enforce or to protect any of the rights of the Owners of Bonds, either at law or in equity or in bankruptcy or otherwise, whether for the specific enforcement of any covenant or agreement contained in this Resolution or the Bonds or in aid of the exercise of any power granted in this

Resolution or in the Bonds or for the enforcement of any other legal or equitable right vested in the Owners of Bonds by the Resolution or the Bonds or by law. However, the Bonds shall not be subject to acceleration.

No remedy in the Resolution conferred upon or reserved to Owners of Bonds is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Resolution or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. To entitle the Owners of Bonds to exercise any remedy reserved to them, it shall not be necessary to give any notice other than such notice as may be required by this Resolution or by law.

SECTION 11. DEFEASANCE

The City may defease the Bonds by setting aside, with a duly appointed escrow agent, in a special escrow account irrevocably pledged to the payment of the Bonds to be defeased, cash or direct obligations of the United States in an amount which, in the opinion of an independent certified public accountant, is sufficient without reinvestment to pay all principal and interest on the defeased Bonds until their maturity date or any earlier redemption date. Bonds which have been defeased pursuant to this Section shall be deemed paid and no longer outstanding, and shall cease to be entitled to any lien, benefit or security under this Resolution except the right to receive payment from such special escrow account.

SECTION 12. ESTABLISHMENT OF FUNDS AND ACCOUNTS

The following funds and accounts shall be created into which the proceeds of the Bonds for capital costs shall be deposited, which funds and accounts shall be continually maintained, except as otherwise provided, so long as the Bonds remain unpaid.

a. Debt Service Account. The City shall maintain the debt service account in the City's debt service fund for the payment of principal, premium, if any, and interest on the Bonds as they become due. All accrued interest, if any, and all taxes levied and other moneys available for the payment of the Bonds shall be deposited to the debt service account.

b. Project Fund. The City shall maintain the project fund for the purpose of accounting for and paying all costs of the projects and the costs related to the preparation, authorization, issuance, and sale of the Bonds. Any interest earnings on moneys invested from the project fund shall be retained in the project fund. The City's share of any liquidated damages or other moneys paid by defaulting contractors or their sureties will be deposited into the project fund to assure the completion of the projects.

Upon completion of the projects and upon payment in full of all costs related thereto, any balance remaining in the project fund shall be deposited to the Debt Service Account for payment of debt service.

SECTION 13. RESOLUTION TO CONSTITUTE CONTRACT

In consideration of the purchase and acceptance of any or all of the Bonds by those who shall own the Bonds from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the City with the Owners and shall be deemed to be and shall constitute a contract between the City and the Owners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Bonds, including without limitation the City's covenants and pledges contained in Section 4 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the City shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or

distinction of any of such Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

ADOPTED by the Common Council of the City of McMinnville at the regular meeting held the 10th day of October, 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 10th day of October, 2017.

By: _____
Mayor

Approved as to form:

By:  _____
City Attorney



MEMORANDUM

DATE: October 2, 2017
TO: Jeff Towery, City Manager
FROM: Mike Bisset, Community Development Director
SUBJECT: Request to vacate a portion of SW Edmunston Street (RV 2-17)

Report in Brief:

Richard Anderson, 960 SW Edmunston Street, has requested that the City Council initiate the vacation of a portion of the SW Edmunston Street right-of-way west of Cozine Creek, and a portion of an unnamed right-of-way south of SW Edmunston Street.

Background:

The processes for the vacation of public right of way within incorporated cities are outlined in Oregon Revised Statutes (ORS) Chapter 271. The vacation process may be initiated by the adjacent property owners. Under that process, the property owners must file a petition with the City describing the area to be vacated, outlining the purpose for which the vacated area will be used, and noting the reason(s) the vacation is in the best public interest.

The petition must include written consent from all owners abutting the vacation area, and the written consent from two-thirds of the “affected” property owners. Statute prescribes the definition of “affected” properties, and it is generally all properties within 200’ laterally on each side of the vacated area and within 400’ beyond the extension of the vacated area.

The second process allowed by ORS 271 is a City Council initiated vacation process. Under that process, the petition from abutting and affected property owners is not required.

Under both vacation processes, the City Council, via Resolution, would set a public hearing date to consider public testimony regarding the proposed vacation. Affected utilities are notified of the proposal and allowed to comment. Notice of the hearing is published in the local newspaper, and the notice is posted at each end of the proposed vacation area. Additionally, notice of the proposed vacation is mailed to those in the abutting and affected areas prescribed by statute.

Upon conclusion of the public hearing, the City Council will consider an Ordinance to vacate the subject area. If the vacation Ordinance is adopted by the City Council, it is recorded with the County Clerk’s office, and title to the vacated area is attached to the adjacent properties.

Under the City Council initiated vacation process, statutes allow the vacation to be approved without consent of the abutting owners. In that case, if the vacation substantially affects the market value of such property, the statutes require payment of damages.

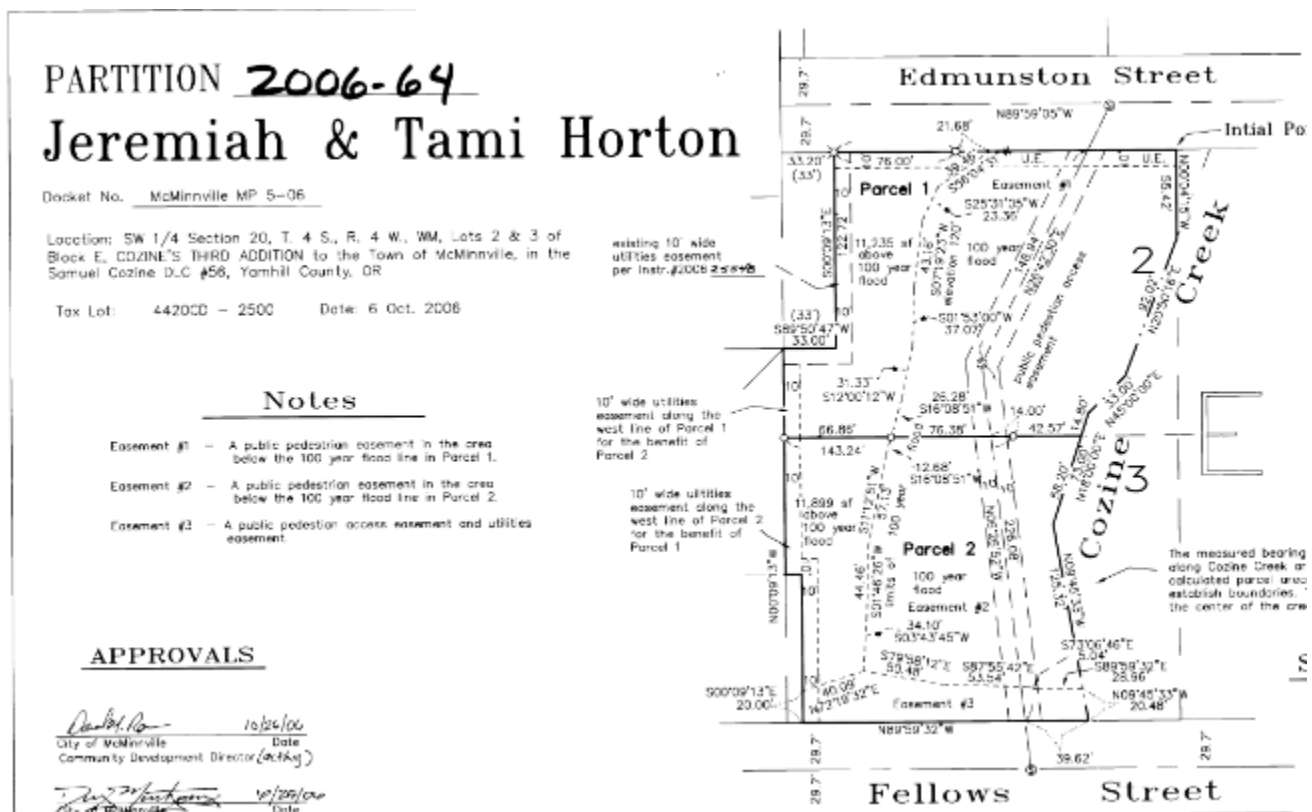
The application fee for the property owner initiated vacation process is \$675.00. Those fees cover the costs of processing the application, publishing and mailing the vacation hearing notices, and the fees to record the adopted vacation ordinance.

Discussion:

Mr. Anderson originally approached City staff regarding the proposed vacation in 2015. At that time, staff shared with Mr. Anderson that the vacation of the area in question had previously been explored. Specifically in 2006 as part of developing the area, Jeremiah Horton explored vacation of the unnamed right-of-way between Fellows and Edmunston. At that time, there was significant opposition regarding the vacation from residents along Russ Lane, and the property owners adjacent to the northern portion of the right-of-way were not willing to sign the vacation petition.

Given the opposition, Mr. Horton modified his vacation request to only include the southern portion of the right-of-way adjacent to Daniels Court properties (see attached area site map). The adjacent Daniels Court property owners signed the vacation petition, and the City Council approved the vacation via Ordinance 4861 (attached).

Upon completion of the vacation, Mr. Horton completed a partition, and constructed the house at 957 SW Fellows and the house at 960 SW Edmunston (Mr. Anderson's house). As part of the partition, several easements were granted:



Staff understands that Mr. Anderson has also not been able to get the adjacent property owners to the west to sign a vacation petition. He has been in front of the City Council with his request several times since 2015, and in 2016 the City suggested that Mr. Anderson and his neighbors engage Your Community Mediators to try to reach resolution over the matter. City Attorney David Koch and I attended a mediation session with Mr. Anderson and several of the adjacent neighbors in October of 2016.

Staff understands that Mr. Anderson is still unable to get the adjacent neighbors to sign the vacation petition. Thus, he has requested that the City Council initiate the vacation process as allowed by statute. Mr. Anderson has provided a legal description and map for the proposed vacation area, and he has paid the \$675 vacation application fee.

Attached for the City Council's consideration is a resolution initiating the right-of-way vacation process and setting a public hearing date of November 28, 2017. If the City Council adopts the resolution, staff will proceed with the vacation process. The tentative timeline for the vacation process is as follows:

- Oct 10th: City Council Resolution initiating the vacation process and setting a hearing date of November 28th
- Oct 11th: Notice of proposed vacation to affected utilities
- Nov 8th: Deadline for comments from affected utilities
- Nov 14th: Post notice of the proposed vacation at ends of the proposed vacation area
Publish 1st notice of the proposed vacation in the News Register
Mail notice of the proposed vacation to area property owners
- Nov 21st: Publish 2nd notice of the proposed vacation in the News Register
- Nov 28th: City Council hearing & adoption of vacation Ordinance
- Dec 28th: Vacation Ordinance effective & recorded

Notice of the City Council's consideration of this matter at their October 10th meeting was mailed to all 49 adjacent and affected property owners, as defined by statute (see attached notice and maps).

Attachments:

1. Resolution
2. Resolution Exhibits A & B
3. Area site map
4. Ordinance 4861
5. Public Meeting Notice w/ Maps

Recommendation:

Staff recommends that the City Council, upon consideration of public input provided at their October 10th meeting and upon consideration of the City Attorney's advice regarding any potential damages that could be assessed, determine if approval of the resolution initiating the vacation process is appropriate.

RESOLUTION NO. 2017-66

A Resolution initiating the proceedings and setting a date and time for a public hearing to vacate a portion of SW Edmunston Street (RV 2-17).

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

1. That proceedings be initiated for the purpose of vacating the area as described on attached Exhibit "A" and as shown on attached Exhibit "B":
2. That this resolution, having been duly discussed by the Council, shall constitute an initiation of such vacation proceedings.
3. That the Council does hereby and herein fix the 28th day of November 2017 at the hour of 7:00 p.m. in the Kent L. Taylor Civic Hall in the City of McMinnville, Oregon, as the time and place for the hearing upon said proposed vacation and objections thereto, if any.
4. That the Recorder is hereby instructed to give notice of such hearing by publishing a notice in the News Register, the City's official newspaper, once each week for two consecutive weeks prior to said hearing, which notice shall describe the area to be vacated, and within five days after the date of the first publication of said notice, to post or cause to be posted at or near each end of said proposed vacation, a copy of such notice which shall be headed, "Notice of Street Vacation", and such notice shall be posted in at least two conspicuous locations in such proposed vacation as above described.
5. 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 10th day of October 2017 by the following votes:

Ayes: _____

Nays: _____

Approved this 10th day of October 2017.

MAYOR

Approved as to form:



CITY ATTORNEY

EXHIBIT "A"

Date: September 15, 2017

CITY OF MCMINNVILLE – Legal Description Portion of Edmunston Street
to be Vacated (16,232 sq.ft.)

A tract of land in Section 20, Township 4 South, Range 4 West of the
Willamette Meridian, City of McMinnville, Yamhill County, Oregon, being more
particularly described as follows:

Beginning on the north margin of Edmunston Street at the southwest
corner of Block 4 of FIR-GROVE SUBDIVISION; thence South 89°59'05"
East 15.00 feet along the north margin of Edmunston Street
to the southwest corner that tract of land described in deed to DAVID
L. MAYHEW and STRACY L. MAYHEW and recorded in Instrument No.
200322659, Yamhill County Deed Records; thence continuing
South 89°59'05" East 190.00 feet along the north margin of
Edmunston Street to the southeast corner of said MAYHEW tract;
thence South 00°00'55" West 29.70 feet at right angles to the
centerline of Edmunston Street to the center line of Edmunston Street;
thence continuing South 00°00'55" West 29.70 feet to the south
margin of Edmunston Street; thence North 89°59'05" West 171.53
feet along said south margin to the northerly northwest corner of
Parcel 1 of Partition Plat 2006-64; thence South 00°09'13" East
122.72 feet along the west line of said Parcel 1; thence South
89°50'47" West 33.00 feet along said west line to the southeast corner
of PLEASANT OAK MEADOWS; thence North 00°14'47" West 152.52
feet along the east line of PLEASANT OAK MEADOWS to the centerline
of Edmunston Street; thence continuing North 00°14'47" West 29.70
feet along the east line of PLEASANT OAK MEADOWS to the point of
beginning as shown by Exhibit "B".

Leland MacDonald
MacDonald & Assoc.
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904



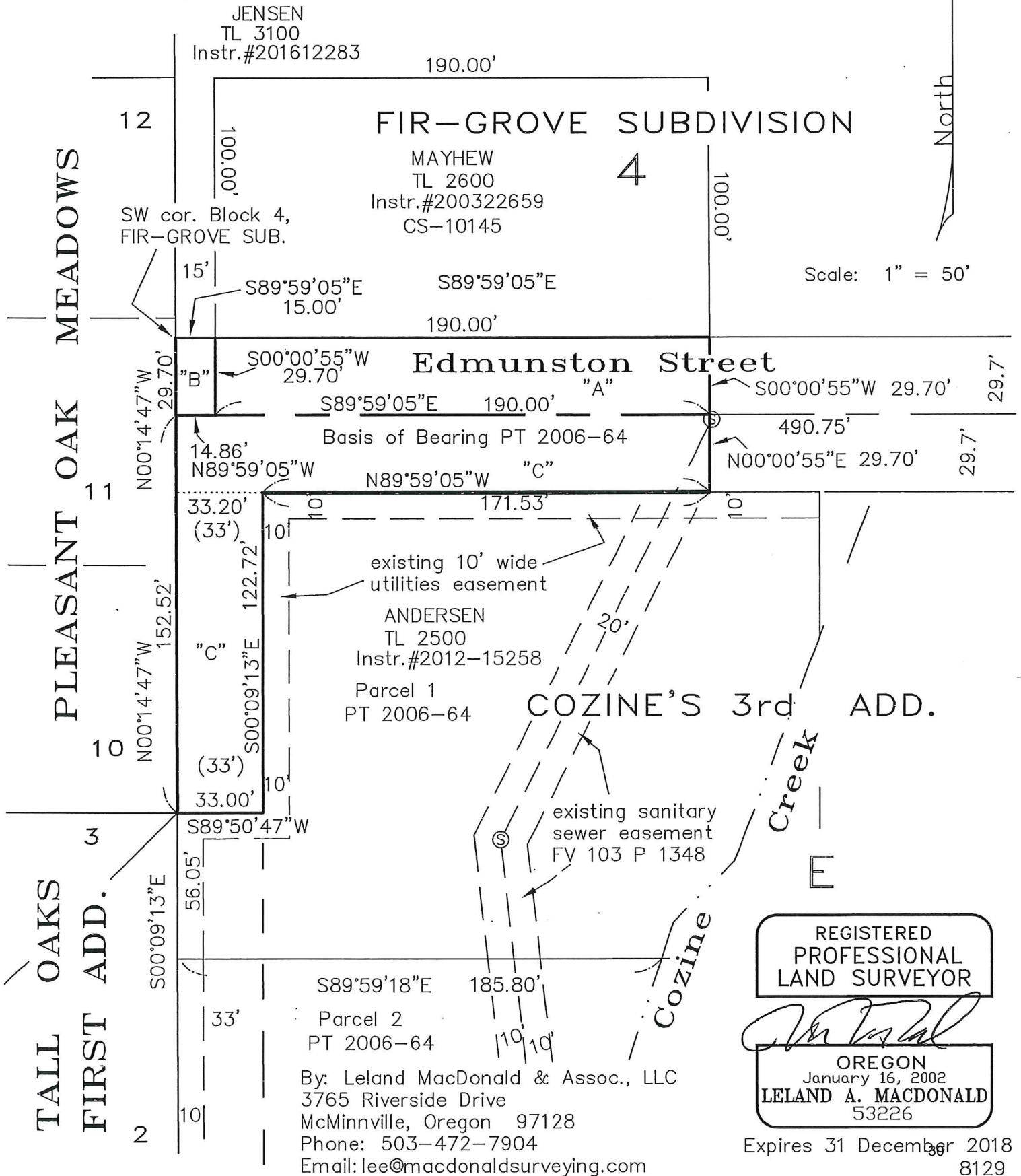
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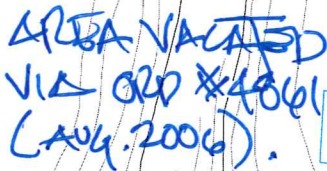
99 B 99

Location: SW 1/4 Section 20, T. 4 S., R. 4 W., WM,
City of McMinnville, Yamhill County, OR

Tax Map: 4420CD

Date: 15 September 2017





ORDINANCE NO. 4861

AN ORDINANCE VACATING THE FOLLOWING DESCRIBED AREA:

An unnamed right-of-way between Tax Lots R4420CD 02500, 03200, and 03201.

RECITALS:

On the 23rd day of May 2006, at a regular meeting thereof, the Council of the City of McMinnville, Oregon adopted Resolution No. 2006-22 initiating proceedings for the purpose of vacating the above-described area (RV ~~1~~⁵06).

Said resolution was reviewed and thoroughly discussed at the meeting upon which action thereon was taken and which constituted the initiation of such vacation proceedings.

By said resolution the Council of the City of McMinnville, Oregon, set and fixed the 27th day of June 2006, at 7:30 p.m. in the McMinnville School District Board Room at 1500 NE Baker Street in the City of McMinnville, as the time and place for hearing said vacation of the area described above and objections thereto, if any.

Pursuant to said resolution, the Recorder gave notice of such hearing by publication of a notice thereof in the News Register, the City's official newspaper, once each week for two consecutive weeks prior to the date of said hearing, to wit: June 10, 2006 and June 17, 2006, as more particularly shown by the proof of publication on file in the Recorder's office, which notice described said area.

Pursuant to said resolution, the Recorder of the City of McMinnville, Oregon gave notice of such hearing by causing to be posted within five days after the date of said publication at or near each end of said vacation a copy of said notice which was headed: "Notice of Street Vacation", and which notice was caused to be posted by the Recorder in at least two conspicuous places in such proposed vacation described above, all of which more fully appears from the affidavit of posting on file in the Recorder's office.

The Recorder has filed in her office a certificate showing that all City liens and taxes have been paid on said area above described to be vacated.

After Recording,
return to: City of McMinnville
230 NE Second Street
McMinnville OR 97128

On the 27th day of June 2006, the Public Hearing on the proposed vacation was opened and continued to the 25th day of July 2006. On the 25th day of July 2006, at 7:30 p.m., in the McMinnville School District Board Room in the City of McMinnville, the public hearing regarding said matter came on regularly to be heard; any objections filed against said proposed vacation have been considered; and the Council has been fully advised in regard to the subject matter of this hearing.

It appears to the Council and the Council finds that the public interest will not be prejudiced by the vacation of said area above described and it should be vacated; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. That an unnamed right-of-way between Tax Lots R4420CD 02500, 03200, and 03201 be and the same is hereby fully, finally, completely, and forever vacated and the title to said property shall attach to the abutting lots and lands bordering the same to the east, subject to the following conditions:
 - (a) That the applicant grant a public pedestrian easement over the land situated within the 100-year flood plain of Cozine Creek. In so doing, this area may serve in the future as part of an expanded Cozine Creek trail system, linking to other existing open space areas farther south and north.
 - (b) That, in order to provide for a reasonable physical connection from Fellows Street to the future public pedestrian path, the applicant shall grant an access easement within the southerly portion of the vacated right-of-way and applicant's property. This easement shall extend north 20 feet from Fellows Street's northern right-of-way and adjoin the eastern edge of the easement described in Condition (a) above. The easement shall have a minimum width of 20 feet.
 - (c) That the descriptions for these easements shall be prepared by the applicant and submitted to the City Engineering Department for review and approval prior to recording. This vacation shall not take effect until these easements have been approved by the City and recorded by the applicant with the Yamhill County Clerk's Office. If appropriate, these easements shall be noted on the face of the final partition plat for the applicant's property that has recently been granted tentative approval by the City (Docket MP 5-06).
 - (d) That trees greater than six (6) inches in diameter, measured 4.5 feet above grade, shall not be removed from the area vacated by this action without prior approval of the City of McMinnville. Approval shall be granted to remove such trees to permit construction of a single-family residence; to remove a dead, diseased, or hazardous tree; and to allow for the extension of private or public utilities where no other reasonable alternatives are available. The City may require of the applicant that a report from a certified arborist accompany requests for removal of dead, diseased, or hazardous trees. The applicant shall be responsible for all costs associated with the tree's removal.

Passed by the Council this 8th day of August 2006 by the following votes:

Ayes: Hansen, Hill, Menke, Olson, Springer, Yoder

Nays

Approved this 8th day of August 2006.

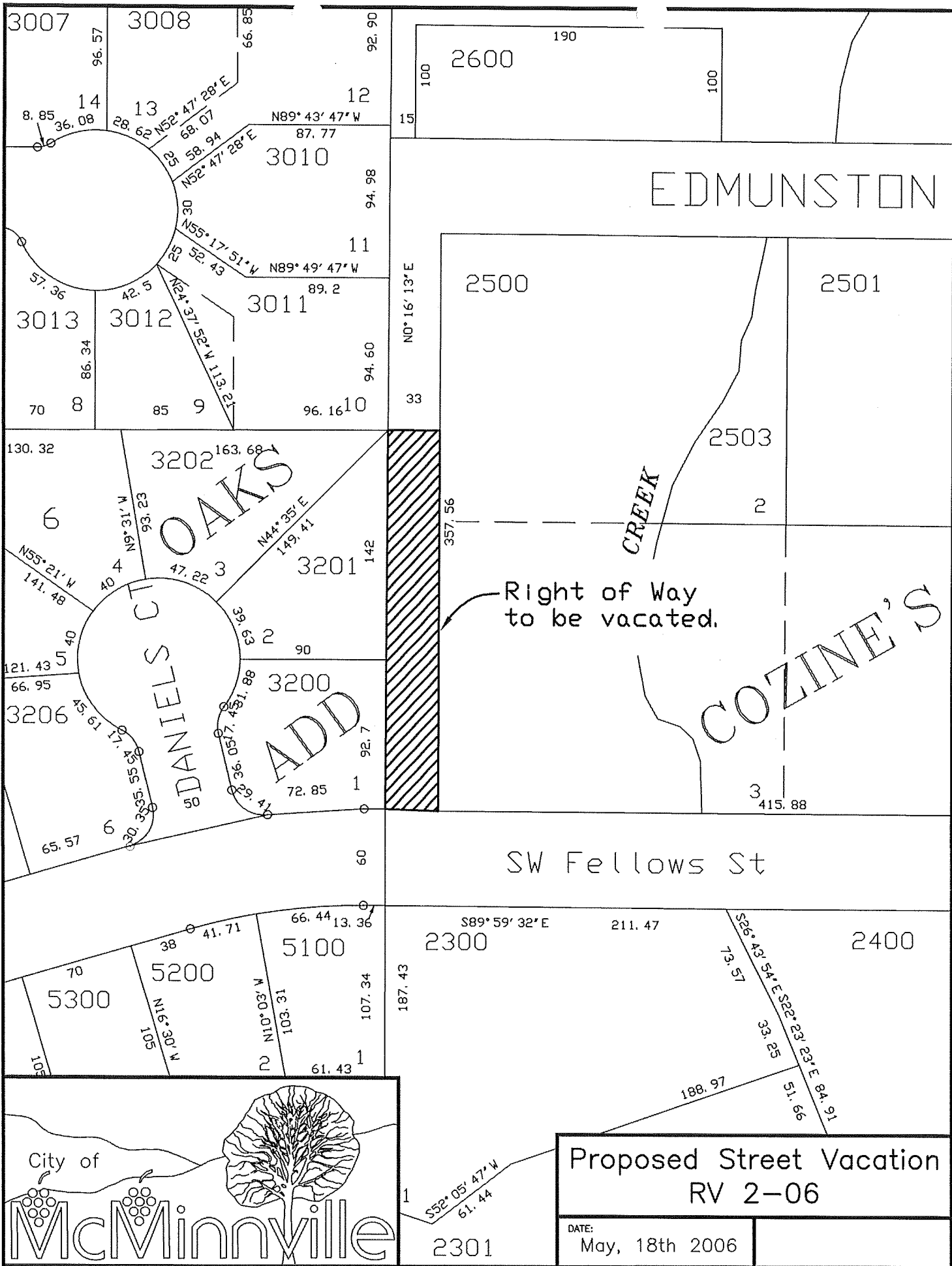

MAYOR

Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY



PUBLIC MEETING NOTICE



September 28, 2017

Dear Resident,

An area resident has requested that the City initiate the proceedings to vacate a portion of the SW Edmunston Street right-of-way (see attached map on the back of this notice). Per Oregon Revised Statutes (ORS) Chapter 271, a city governing body may initiate vacation proceedings, and make such a right-of-way vacation without a petition or the consent of property owners.

At their October 10th meeting, the City Council will consider a Resolution initiating the vacation proceedings, and setting a date and time for a public hearing regarding the matter. You may attend the City Council meeting to provide input regarding the proposed action. The meeting will be held:

Date / Time: **Tuesday, October 10, 2017 @ 7:00pm**

Location: **Kent L. Taylor Civic Hall**
200 NE Second Street
McMinnville, OR 97128

If you are unable to attend the October 10th meeting, you may send any comments directly to me via one of the following methods:

Phone: (503) 434-7312

Email: mike.bisset@mcminnvilleoregon.gov

Regular mail: 231 NE Fifth Street, McMinnville, OR 97128

Comments must be received by **5:00pm on Tuesday, October 10, 2017**, and all comments received prior to the noted deadline will be forwarded to the City Council for their consideration.

Note that if the City Council adopts the proposed resolution initiating the vacation proceedings, you will receive a second notice providing information regarding the public hearing.

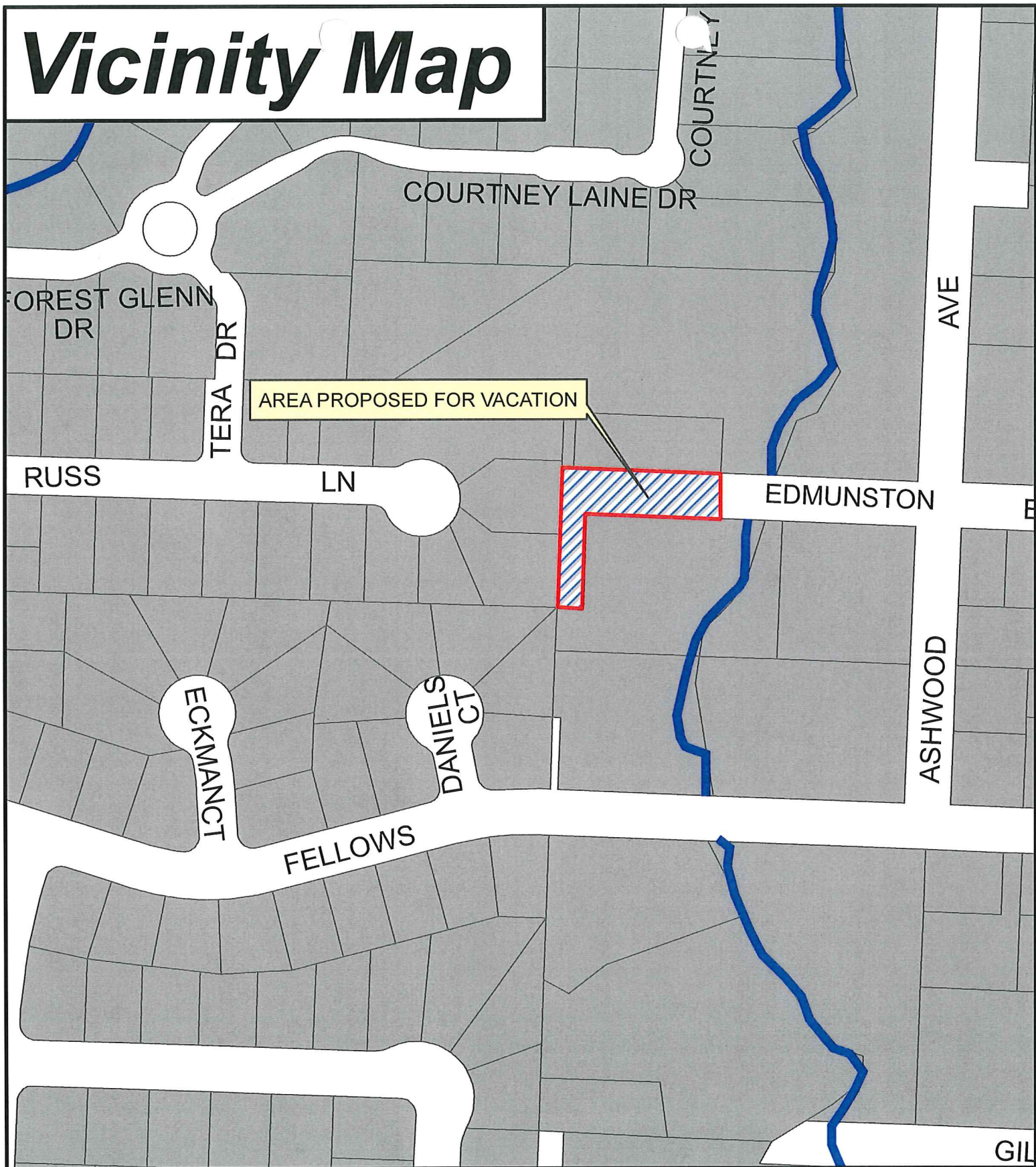
Please feel free to contact me with any questions.

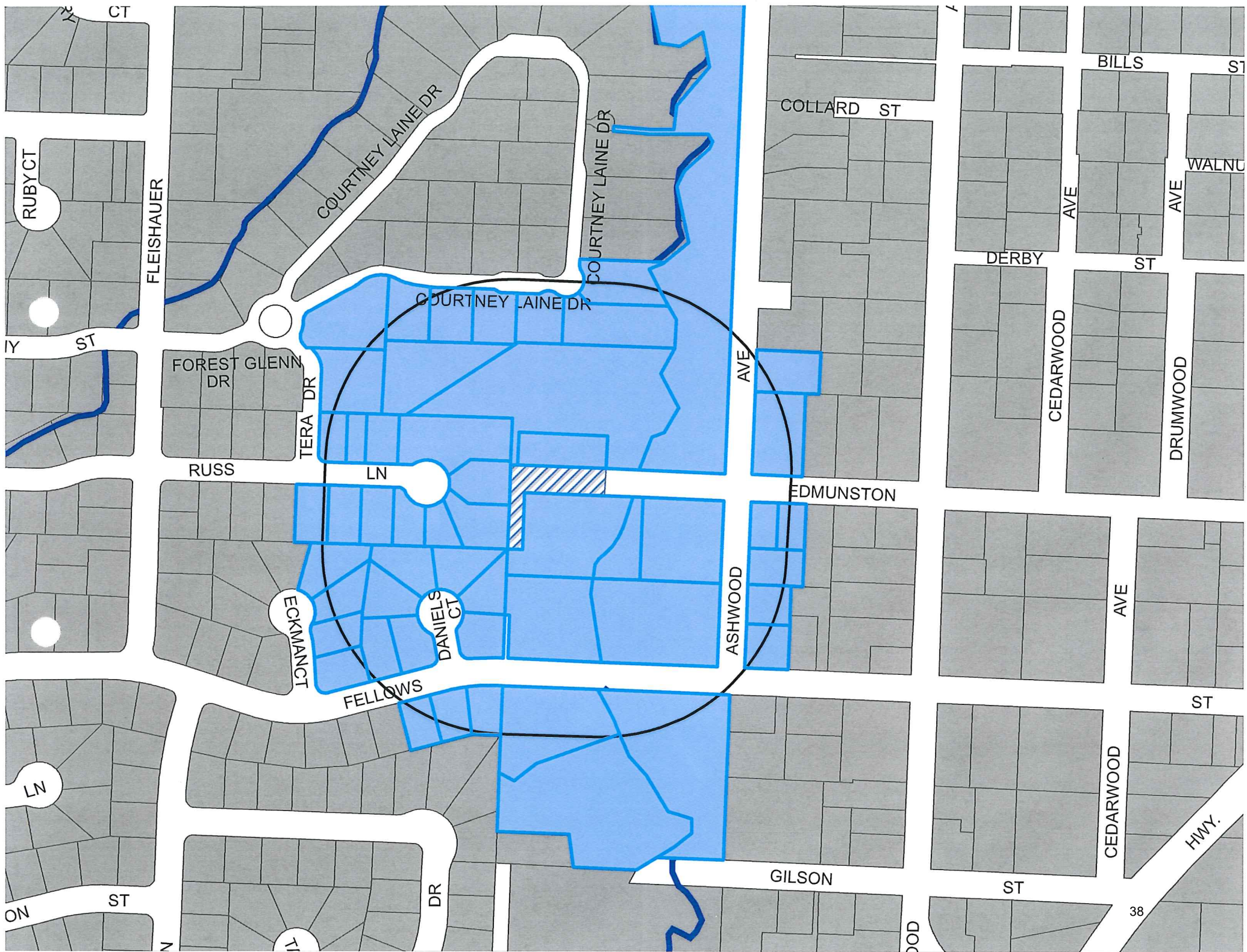
Regards,

Mike Bisset
Community Development Director / City Engineer

The Kent L. Taylor Civic Hall is accessible to handicapped individuals. Assistance with communications (visual or hearing) must be requested 24 hours in advance by contacting the City Manager at (503) 434-7405, or 1-800-735-1232 for voice, or 1-800-735-2900 for TDY.

Vicinity Map





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, September 12, 2017 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Erica Thomas

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

Also present were City Manager Jeff Towery, City Attorney David Koch, Planning Director Heather Richards, and Associate Planner Chuck Darnell.

DINNER

CALL TO ORDER: Mayor Hill called the Dinner Meeting to order at 6:13 p.m. and welcomed all in attendance.

DISCUSSION:

Mayor Hill asked for a volunteer to lead the Pledge of Allegiance and Council President Menke volunteered.

The agenda for the regular meeting was reviewed.

City Attorney Koch noted that he has been in touch with Winco as they have been non-complaint with the Bag Restriction Ordinance for seven days. Discussion ensued regarding the Bag Restriction Ordinance.

Council President Menke mentioned that there are many vacation rentals in her ward and many complaints have been coming in. Discussion ensued regarding vacation rentals and if there is a sunset clause for the vacation home rentals. Planning Director Richards stated that the Planning Commission will discuss further.

The McMinnville Economic Development Partnership (MEDP) bylaws were discussed. It was noted that Planning Director Richards is on the MEDP board. Executive Director Jody Christensen and Ms. Richards discussed the process of reviewing the bylaws. Discussion ensued regarding funding entities. Ms. Christensen noted that the MEDP will act more formally.

Associate Planner Darnell provided a status update on the sign amortization project. He discussed the types of properties impacted and reviewed noncompliant signs. He provided some options for moving forward to the Council.

ADJOURNMENT: The Dinner Meeting adjourned at 7:01 p.m.

Erica Thomas, Recording Secretary

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

Tuesday, September 12, 2017, at 7:00 p.m.

Presiding: Scott Hill, Mayor

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

Also present were City Manager Jeff Towery, City Attorney David Koch, Planning Director Heather Richards, Associate Planner Chuck Darnell, Parks and Recreation Director Susan Muir, Information Systems Director Scott Burke, and Captain Rhonda Sandoval.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:04 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE: Council President Menke led the Pledge of Allegiance.
3. PROCLAMATION
- 3.a. McMinnville MADE Day in conjunction with the National Manufacturing

Mayor Hill proclaimed October 6, 2017 as MADE DAY in conjunction with the National Manufacturing Day. Mayor Hill presented the proclamation to Jody Christensen, Executive Director of the McMinnville Economic Development Partnership.

4. PRESENTATION
- 4.a. McMinnville Industrial Promotions (MIP)

Doug Hurl, President of McMinnville Industrial Promotions provided a brief background of MIP. He noted that they have received numerous questions regarding the sign ordinance. Mr. Hurl added that all of the companies they lease space to have signs that meet the standards of the

current sign ordinance. He stated that he believes a sign ordinance is the right thing to do and they are looking for a balance.

Tom Tankersley, MIP Attorney, explained that they would like to see a sign ordinance that works better for everyone. He asked that the Council consider some refinements to the ordinance in order to achieve more balance between the legitimate concerns of businesses and citizens.

Mr. Tankersley provided examples of the costs to a couple local companies if they were to bring their signs into compliance with the current sign ordinance. He discussed a proposed change to the sign ordinance that would allow non-conforming signs that were in compliance prior to the ordinance to stay until the owner made a significant change. He also asked that Council consider new variance language that specifically speaks to signs.

Council President Menke provided a history of the sign ordinance noting that the ordinance has been in place for many years, public hearings were held before the ordinance was adopted and there was an amortization program for businesses to come into compliance. She expressed her puzzlement for this just now being presented as an issue.

Councilor Garvin stated that he felt it would be advantageous to see some signs allowed a variance or grandfathered into the program as the cost to the business owners may be burdensome. He also noted that he would like to see enforcement of the sign ordinance and businesses have had several years to come into compliance.

Councilor Jeffries agreed with Council President Menke and Councilor Garvin and stated that he feels the spirit of the ordinance has not been met. He noted that nothing has changed and he would like to see signs come into compliance and he is willing to be flexible. He stated that it is a good time to be strict with the ordinance.

Councilor Ruden shared that he hoped that they could reach common ground. He added that he was in favor in looking at the sign ordinance again.

Councilor Stassens commented that she was on the Planning Commission when the sign ordinance was being put together and explained it was a very thoughtful process. She stated that she is favor gathering feedback to look at the implementation aspect.

Planning Director Richards recommended a year timeframe to give the appropriate response needed to look at sign ordinance revisions.

Discussion ensued regarding extending the amortization deadlines for compliance and evaluating the sign ordinance.

Planning Director Richards stated that the Planning Department will look at a couple options and bring recommendations back up for discussion at a future Council Meeting.

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

Mark Davis, 652 SE Washington Street, stated that all of the issues raised by MIP have been discussed thoroughly nine and ten years ago through a public process. He expressed his frustration to wait another twelve months to consider revisions to the ordinance. Mr. Davis stated that the need for signs is not as great as it used to be. He also expressed concern for the impact it will have on the Planning Commission and the Planning Department to go through a lengthy process of revisiting the sign ordinance. He mentioned that the City is going to stop growing if the Urban Growth Boundary is not expanded. He felt that the Planning Commission and Planning Department should be focused on the list of things necessary for growth and not rehashing conversations regarding what the community wants signs to look like. Mr. Davis added that the signs that are out of compliance are ugly and are the visual equivalent of yelling in public. He stated that it is time to enforce what was put in place years ago.

Shawn Rollins, McMinnville Citizen and Business Owner, asked Council why they are making things hard on business owners. He asked Council to not enforce signs that predate the sign ordinance. Mr. Rollins shared that he feels the City is trying to be like Lake Oswego and trying to change too much. He noted that he is a worker who was born and raised in McMinnville and wants to stay in the community where he grew up. He commented that many of the people that want this change are not from McMinnville but chose to move here. He stated that many of the signs were compliant and then the rules changed and are changing again. He felt that it was ridiculous. He stated that Council should not expect business owners to pay for their signs to be fixed in order to come into compliance and that if Council wants them to change their signs then the City should pay for it.

Mariann Deering, Commercial Property Manager representing McMinnville Plaza mentioned that the Plaza has been losing customers. Ms. Deering noted that they are in negotiations with a big national tenant and that signage is important to acquiring new tenants. She said that the number one thing that tenants ask for is “how much signage do we have?” She stated that she would like to see that new signs and new tenants

should have to comply with the sign ordinance but existing signs would not unless something happened to them. She explained that it is difficult to get national clients to come to smaller towns like McMinnville. She asked that there is a 12-month extension and noted that they will be more involved.

Julie VanDyke White, 835 SW Blaine, stated that she has been in her house for 30 years and worked very hard on it. She noted that the neighborhood has fallen to drugs and prostitution. She stated drug deals are constantly going down and in the last two weeks she has been threatened and nearly run down. She stated that she does not want to be run out of her neighborhood. She believes that the trouble is coming out of the rentals. She commented on problems with vehicles parked on the street and that it looks cluttered.

Mayor Hill asked that Code Enforcement get in touch with Ms. VanDyke White.

Orion Wise, Property Manager of McMinnville Town Center, stated that they and their tenants are impacted by the sign ordinance. He commended Chuck Darnell for his friendly assistance. He noted that sign ordinance can be problematic for landlords as their leases obligate a certain amount of signage to the tenants. He explained that it can be difficult to attract a new business or taking down signage for existing businesses. He asked that the City take some of the recommendations from earlier in the meeting.

6.

CONSENT AGENDA

- a. Consider the Minutes of the June 13th, 2017, July 11th, 2017, August 8th, 2017, and August 22nd, 2017 Dinner and Regular City Council Meetings.
- b. Consider OLCC Liquor License application for a Winery located at 2803 NE Orchard Avenue (King's North Winery).
- c. Consider OLCC Liquor License application for off-premises sales related to a Change of Ownership for Paradise Circle K.

Councilor Ruden MOVED to adopt the consent agenda; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7.

RESOLUTION

7.a.

Resolution No. 2017-61: A Resolution approving system development charge exemptions and reduced building and planning permitting fees in excess of \$75,000 for a 16-unit affordable housing project at 1944 NE Baker Street. The total SDC exemptions and permit reductions is \$104,304.25.

Planning Director Richards explained that Resolution No. 2017-61 would allow for a development fee exemption for an affordable housing project at 1944 NE Baker Street in the amount of \$104,304.25. She noted that in the Fall of 2016 Council approved an Ordinance that exempts qualifying affordable housing projects from system development charges. There was a threshold included of \$75,000 annually and that anything over that amount would come to the City Council for decision making. Ms. Richards reviewed qualifications for affordable housing. She explained that the project is a 16-unit apartment complex being built by TDJC LLC, a local developer, and the tenant will be Yamhill County Health and Human Services. They will be providing housing for individuals managing significant mental health issues and maintaining a household income of 50% or less of area median income (AMI). She noted at there will be an on-site manager and that the tenants will be income-certified by the Housing Authority of Yamhill County. The project is exempt from property taxes as it is a county project funded with public funds and projects exempt from property taxes need to demonstrate how the incentives are passed on to the end user.

Ms. Richards noted that building permit levels are trending down. Ms. Richards continued by reviewing the estimated impact to City Programs as follows (based on 65 units):

Permit Fees

Building	\$4,793.55
Planning	\$527.50
Total Permit Fees Forgone	\$5,341.05

System Development Charges

Transportation Fund	\$19,175.20
Wastewater Fund	\$33,888.00
Parks Fund	\$45,920.00
Total SDCs Foregone	\$104,304.25

She commented that she notified the Department Directors that would be impacted by this and that Community Development Director Mike Bisset felt that the Wastewater Fund was in a good place to handle the impact. Parks and Recreation Director Susan Muir shared with Ms. Richards that she has some concerns.

Discussion ensued regarding exemptions for additional projects. Planning Director Richards explained that Habitat for Humanity also has three projects they are getting ready to pull permits on.

Ms. Richards reviewed the options for City Council.

Council expressed their concerns with going over the \$75,000 limit as well as giving the entire amount to one project. They noted they would like to see what alternatives are available.

Councilor Ruden felt that this is a very worthy affordable housing project.

Mayor Hill reiterated that Council wants affordable housing.

Planning Director Richards stated that she will do some additional research and analysis and come back to Council with more information at a future City Council Meeting.

8. ORDINANCE

- 8.a. First reading with possible second reading of **Ordinance No. 5036**: An Ordinance approving a zone change from R-1 (single-family residential) to R-4 (multiple-family residential) on approximately 0.22 acres of land and a planned development amendment to expand an existing Planned Development Overlay to encompass two parcels for a total of 1.11 acres of land.

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

City Attorney Koch read by title only Ordinance No. 5036.

Associate Planner Chuck Darnell explained that the request is for a zone change and an amendment to an existing planned development for a property located at 1730 SW 2nd Street. He noted that it is very close to the intersection of Cypress and SW 2nd Street. The zone change is for the northern parcel and the planned development amendments are for both parcels. He displayed a map showing the current zoning.

Mr. Darnell provided the background on the existing planned development noting that Ordinance 4097 adopted in 1980 rezoned the southern parcel to R-4 and adopted the planned development overlay which required no more than five dwelling units based on sewer capacity at the time and included requirements for infrastructure improvements and easements.

Mr. Darnell reviewed the zone change review criteria as outlined in the McMinnville Municipal Code Section 17.74.020 and the planned

development review criteria as outlined in the McMinnville Municipal Code Section 17.74.070. He discussed the findings of fact and findings for approval. He noted that the property is unique size lot and that there are no sewer capacity issues.

Council expressed their liking of the infill project.

Discussion ensued regarding concerns heard by the Planning Commission, parking, livability and accessibility for emergency vehicles.

Council President Menke MOVED to pass Ordinance No. 5036 to a second reading; SECONDED by Councilor Ruden. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5036.

Councilor Garvin MOVED to approve Ordinance No. 5036 approving a zone change from R-1 (single-family residential) to R-4 (multiple-family residential) on approximately 0.22 acres of land and a planned development amendment to expand an existing Planned Development Overlay to encompass two parcels for a total of 1.11 acres of land; SECONDED by Council President Menke Ordinance No. 5036 PASSED by a unanimous roll-call vote.

- 8.b. First reading with possible second reading of **Ordinance No. 5037**: An Ordinance approving text amendments to Chapter X, citizen involvement and plan amendment, of the McMinnville Comprehensive Plan.

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

City Attorney Koch read by title only Ordinance No. 5037.

Planning Director Richards stated that the ordinance amends Chapter X by adding a goal, amending three policies, adding four policies and adding two proposals. She stated that it ensures McMinnville is compliant with state law, provides for a more diverse citizen involvement program and requires annual evaluation of the citizen involvement program. Ms. Richards reminded Council that Oregon Land Use Goal #1 is Citizen Involvement and explained that this will be achieved through:

- Appointing a citizen involvement committee.
- Assuring two way communication with citizens.
- Providing the opportunity for citizens to be involved.
- Assuring that technical information is available.
- Citizens will receive a response from policy makers.
- Insuring there is funding for the citizen involvement program.

Ms. Richards stated that the added goal is “To make every effort to engage and include a broad cross section of the community by maintaining an active and open citizen involvement program that is accessible to all members of the community and engages the community during development and implementation of land use policies and codes”.

Ms. Richards continued by sharing that Policies 190.00, 191.00 and 192.00 would be amended to reflect that the Planning Commission serves as the Committee for Citizen Involvement for the City of McMinnville.

The additional four policies include:

193.00 The City of McMinnville shall continue to engage citizens in community advisory positions for input on the major elements of the comprehensive plan by creating special advisory bodies and ad-hoc committees comprised of volunteers representing a broad cross-section of the community to provide input on every major comprehensive planning effort and other related land use planning matters.

194.00 The City of McMinnville shall strive to include youth members on City Committees involved in land use planning, and work with the McMinnville School District, local private schools and service groups to encourage youth involvement in land use planning activities.

195.00 The City of McMinnville shall assure that technical information is available to citizens in an understandable form and when needed provide translations of information to non-English speaking members of the community.

196.00 The City of McMinnville shall allocate adequate human, financial and informational resources for the citizen involvement program.

Ms. Richards shared the two proposals to be added as follows:

40.00 Periodically evaluate the City’s Citizen Involvement Program and make adjustments as needed to improved its effectiveness.

41. 00 Have the Committee for Citizen Involvement report at least annually to the City Council to evaluate the effectiveness of the City’s citizen involvement efforts.

Ms. Richards shared the recommendation for the Project Advisory Committee:

There would be a Citizen Advisory Committee made up of a liaison from impacted commissions/ committees, families, accessibility community members, youth representatives, retirees, singles, partners (Chamber of Commerce, McMinnville Economic Development Partnership, McMinnville Downtown Association, McMinnville School District, Friends of Yamhill County), and community demographics would be represented. The Technical Advisory Committee would be made up of staff experts, partner agency experts and regional experts.

Discussion ensued regarding ADA compliance and a future transition effort.

Councilor Ruden MOVED to pass Ordinance No. 5037 to a second reading; SECONDED by Council President Menke. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5037.

Council President Menke MOVED to approve Ordinance No. 5037 approving text amendments to Chapter X, citizen involvement and plan amendment, of the McMinnville Comprehensive Plan; SECONDED by Councilor Stassens. Ordinance No. 5037 PASSED by a unanimous roll-call vote.

9. ADVICE/ INFORMATION ITEMS

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

Council President Menke mentioned there was a Affordable Housing Task Force Homeless subcommittee meeting and that things are coming together.

Councilor Stassens stated that there was a McMinnville Urban Advisory Committee meeting and that the parking study presentation will be on September 19th.

Councilor Ruden stated that the Historic Landmarks Committee met recently and he was very impressed with the Committee and the work they are doing.

Mayor Hill shared that the Bypass Celebration would be taking place on Saturday September 23rd. He also noted that he attended City Club with City Manager Towery and shared a State of the City presentation.

9.b.

Department Head Reports

City Manager Towery noted that the City Club event was well attended and there was an opportunity for citizens to ask questions.

Parks and Recreation Director shared that the Community Center administratively adopted a behavior and code of conduct policy. She also mentioned that volunteers from McMinnville 1st Ward helped clean up Discovery Meadows Park and that it has been a 13-year tradition. She thanked the volunteers for their time.

Scott Burke, Information Systems Director stated that things are going well in the Information Systems Department. He shared that Yamhill County will be doing some work to the phone systems that will result in an outage of City phones for approximately 12 hours over the weekend. He noted that arrangements have been made to make sure everything runs smoothly.

Planning Director Richards shared that a Building Inspector, a temporary part-time plumbing inspector and a Building Official have been hired. Ms. Richards highlighted Building Official Bob Poskin's hard work and commitment to the City.

Councilor Ruden commented on Bob Poskin's service to the City and noted that it has been a pleasure to work with him and that he has done a remarkable job.

City Manager Towery shared that the new Public Affairs position in Community Development has been filled. He also stated that the Employee Handbook needs to be updated and that former City Attorney and Interim City Manager Candace Haines is being hired to complete the project.

10.

ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:24 p.m.

Melissa Grace, City Recorder

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

Monday, September 18, 2017 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording: Melissa Grace, City Recorder

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

Also present were City Manager Jeff Towery, City Attorney David Koch,
Library Director Jenny Berg, and Tom Henderson of the *News Register*.

1. CALL TO ORDER: Mayor Hill called the Special Called Meeting to order at 6:07 p.m. and welcomed all in attendance.
2. DISCUSSION REGARDING CITY MANAGER'S SIX MONTH EVALUATION

Sean O'Day, Executive Director of Mid-Willamette Valley Council of Local Governments served as facilitator. Mr. O'Day discussed the process used to conduct the City Manager's evaluation. The process included a 360 evaluation comprised of: an evaluation of the City Manager by the City Council, an evaluation which included Department Heads, City Hall Staff, frequent Staff contacts and key community contacts, as well as a self-evaluation by the City Manager. Mr. O'Day stated that the alignment was very close. He noted that overall the evaluation was very positive and that the City Manager is performing where the Council wants him to be at six months. He shared that the majority of the feedback received from the 360 evaluation was very positive and noted that it was sent out to 27 stakeholders. There were 23 responses which Mr. O'Day felt was a high response rate.

City Manager Towery stated that he felt good about the way the process was set up and that he was pleased with the feedback received.

Councilor Stassens asked about the question related to providing information to the elected body. City Manager Towery shared that he is unsure if Councilors are getting the information that they need from him since he does not meet regularly with Councilors

outside of Mayor Hill and Council President Menke. He also noted that there may be a missed opportunity by not using work sessions to discuss robust issues. Councilor Stassens agreed that it would be helpful to have these types of discussions earlier on and during work sessions.

Mayor Hill stated that there has been more information coming out from the City Manager's office in the past. He noted that City Manager Towery's approach has been one-on-one meetings.

Councilor Jeffries stated that Councilors are getting a lot more information directly from Department Heads and that he likes this approach. Discussion ensued regarding making sure the City Manager Towery is aware of communication taking place between the Council and Department Heads.

Mr. O'Day noted that the survey shows that City Manager Towery empowers and collaborates with employees.

Mayor Hill shared that he thought that the 360 evaluation was beneficial and that a 360 evaluation will be a part of the process for the annual review.

Councilor Stassens asked about his interactions with Staff and the Management Team. City Manager Towery shared that he meets every-other week with all of the Management Team and that the Management Team meets on a weekly basis. He stated that he has been in all City facilities and has attended staff meetings. City Manager Towery shared that work plans have been done informally but will be done formally in the future. He shared that the Management Team has not had any formal training as a group and that some formal team building needs to be conducted to help be intentional about being a high performance team.

Discussion ensued regarding regular performance evaluations and frequent feedback.

Councilor Jeffries asked about reporting on goals. Mayor Hill commented that the goals that were decided on in February will be encapsulated in the strategic plan.

Mayor Hill asked City Manager Towery if there was anything Council can do to support him as he is moving forward. He asked Council if they are comfortable with the nine goals he identified in his self-evaluation:

- Maintain and improve efforts to communicate directly to members of the Council in the manner and frequency that best fits each member's style and schedule.
- Continue being visible and engage in community events and activities.
- Provide training, support and other resources to build a high functioning team.
- Look for opportunities to work with a broader range and number of employees and to address key needs in the organization, particularly those related to equity.

- Look for chances to work with other local governments, institutions of higher learning, business and community partners to leverage resources to address challenges.
- Address areas of unmet needs for services and facilities that require additional time and focus by setting out and implementing plans for improvement.
- Continue to build relationships with individual members of the council.
- Do a better job of practicing work/life balance.
- Consider innovative approaches to problem solving, organization training opportunities, building leadership capacity and team-building.

Council President Menke commented that she believes the goals are good.

Councilor Jeffries shared that he feels that there have been some false starts. He feels that the Strategic Planning process has taken longer than expected. He asked to know how Council's input plays into it. Council President Menke responded that there has been a lot of change with staff and two new Councilors. She asked that Council give more time for processes to work.

Mayor Hill shared that he felt that the last six months his hopes were for rebuilding the team and he feels that this has been done.

Mr. O'Day stated that having the evaluation being conducted publically speaks well to transparency. He also felt that having an anonymous survey also speaks to the core value of transparency. He noted that this transparency will help rebuild trust.

City Attorney Koch reminded Council that he is now being reviewed by the City Council as he now reports to the City Council. Mr. O'Day shared that he would be happy to help facilitate this process.

Councilor Garvin and Councilor Stassens thanked City Manager Towery for his cohesive and positive leadership.

3. ADJOURNMENT: Mayor Hill adjourned the Special Called City Council Meeting at 6:56 p.m.

Melissa Grace, City Recorder

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, September 26, 2017 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording: Melissa Grace, City Recorder

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

Also present were City Manager Jeff Towery, City Attorney David Koch
and Planning Director Heather Richards.

DINNER

CALL TO ORDER: Mayor Hill called the Dinner Meeting to order at 6:24 p.m. and welcomed all in attendance.

DISCUSSION:

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

The agenda for the regular meeting was reviewed.

Councilor Ruden asked about Third Street Improvements. Planning Director Richards responded that McMinnville Urban Renewal Agency Committee (MURAC) have been discussing improvements and an accessibility component.

Planning Director Richards shared an update on requested revisions to the Sign Ordinance.

ADJOURNMENT: The Dinner Meeting adjourned at 6:47 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, September 26, 2017, at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording: Melissa Grace, City Recorder

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

Also present were City Manager Jeff Towery, City Attorney David Koch, Planning Director Heather Richards, Parks and Recreation Director Susan Muir, Community Development Director Mike Bisset, Fire Chief Rich Leipfert, and Captain Tim Symons.

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 Ruden led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Annely Germaine, 820 NW Wallace Road, stated that she is a volunteer with Zero Waste. She shared that her committee has been working the issue of styrofoam going into the landfill. She explained processes for condensing styrofoam. Ms. Germaine noted that there is a cold densification process that Tillamook County uses. She expressed her

desire to bring this process to McMinnville and shared that the only barrier is obtaining a site. She asked that the City and Recology support this effort.

Mayor Hill asked that Ms. Germaine meet with Recology to discuss the concept further and bring the topic back as a presentation by the Committee at a future City Council Meeting.

4. PRESENTATION: Curbside Yard Debris & Glass Update

Fred Stemmler, General Manager Emeritus of Recology Western Oregon (RWO), provided an update from January 2017 to August 2017 on the various services as follows:

- 2.2 percent increase in the number of cans/ carts for Trash Service.
- 2.5 percent increase in the number of carts in service for Mixed Recycling.
- 40.4 percent increase in Yard Debris Collection.
- 51.2 percent increase in Mixed Glass Collection.

He noted that the glass participation rate is 33.5 percent.

Mr. Stemmler then reviewed the current material flow and the alternative disposal proposal which adds a drop for reload at transfer station and transfer to a landfill other than Riverbend. He shared the impacts of the alternative method and noted that under the proposed model, the RWO-Valley collection rates are estimated to increase by 10 percent effect January 1st, 2018.

Mr. Stemmler introduced the new RWO General Manager Carl Peters.

Councilor Ruden asked about the route that the trucks will be taking to the transfer station. Mr. Stemmler explained the local routing.

Councilor Jeffries stated that the City Council has been opposed to the Riverbend Landfill. He asked that if Council were to impose a restriction on the use of Riverbend Landfill, would RWO would be able to respond. Mr. Stemmler explained that with the addition of the transfer station they will be able to use a different landfill and be ready to transition by January 1, 2018.

Council expressed their thanks to Mr. Stemmler for his contributions to the community.

Discussion ensued regarding alternate landfill locations and the potential increase in rates.

Mark Davis, 652 SE Washington Street, stated that it was good to see that everyone is working on moving garbage away from Riverbend Landfill. He noted that the Council should hold a public hearing and provide due diligence since the decision will be setting a basis for what the future will look like.

Margaret Cross, 1102 Russ Lane, thanked Council for being responsible and forward thinking in their approach to infrastructure and stated she appreciates the long-term visioning of what's best for future generations. She thanked the Council for backing away from the use of Riverbend Landfill and banning the use of single-use plastic bags. Ms. Cross noted the various organizations working together. She encouraged citizens to reduce, reuse and recycle. She said she felt the possible rate increases seemed reasonable. She also commented she felt Recology and the Council are doing a great job dealing with landfills and trash.

Mayor Hill stated that a public hearing may be a good idea. There was a consensus of the Council that a public hearing should take place on the proposed rate increase.

Dave Larmouth of RWO noted that the public hearing could take place at the same time as the financial presentation from RWO.

Discussion ensued regarding the importance of public input.

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.

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

6. RESOLUTIONS

6.a. **Resolution No. 2017-63:** A Resolution establishing a Downtown Safety Task Force.

City Manager Towery stated that the Council had asked that a temporary task force be established to focus on behavior and conduct downtown and possible municipal code changes to address concerns. He stated that the established timeframe for the task force is six months. The task force will meet on a frequent basis to share information and provide feedback on proposed solutions to problems in and around the downtown area including the residential areas of the economic improvement district. He noted that reports and updates of the task force will be provided to the City Council during the second, fourth, and sixth month of the task force's work.

Councilor Ruden MOVED to adopt Resolution No. 2017-63 establishing a Downtown Safety Task Force; SECONDED by Councilor Garvin.
Motion PASSED unanimously.

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

City Manager Towery explained that Councilor Garvin will be Council liaison for the task force and Council President Menke will be alternate Council liaison. Parks and Recreation Director Susan Muir and Police Chief Scales will be primary staff support. It was noted that the Council would like additional task force members to be added by the task force.

Mayor Hill stated that there is broad representation within the task force.

Council President Menke MOVED to adopt Resolution No. 2017-64 appointing Sylla McClellan, Jeff Sargent, Erika Marksbury, Rick Weidner, Laura Van Houte, Lindsey Manfrin as members of the Downtown Safety Task Force; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ORDINANCE

- 7.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.

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

Planning Director Richards explained that the Ordinance makes a text amendment to the McMinnville City Code, Title 15, “Buildings and Construction”. It allows the City at the local level to adopt Chapter 34 of the Oregon Structural Specialty Code for existing buildings and structures.

Ms. Richards noted that the amendment addresses immediate public safety concerns.

City Attorney Koch read by title only Ordinance No. 5038.
Councilor Jeffries MOVED to pass Ordinance No. 5038 to a second reading; SECONDED by Council President Menke. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5038.

Council President Menke MOVED to approve Ordinance No. 5038 amending Ordinance 4539, adopting by reference certain uniform codes which relate to the maintenance of existing buildings and abatement of dangerous conditions; SECONDED by Councilor Stassens. Ordinance No. 5038 PASSED by a unanimous roll-call vote.

8. ADVICE/ INFORMATION ITEMS

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

Councilor Garvin noted that the next Yamhill Communications Agency (YCOM) meeting will be at 3 p.m. on October 12th at the Courthouse.

Council President Menke shared that a consulting group came in to talk with Visit McMinnville and others in the community about a possible event center in McMinnville.

Councilor Stassens commented on the recent presentation from consultants regarding the parking study.

Mayor Hill stated that the Parkway Committee recently met. The Mayor discussed the needs for funding the future phases of the bypass.

8.b.

Department Head Reports

Chief Leipfert shared that all of the crews that had been deployed to assist with wildfires have returned.

Parks and Recreation Director Muir stated a meet and greet was held at the Senior Center. She mentioned that she will have office hours one day a week at the Senior Center.

Planning Director Richards explained that the Yamhill County Transit Development Plan received a grant about a year and a half ago from Transportation, Growth and Development. The plan is for the entire County including the City. She shared that there is a Project Advisory Committee for the project that she will be serving on and Council President Menke will be serving on the elected officials focus group. The Committee will be looking at a 20 year planning horizon.

City Manager Towery noted Rhonda Sandoval has been promoted to Captain. He shared that Rebecca Quandt, Executive Director of the McMinnville Downtown Association has resigned to take a position with the City of Salem. The Board Chair has also resigned and Library Director Berg is the new Chair of the Board.

9.

ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 8:40 p.m.

Melissa Grace, City Recorder



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

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: _Retour Wine Company_
BUSINESS LOCATION ADDRESS: _336 NE Davis Street, McMinnville, OR_
LIQUOR LICENSE TYPE: _Winery "second location"_

Is the business at this location currently licensed by OLCC

☐ Yes ☒ No

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

Retour Wine Company

Hours of operation: _By Appointment Only_

Entertainment: _No_

Hours of Music: _No_

Seating Count: _12_

EXEMPTIONS:

(list any exemptions)

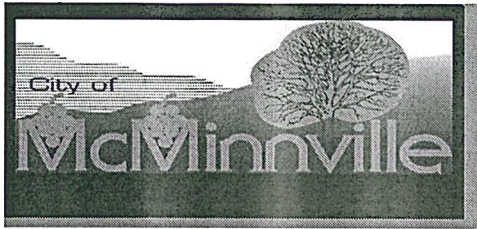
Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



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

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: The Blue Quail
BUSINESS LOCATION ADDRESS: 701 NE 3rd Street, McMinnville, OR
LIQUOR LICENSE TYPE: Limited 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:

Hours of operation: Sunday – Saturday 10AM to 9PM

Entertainment: Painting Events

Hours of Music: No

Seating Count: 20

EXEMPTIONS:

(list any exemptions)

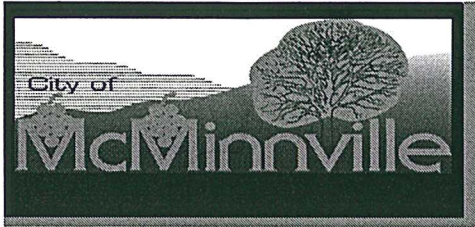
Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



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

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: _Gusty Farm Estate Vineyard and Winery, LLC_

BUSINESS LOCATION ADDRESS: _2803 NE Orchard Ave, McMinnville, OR_

LIQUOR LICENSE TYPE: _Winery "no consumption" _

Is the business at this location currently licensed by OLCC

☐ Yes ☒ No

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

Hours of operation: ___Online Sales Only___

Entertainment: ___No___

Hours of Music: ___No___

Seating Count: ___0___

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

Chief of Police / Designee

City Manager / Designee



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

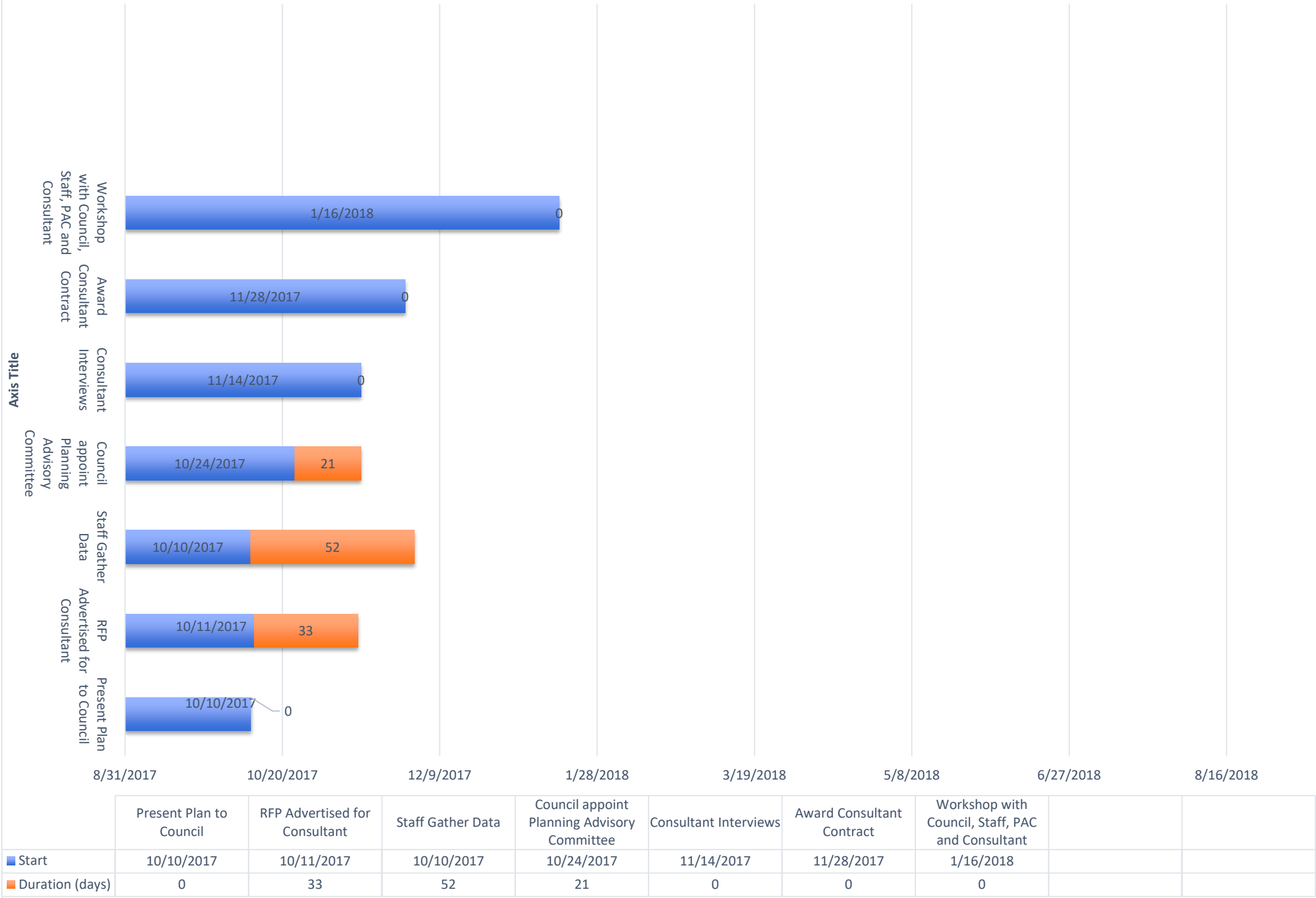
www.mcminnvilleoregon.gov

MEMORANDUM

DATE: October 10, 2017
TO: City Council
FROM: Melissa Grace, City Recorder
SUBJECT: Report on Strategic Planning

City Manager Towery will be providing an update on Strategic Planning. He will also review the Request for Proposals for professional consultant services for facilitation of strategic planning, goal setting and creation of a strategic plan and development of an City Economic Development Strategy.

Strategic Planning 2017



■ Start ■ Duration (days)

Project Description

The City of McMinnville seeks to complete its community-wide strategic plan process no later than August 31, 2018. The process must include extensive, diverse and effective engagement of the public and other key stakeholders within the community.

Scope of Work

The City of McMinnville wishes to utilize the services of a professional facilitator to facilitate a strategic plan/goal setting effort and create a strategic plan to help guide the City's policy priorities and budget allocations moving forward. The following activities are anticipated to be part of this assignment:

- Provide a process that allows general alignment and focus of the City Council, City staff, in addition to citizens, business interests, community groups, etc. to foster a sense of cohesion as to the City's strategic direction.
- Interviews with City Department Heads.
- Survey or interviews with Mayor and City Council.
- Meeting/s with stakeholder focus groups: The process must include extensive and sustained public involvement activities, including innovative outreach efforts through various approaches toward the goal of engaging a broad and deep cross section of the community. The City is looking for a blend of involvement and collaborative approaches that will engage those community members that typically are not engaged in civic or community dialogue.
- Identification of what makes McMinnville unique and special, and how the City can position itself to be prepared for the future while still retaining those qualities.
- Creation of an environmental scan which may include the collection and review of available data, potential outcome measures and other related best practices.
- Meeting/s with Project Advisory Committee
 - Facilitation of a Strategic Planning workshop with City Department Heads, the City Council, and the Project Advisory Committee.
- Chart an effective, considered, and innovative course of action for the City's future, setting priorities and maximizing innovative opportunities.
- Preparation of a draft report and draft findings.
- Preparation of a final report.

- The City's Executive Team has prepared the following Table of Contents Framework to inform and guide the preparation of a final report:
 - **Who are we?** S.W.O.T., Community Demographics and Trends, Values, History, Community Priorities, Financial Forecast Timeline
 - **Where are we going? What do we want to achieve?** Vision, Timeframe, Methodology, Mission, Purpose Statement, Aspirational Financial Forecast
 - **How are we going to achieve it?** Goals, Measurements, Strategies, Statement of Commitment, Action Plans, Communication Strategy, Financial Plan, Decision Making Framework, Objectives-long-term and short-term
 - **How do we know when we have achieved it?** Evaluation Strategy, Feedback, Validation/Affirmation, Outcomes

The process is expected to include:

- A Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis.
- Identification of short-term and long term goals and objectives.
- Identification of fiscal constraints and opportunities to achieve strategic goals and objectives.
- Identification of potential partnerships with other entities.
- A Plan for fiscal sustainability.
- Evaluation of existing and future public facilities and services, priorities, timing; identification of how City resources should be allocated and how to maintain customer service levels.
- A Communications Plan.
- Metrics for assessing progress in achieving objectives.
- Discussion of linking strategic plans to values, vision, goals, budget priorities and operational Plans.
- A digital copy and twenty (20) hard copies of the final report.

Final Deliverables

A recommended final Strategic Plan document that includes an implementation plan with benchmarks or milestones that measure the City's progress. The final document should provide a plan with 5, 10 and 20 year horizons (All projects, programs and strategies included in the plan must be within the scale and scope of the City and community and actionable), and

- A recommended Strategic Plan Executive Summary.

- Final summary of all discussions and presentation of a collaborative and comprehensive City of McMinnville's Strategic Plan, prepared in written and power point format within fifteen (15) business days of the conclusion of all discussions, with the contractor presentation of this framework to be given at a public meeting.

In addition to the items listed above, all data, analysis, multi-media materials, master copies (hard and digital) of final products and all other relevant documentation shall be provided to the City for project files.

Schedule

The schedule for the selection of a project consultant team is as follows:

RFP Advertised: October 11, 2017

RFP Response Deadline: November 13, 2017, 4:00 p.m.

Interviews: November 14, 2017

Recommendation to City Council for contract award, if appropriate: November 28, 2017

Commence Project: Approximately December 1, 2017.

Completion: August 31, 2018

Evaluation Criteria

The following criteria will be used by the selection committee to evaluate each proposal. Incomplete proposals not meeting the above requirements will be considered non-responsive.

Project Understanding: The consultant team demonstrates a clear understanding of the nature and objectives of the project.

Consultant Team Qualifications and Availability: The consultant team has the experience, professional skills and resources needed to provide the services to undertake the project successfully and on schedule. Professional references may also provide strong indication of consultant team capabilities. Consultant teams wherein the principle consultant will directly manage the project and who will actively engage and be visible in the community will be preferred and evaluated for selection more favorably. The Statement of Qualifications should clearly set out any commitments or obligations that could limit the availability of team members and have an impact on the project schedule.

Approach: The consultant team demonstrates an approach which (a) has an effective and clear decision-making process, (b) offers creative and effective public involvement techniques or tools, (c) successfully utilizes public involvement activities that build consensus for actionable projects, programs, and strategies that will be responsive to the community vision in context with the five (5) year implementation scope, (d) identifies responsible parties for implementation of plan elements, (e) provides general implementation timelines, (f) articulates a methodology that assures timely completion of the Strategic Plan as described in this document, and (g) offers cost-efficiencies.

Accessibility: Demonstrated success and a clear strategy for involving traditionally underserved populations in the stakeholder engagement process. In McMinnville, special focus will be required for, but not limited to, the Latino Community and youth.

Proposal Clarity: The proposal is clear and presented in a professional and understandable form. The proposal responds to the format requirements and evaluation criteria.

Selection Process

A Selection Committee made up of the City Manager, City Staff, Council Members and Community Members will review Statements of Qualifications from all respondents and will conduct interviews with one or more consultants prior to making a recommendation to the City Manager. All of the listed criteria as well as performance during the interview and reference checks with prior clients will be evaluated. Consultant Team Qualifications and Availability, Approach and Accessibility will receive primary consideration in the selection.



**CITY OF MCMINNVILLE
REQUEST FOR PROPOSALS (RFP)**

**PROFESSIONAL CONSULTANT SERVICES FOR
CITY ECONOMIC DEVELOPMENT STRATEGY**

PROPOSALS DUE:

November 2, 2017 by 3:00 p.m.

SUBMIT PROPOSAL TO:

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

REFER QUESTIONS TO:

RFP ISSUE DATE:

October 5, 2017

Project Description

The City of McMinnville, working closely with the McMinnville Area Chamber of Commerce (Chamber), McMinnville Downtown Association (MDA), McMinnville Economic Development Partnership (MEDP) and Visit McMinnville (VM), seeks support in developing an Economic Development Strategy that will help McMinnville:

- Identify McMinnville's unique opportunities and niche potential that will separate McMinnville from other communities and maintain the feeling of a vibrant small-town in close proximity to a fast-growing metropolitan area, and create a sustainable economy for generations to come.
- Position a unique quality of life to attract creative class and entrepreneurial talent to establish the next generation of local business development and investment in the community.
- Lead McMinnville's agricultural and manufacturing traditional economy towards a successful and sustainable 21st century economy.
- Utilize McMinnville's history of collaboration towards achieving big things.
- Identify what is an attractive business climate for McMinnville's targeted potential and what McMinnville still needs to do to create that climate.
- Leverage the growing tourism industry towards new business development and investment. "If you like to play here, why not work and live here too."
- Focus the efforts of all individual economic development partners so that they are successful in their own unique roles but working collaboratively and collectively towards advancing a coherent and cohesive overall economic vision.
- Invest limited resources in strategic initiatives that create family wage jobs that are multi-generational and reinforce the small town charm of McMinnville.

McMinnville wants to use rigorous data analysis, trend forecasting and robust public and stakeholder engagement to develop an overall economic development strategy that identifies what McMinnville's unique potential and opportunities are, and what McMinnville's economy can and should be as it grows in the future.

Currently McMinnville enjoys a small-town quality of life with a mid-sized city's infrastructure and organizational structure. Recently voted one of the Great Places in America by the American Planning Association, McMinnville boasts one of the most vibrant Main Streets in Oregon that is managed by an established downtown organization with a sustainable economic improvement district and full-time staff, McMinnville Downtown Association. McMinnville also has a long-standing and active Chamber of Commerce with an economic development arm, McMinnville Economic Development Partnership (MEDP), that after ten years is establishing itself as an independent 501(c)6 with sustainable funding sources and employs 2.5 FTEs. Additionally, McMinnville just created its own destination marketing organization, Visit McMinnville, that is in its second year with 2.0 FTEs and a dedicated transient lodging tax as a funding source. In 1969, McMinnville Industrial Promotions formed as a local shareholder group investing in industrial

development, which is still active today, with assets including land and cash reserves. And finally, McMinnville Water and Light, a utility company under the city charter operate a utility that is able to offer some of the most reliable and inexpensive water and power in the state.

For years, McMinnville's economic industry focused on manufacturing and advanced manufacturing through the efforts of MIP and MEDP. In the 1980s the community decided to restore and revitalize Third Street, their beloved Main Street as the community's city center for local businesses and community gatherings. And most recently, McMinnville and Yamhill County have enjoyed tremendous success with the emergence of the nationally and internationally renowned wine industry.

In 2032, McMinnville will be celebrating its 150th birthday. For that milestone, the City of McMinnville and its partners would like to build upon those successful efforts and opportunities to continue to create economic opportunities for its residents both new and old, and to pave the way for the next generation of economic success stories.

The consultant's overall responsibility and scope of work is to prepare an Economic Development Initiative containing goals, objectives and implementation measures. The end result will be a concise work plan for implementing recommended strategies and established metrics to measure the outcomes.

This effort will be conducted in parallel with a larger city strategic planning project.

Budget

Up to \$30,000 is available for consultant services.

Scope of Work

The consultant shall provide professional services to support the following tasks:

- A. Review and analysis of existing demographic and socioeconomic data, labor force characteristics, transient lodging tax revenue and other key economic data.
- B. Preparation of key demographic trends and forecasts, social factors, economic factors and financial indicators for inclusion into the strategic plan. This task should include preparation of a market segmentation of the City's retail/commercial and industrial sectors.
- C. Provide understanding and consensus of the City's primary strengths, weaknesses, opportunities, and threats (SWOT analysis) that directly impact the economic competitiveness.
- D. Develop a local economic climate assessment identifying local potential and opportunities for the next fifteen years.
- E. Preparation of a customized, locally based economic development strategy setting forth goals and objectives for taking advantage of the opportunities and solving the economic development challenges of the area, including suggested activities, projects and programs to implement objectives and goals set forth in the strategy.

F. Create an implementation plan that identifies issues/items which require action in the short or long-term. Specific issues to be studied include but are not limited to:

- a. Recommendations on light industrial, office, and retail commercial centers – whether or not to preserve existing square footage, increase, or decrease. Include geographic locations for focus.
- b. Research and analysis of mobile services – current practices and impacts on local brick-and-mortar businesses and strategies to leverage them to bring in business into the City.
- c. Preparation of business attraction and retention strategies incorporating results from McMinnville's SWOT analysis.
- d. Preparation of performance measures with timelines that will be used to evaluate whether and to what extent plan goals and objectives have been or are being met.

G. Meetings:

- a. The consultant will be expected to regularly interface with a Project Leadership Team made up of the City Manager, Planning Director, and Executive Directors of the Chamber, MDA, MEDP and VM (in-person meetings and conference calls) concerning approach and tasks throughout the project. The consultant should have frequent interaction with this group, sometimes accompanied by policy makers representing each partner, to ensure that the Community's desired objectives are met and that McMinnville's unique concerns are addressed. The consultant may also be expected to consult with the City Attorney, Finance Director and others as designated.
- b. Preparation and facilitation of up to two (2) community visioning workshops with the Chamber, MDA, MEDP and VM, the business community in general and other leaders/citizens in the McMinnville community.
- c. Briefing with the Project Leadership Team.
- d. Attendance of at least two (2) meetings and/or work sessions with McMinnville's City Council to discuss findings and present the draft and/or final Economic Strategic Initiative.

The completed Economic Development Strategy is due no later than **June 30, 2018**, and must be provided in both paper and digital form. The digital files will be in a format that is acceptable to the City of McMinnville and that are editable by the City of McMinnville at a later date.

City Services: The City of McMinnville Staff and its partners will work with the consultant throughout the Strategic Plan development processes. Additionally, staff can provide assistance with mapping, administrative support, the coordination of volunteer efforts, and management of the public process.

Proposal Submittal

To be considered for this project, six (6) sealed copies of the proposal must be mailed or hand delivered to the address below no later than **3:00 P.M. on Thursday, November 2, 2017**.

Proposals submitted after that date and time will not be accepted, nor will faxed or e-mailed submissions.

**Heather Richards
City of McMinnville
Planning Department
231 NE 5th Street
McMinnville, OR 97128**

The Consultant proposal will be limited to 30 pages. The proposal should include the information listed below:

- Introductory cover letter
- A narrative or other statement relating to the consultant's background and qualifications for the project, including the names and qualifications of staff that would be assigned to this project and their roles and responsibilities
- A narrative demonstrating that the consultant understands the project
- A project proposal showing a description and budget for each task
- A general timeline for the project
- A sample of previous similar work
- A minimum of three (3) references from similar work clients

Proposal Evaluation and Selection

Following the closing date, a selection committee comprised of representatives from the City of McMinnville, McMinnville Economic Development Partnership, McMinnville Downtown Association, McMinnville Chamber of Commerce and Visit McMinnville will meet to review the submitted proposals and select a consultant. If necessary, interviews may be scheduled with consultants.

Evaluation Criteria. Each proposal shall be evaluated based on the following criteria:

Completeness of the submitted proposal	5 Points
<p>Consultants understanding of the project and required tasks</p> <p>Please describe your team's understanding of the assignment and your proposed approach. For each of the tasks, outline the major subtasks you anticipate undertaking and your team's schedule for completing these tasks. Please describe any challenges you anticipate in completing any of the tasks and your firm's proposed approach to addressing these challenges. Also describe any proposed deviations from the anticipated work plan and the reasons for these proposed deviations. <i>Please be as specific as possible in describing your proposed methodology for developing your recommendations as well as in describing the level of detail, format, and proposed illustrations proposed for each deliverable.</i></p>	30 Points
<p>Consultant's past experience with similar projects and/or experience of project staff</p> <p>For each task, please specify the names and titles, responsibilities, and estimated hours for each staff member who will be performing significant work. If sub-tasks within each task will be staffed differently, please provide information at the sub-task level. Please include summaries of the relevant experience of all staff who will be performing significant work. <i>Provide examples of past experience and products.</i></p>	50 Points
<p>Timeline necessary to complete the project</p> <p>Please provide a detailed timeframe of how you will get the two projects accomplished within the deadlines provided. Please describe the availability of the specific staff member who will perform the needed tasks, and those staff to work on the project to meet the timeline, including any significant constraints. Please describe the capacity of principal staff to oversee the project, attend necessary meetings, and work with City staff to address challenges, including any significant constraints.</p>	10 Points
References	5 Points
Total Available	100 Points

Negotiations / Award of Privilege

Following the evaluation process, the City will begin contract negotiations with the highest ranked proposer.

The matters subject to negotiation shall be limited to the following:

1. Comprehensive scope of work;
2. Proposer personnel committed to the project;
3. Project schedule;
4. Professional fees, including reimbursable expenses; and
5. Agreement to the City's contract terms (Note: A copy of the City's standard Personal Services Contract is attached to this RFP).

In the event that a contract cannot be negotiated with the highest ranked proposer, negotiations will be permanently discontinued, and the City will start contract negotiations with the next highest ranked proposer. Nothing in this RFP shall restrict or prohibit the City from cancelling the solicitation at any time.

The City reserves the right to reject any or all Proposals, accept a Proposal in full or in part, or to negotiate for the modification of any Proposal with its Proposer. The City will notify the selected proposer by **November 13, 2017**.

Contract Requirements

The successful Consultant shall enter into a Personal Services Agreement with the City. Before commencing work, the selected consultant shall provide to the City evidence of insurance. The payment schedule for contract services will be agreed upon prior to the commencement of any work tasks and upon receipt of the Consultant's billing statement and evidence that all work required of the contract has been satisfactorily completed.

The selected proposer shall have (10) business days from the date of the receipt of the final Agreement negotiated between the Proposer and the City to execute and return said agreement. All such documents must be executed and delivered by the Proposer and approved by the City before the Agreement will be executed and returned to the Proposer by the City. The City reserves the right to cancel the award without liability.

Failure upon the part of the selected Proposer to execute and deliver the Agreement and other documents required above within ten (10) business days after the date of written notice of award shall be just cause for cancellation of the award by the City. The award of the concession may be made to another Proposer or all Proposals rejected at the City's sole discretion.

Questions and Clarifications

Questions and requests for clarification regarding this RFP solicitation must be directed in writing (either email or fax is acceptable) to:

Heather Richards, Planning Director

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Phone: (503) 474-5107
Fax: (503) 474-4955
Email: Heather.Richards@mcminnvilleoregon.gov

The deadline for submitting questions or requests for clarification is seven (7) days prior to the proposal due date. If a substantive clarification is necessary, an addendum will be issued no later than 72 hours prior to the due date to all recorded holders of the RFP solicitation. Note that statements made by the City are not binding upon the City unless confirmed by written addendum.

Cancellation, Delay or Suspension of RFP Solicitation; Rejection of Proposals

Nothing in this RFP shall restrict or prohibit the City from cancelling, delaying, or suspending the RFP solicitation at any time. The City may reject any or all proposals, in whole or in part, if in the best interest of the City, as determined by the City.

Withdrawal of Proposal

No Proposal may be withdrawn after it has been submitted to the City unless the Proposer so requests in writing and such request is received by the City prior to 2 pm on the last date set for receiving Proposals. No Proposal may be withdrawn after the scheduled due date for a period of ninety (90) days.

Irregularities

The City reserves the right to waive any non-material irregularities or information contained in this RFP, or in any received proposal.

Proposal Costs

The City is not liable for any costs incurred by a proposer in the preparation and/or presentation of a proposal. Execution of a contract is subject to the availability of funds.

Availability of RFP Responses, Proprietary Information

Per the terms of ORS 279C.107, the City will open the proposals so as to avoid disclosing the contents to competing proposers during the process of negotiation. Proposals will not be available for public review until after the issuance of the Notice of Intent to Award.

The City will withhold from disclosure to the public trade secrets, as defined in ORS 192.501, and information submitted to the City in confidence, as described in ORS 192.502, that are contained in the proposal. Proposals must clearly identify such material, keep it separate, and provide separate notice in writing of the status of this material to:

Heather Richards, Planning Director

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Phone: (503) 474-5107
Fax: (503) 474-4955
Email: Heather.Richards@mcminnvilleoregon.gov

All proposals shall become part of the public file for the project. Consultants responding to this proposal do so solely at their expense, and the City of McMinnville is not responsible for any expenses associated with the preparation of the proposal.

Proposal Protest and Request for Change Procedures

Protests concerning either a request for change in the proposal or the consultant selection process shall follow the procedures set forth in the Oregon Administrative Rules (OAR), Division 48 (137-048-0240, Protest Procedures).

The City shall consider the protest or request for change, and may reject the protest or request for change, issue an addendum, or cancel the RFP.

Protests or requests for change must be submitted in writing to:

Heather Richards, Planning Director

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Phone: (503) 474-5107
Fax: (503) 474-4955
Email: Heather.Richards@mcminnvilleoregon.gov

Questions

Inquiries should be directed to Heather Richards, Planning Director by phone (503) 474-5107 or e-mail: Heather.Richards@mcminnvilleoregon.gov, or by coming to the office at the Community Development Center, 231 NE 5th Street, McMinnville, Oregon, during regular business hours.

ATTACHMENT: PERSONAL SERVICES CONTRACT TEMPLATE:

CITY OF McMinnville, Oregon

**PERSONAL SERVICES CONTRACT
for
Economic Development Strategy**

This Contract is between the CITY OF McMinnville, a municipal corporation of the State of Oregon (City) and _____. (Contractor). The City's Project Manager for this Contract is Heather Richards, Planning Director.

The parties mutually covenant and agree as follows:

- 1. Effective Date and Duration.** This contract is effective on the date at which every party has signed the contract and will expire, unless otherwise terminated or extended, on September 30, 2018.
- 2. Statement of Work.** The work to be performed under this contract consists of services described in Exhibit A, attached hereto and by this reference incorporated herein. The statement of work, including the delivery schedule for the work, is contained in Exhibit A. The Statement of Work reflects both the work anticipated and the fees the Contractor will charge for each component of that work. The work provided will be guided by the Statement of the Work, but the Contractor will, with the approval and direction of the City, perform services in such a way as to ensure constant progress is being made to achieve the City's end goals in the most efficient manner possible.
- 3. Consideration.**
 - a. City agrees to pay Contractor for actual hours worked, and allowable expenses incurred for accomplishing the work required by this contract, with a total sum not to exceed \$_____.
 - b. Contractor will furnish with each invoice for services an itemized statement showing both the work performed and the number of hours devoted to the project by the Contractor and its agents. City will pay the Contractor for services within 30 days of receiving an itemized bill that has been approved by the Project Manager.
 - c. City certifies that sufficient funds are available and authorized for expenditure to finance the cost of this contract.
- 4. Additional Services.** Additional services, not covered in Exhibit A, will be provided if mutually agreed upon by the parties and authorized or confirmed in writing by the City, and will be paid for by the City as provided in this Contract in addition to the compensation authorized in subsection 3a. If authorized by the City, the additional services will be performed under a series of Task Orders defining the services to be performed, time of performance, and cost for each phase of services.

[CONTINUED ON NEXT PAGE]

CONTRACTOR DATA, CERTIFICATION, AND SIGNATURE

Name (please print): _____

Address: _____

Social Security #: _____

Federal Tax ID #: _____

State Tax ID #: _____

Citizenship: Nonresident alien _____ Yes _____ No

Business Designation (check one): _____ Individual _____ Sole Proprietorship _____ Partnership
_____ Corporation _____ Government/Nonprofit

The above information must be provided prior to contract approval. Payment information will be reported to the Internal Revenue Service (IRS) under the name and taxpayer I.D. number provided above. (See IRS 1099 for additional instructions regarding taxpayer ID numbers.) Information not matching IRS records could subject you to 31 percent backup withholding.

I, the undersigned, understand that the Standard Terms and Conditions for Personal Services Contracts and Exhibits A, B, C, and D are an integral part of this contract and agree to perform the work described in Exhibit A in accordance with the terms and conditions of this contract; certify under penalty of perjury that I/my business am not/is not in violation of any Oregon tax laws; and certify I am an independent contractor as defined in ORS 670.600.

Signed by Contractor: _____

Signature/Title

Date

NOTICE TO CONTRACTOR: This contract does not bind the City of McMinnville unless and until it has been fully executed by the appropriate parties.

CITY OF McMINNVILLE SIGNATURE

Approved:

City Manager or Designee

Date

Reviewed:

City Attorney or Designee

Date

CITY OF McMinnville
STANDARD TERMS AND CONDITIONS FOR PERSONAL SERVICES CONTRACTS

1. Contractor is Independent Contractor.

a. Contractor will perform the work required by this contract as an independent contractor. Although the City reserves the right (i) to determine (and modify) the delivery schedule for the work to be performed and (ii) to evaluate the quality of the completed performance, the City cannot and will not control the means or manner of the Contractor's performance. The Contractor is responsible for determining the appropriate means and manner of performing the work.

b. The Contractor represents and warrants that Contractor (i) is not currently an employee of the federal government or the State of Oregon, and (ii) meets the specific independent contractor standards of ORS 670.600, as certified on the Independent Contractor Certification Statement attached as Exhibit D.

c. Contractor will be responsible for any federal or state taxes applicable to any compensation or payment paid to Contractor under this contract.

d. If Contractor is a contributing member of the Public Employees' Retirement System, City will withhold Contractor's contribution to the retirement system from Contractor's compensation or payments under this contract and make a corresponding City contribution. Contractor is not eligible for any federal Social Security, unemployment insurance, or workers' compensation benefits from compensation or payments to Contractor under this contract, except as a self-employed individual.

2. Subcontracts and Assignment. Contractor will not subcontract any of the work required by this contract, or assign or transfer any of its interest in this contract, without the prior written consent of the City. Contractor agrees that if subcontractors are employed in the performance of this contract, the Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

3. No Third Party Beneficiaries. City and Contractor are the only parties to this contract and are the only parties entitled to enforce its terms. Nothing in this contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this contract.

4. Successors in Interest. The provisions of this contract will be binding upon and will inure to the benefit of the parties, and their respective successors and approved assigns, if any.

5. Early Termination

a. The City and the Contractor, by mutual written agreement, may terminate this Contract at any time.

b. The City, on 30 days written notice to the Contractor, may terminate this Contract for any reason deemed appropriate in its sole discretion.

c. Either the City or the Contractor may terminate this Contract in the event of a breach of the Contract by the other party. Prior to termination, however, the party seeking the termination will give to the other party written notice of the breach and of the party's intent to terminate. If the Party has not entirely cured the breach within 15 days of the notice, then the party giving the notice may terminate the Contract at any time thereafter by giving a written notice of termination.

6. Payment on Early Termination

a. If this contract is terminated under 5(a) or 5(b), the City will pay the Contractor for work performed in accordance with the Contract prior to the termination date. Payment may be pro-rated as necessary.

b. If this contract is terminated under 5(c) by the Contractor due to a breach by the City, then the City will pay the Contractor as provided in subsection (a) of this section.

c. If this contract is terminated under 5(c) by the City due to a breach by the Contractor, then the City will pay the Contractor as provided in subsection (a) of this section, subject to set off of excess costs, as provided for in section 7, Remedies.

7. Remedies

a. In the event of termination under 5(c) by the City due to a breach by the Contractor, the City may complete the work either itself, by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this contract, the Contractor will pay to the City the amount of the reasonable excess.

b. The remedies provided to the City under section 5 and section 7 for a breach by the Contractor are not exclusive. The City will also be entitled to any other equitable and legal remedies that are available.

c. In the event of breach of this Contract by the City, the Contractor's remedy will be limited to termination of the Contract and receipt of payment as provided in section 5(c) and 6(b).

8. Access to Records. Contractor will maintain, and the City and its authorized representatives will have access to, all books, documents, papers and records of Contractor which relate to this contract for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records will be made available upon request. Payment for the cost of copies is reimbursable by the City.

9. Ownership of Work. All work products of the Contractor, including background data, documentation, and staff work that is preliminary to final reports, and which result from this contract, are the property of the City. Contractor will retain no ownership interests or rights in the work product. Use of any work product of the Contractor for any purpose other than the use intended by this contract is at the risk of the City.

10. Compliance with Applicable Law. Contractor will comply with all federal, state, and local laws and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279B.220, 279B.230, and 279B.235, as set forth on Exhibit B. Without limiting the foregoing, Contractor expressly agrees to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No. 101-336), ORS 659A.142, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.

11. Indemnity and Hold Harmless

a. Except for the professional negligent acts covered by paragraph 11.b., Contractor will defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims,

suits, or actions of whatsoever nature resulting from or arising out of the activities of Contractor or its officers, employees, subcontractors, or agents under this contract.

b. Contractor will defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims, suits, or actions arising out of the professional negligent acts, errors, or omissions of Contractor or its officers, employees, subcontractors, or agents under this contract.

12. Insurance. Contractor will provide insurance in accordance with Exhibit C.

13. Waiver. The failure of the City to enforce any provision of this contract will not constitute a waiver by the City of that or any other provision.

14. Errors. The Contractor will perform such additional work as may be necessary to correct errors in the work required under this contract without undue delays and without additional cost.

15. Governing Law. The provisions of this contract will be construed in accordance with the laws of the State of Oregon and ordinances of the City of McMinnville, Oregon. Any action or suits involving any question arising under this contract must be brought in the appropriate court in Yamhill County, Oregon. Provided, however, if the claim must be brought in a federal forum, then it will be brought and conducted in the United States District Court for the District of Oregon.

16. Severability. If any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular term or provision held invalid.

17. Merger Clause. THIS CONTRACT AND ATTACHED EXHIBITS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS CONTRACT WILL BIND EITHER PARTY UNLESS IN WRITING, SIGNED BY BOTH PARTIES. ANY WAIVER, CONSENT, MODIFICATION, OR CHANGE, IF MADE, WILL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. BY ITS SIGNATURE, CONTRACTOR ACKNOWLEDGES IT HAS READ AND UNDERSTANDS THIS CONTRACT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

EXHIBIT A
STATEMENT OF THE WORK

ATTACHMENT
PROPOSED BUDGET – DETAIL BY TASK

EXHIBIT B
COMPLIANCE WITH APPLICABLE LAW

279B.220 Conditions concerning payment, contributions, liens, withholding. Every public contract shall contain a condition that the contractor shall:

(1) Make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract.

(2) Pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract.

(3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

(4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167. [2003 c.794 §76a]

279B.230 Condition concerning payment for medical care and providing workers' compensation.

(1) Every public contract shall contain a condition that the contractor shall promptly, as due, make payment to any person, copartnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of the contractor, of all sums that the contractor agrees to pay for the services and all moneys and sums that the contractor collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.

(2) Every public contract shall contain a clause or condition that all subject employers working under the contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126. [2003 c.794 §76c]

279B.235 Condition concerning hours of labor; compliance with pay equity provisions; employee discussions of rate of pay or benefits. (1) Except as

provided in subsections (3) to (6) of this section, every public contract subject to this chapter must provide that:

(a) A contractor may not employ an employee for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely requires otherwise, and in such cases, except in cases of contracts for personal services designated under ORS 279A.055, the contractor shall pay the employee at least time and a half pay for:

(A)(i) All overtime in excess of eight hours in any one day or 40 hours in any one week if the work week is five consecutive days, Monday through Friday; or

(ii) All overtime in excess of 10 hours in any one day or 40 hours in any one week if the work week is four consecutive days, Monday through Friday; and

(B) All work the employee performs on Saturday and on any legal holiday specified in ORS 279B.020.

(b) The contractor shall comply with the prohibition set forth in ORS 652.220, that compliance is a material element of the contract and that a failure to comply is a breach that entitles the contracting agency to terminate the contract for cause.

(c) The contractor may not prohibit any of the contractor's employees from discussing the employee's rate of wage, salary, benefits or other compensation with another employee or another person and may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits or other compensation with another employee or another person.

(2) A contractor shall give notice in writing to employees who work on a public contract, either at the time of hire or before work begins on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(3) A public contract for personal services, as described in ORS 279A.055, must provide that the contractor shall pay the contractor's employees who

work under the public contract at least time and a half for all overtime the employees work in excess of 40 hours in any one week, except for employees under a personal services public contract who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(4) A public contract for services at a county fair, or for another event that a county fair board authorizes, must provide that the contractor shall pay employees who work under the public contract at least time and a half for work in excess of 10 hours in any one day or 40 hours in any one week. A contractor shall notify employees who work under the public contract, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(5)(a) Except as provided in subsection (4) of this section, a public contract for services must provide that the contractor shall pay employees at least time and a half pay for work the employees perform under the public contract on the legal holidays

specified in a collective bargaining agreement or in ORS 279B.020 (1)(b)(B) to (G) and for all time the employee works in excess of 10 hours in any one day or in excess of 40 hours in any one week, whichever is greater.

(b) A contractor shall notify in writing employees who work on a public contract for services, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(6) This section does not apply to public contracts:

(a) With financial institutions as defined in ORS 706.008.

(b) Made pursuant to the authority of the State Forester or the State Board of Forestry under ORS 477.406 for labor performed in the prevention or suppression of fire.

(c) For goods or personal property. [2003 c.794 §77; 2005 c.103 §8f; 2015 c.454 §4]

**EXHIBIT C
INSURANCE**

(The Project Manager must answer and initial 2, 3, and 4 below).

During the term of this contract, Contractor will maintain in force at its own expense, each insurance noted below:

1. **Workers Compensation** insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. (Required of contractors with one or more employees, unless exempt under ORS 656.027).

☒ Required by City ☐ I am exempt. Signed _____
2. **Professional Liability** insurance with a combined single limit of not less than
☐ \$1,200,000, ☐ \$2,000,000, or ☐ \$3,000,000 each claim, incident, or occurrence. This is to cover damages caused by error, omission, or negligent acts related to the professional services to be provided under this contract. The coverage must remain in effect for at least ☐ one year ☐ two years after the contract is completed.

☐ Required by City ☒ Not required by City By: _____
3. **General Liability** insurance, on an occurrence basis, with a combined single limit of not less than
☒ \$1,200,000, ☐ \$2,000,000, or ☐ \$3,000,000 each occurrence for Bodily Injury and Property Damage. It must include contractual liability coverage. This coverage will be primary and non-contributory with any other insurance and self-insurance.

☒ Required by City ☐ Not required by City By: _____
4. **Automobile Liability** insurance with a combined single limit, or the equivalent of not less than
☒ \$1,200,000, ☐ \$2,000,000, or ☐ \$3,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles.

☒ Required by City ☐ Not required by City By: _____
5. **Notice of cancellation or change.** There will be no cancellation, material change, reduction of limits, or intent not to renew the insurance coverage(s) without prior written notice from the Contractor or its insurer(s) to the City.
6. **Certificates of insurance.** As evidence of the insurance coverages required by this contract, the Contractor will furnish acceptable insurance certificates to the City at the time the Contractor returns the signed contracts. For general liability insurance and automobile liability insurance, the certificate will provide that the City, and its agents, officers, and employees, are additional insureds, but only with respect to Contractor's services to be provided under this contract. The certificate will include the cancellation clause, and will include the deductible or retention level. Insuring companies or entities are subject to City acceptance. If requested, complete copies of insurance policies will be provided to the City. The Contractor will be financially responsible for all pertinent deductibles, self-insured retentions, and self-insurance.

EXHIBIT D
CERTIFICATION STATEMENT FOR INDEPENDENT CONTRACTOR
(Contractor complete A or B below, Project Manager complete C below.)

A. CONTRACTOR IS A CORPORATION

CORPORATION CERTIFICATION: I am authorized to act on behalf of the entity named below, and certify under penalty of perjury that it is a corporation.

Entity	Signature	Date
--------	-----------	------

B. CONTRACTOR IS INDEPENDENT.

Contractor certifies he/she meets the following standards:

1. The individual or business entity providing services is free from direction and control over the means and manner of providing the services, subject only to the right of the person for whom the services are provided to specify the desired results,
2. The individual or business entity is licensed under ORS chapters 671 or 701 if the individual or business entity provides services for which a license is required by ORS chapters 671 or 701,
3. The individual or business entity is responsible for obtaining other licenses or certificates necessary to provide the services,
4. The individual or business entity is customarily engaged in an independently established business, as any three of the following requirements are met **(please check three or more of the following):**
 - _____ A. The person maintains a business location i) that is separate from the business or work location of the person for whom the services are provided or ii) that is in a portion of the person's residence and that portion is used primarily for the business.
 - _____ B. The person bears the risk of loss related to the business or the provision of services as shown by factors such as i) the person enters into fixed-price contracts, ii) the person is required to correct defective work, iii) the person warrants the services provided, or iv) the person negotiates indemnification agreements or purchases liability insurance, performance bonds, or errors and omissions insurance.
 - _____ C. The person provides contracted services for two or more different persons within a 12 month period or the person routinely engages in business advertising, solicitation, or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.
 - _____ D. The person makes a significant investment in the business, through means such as i) purchasing tools or equipment necessary to provide the services, ii) paying for the premises or facilities where the services are provided, or iii) paying for licenses, certificates, or specialized training required to provide the services.
 - _____ E. The person has the authority to hire other persons to provide or to assist in providing the services and has the authority to fire those persons.

Contractor Signature

Date

(Project Manager complete C.)

C. CITY APPROVAL

ORS 670.600 Independent contractor standards. As used in various provisions of ORS chapters 316, 656, 657, 671, and 701, an individual or business entity that performs services for remuneration will be considered to perform the services as an “independent contractor” if the standards of this section are met. The contractor meets the following standards:

1. The Contractor is free from direction and control over the means and manner of providing the services, subject only to the right of the City to specify the desired results,
2. The Contractor is responsible for obtaining licenses under ORS chapters 671 and 701 when these licenses are required to provide the services,
3. The Contractor is responsible for obtaining other licenses or certificates necessary to provide the services,
4. The Contractor has the authority to hire and fire employees to provide or assist in providing the services, and
5. The person is customarily engaged in an independently established business as indicated in B. 4 above.

Project Manager Signature

Date

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
June 2017

FUND #	FUND NAME	GENERAL OPERATING		
		CASH IN BANK	INVESTMENT	TOTAL
01	General	\$266,863.61	\$7,424,813.00	\$7,691,676.61
05	Special Assessment	464.62	149,618.82	150,083.44
07	Transient Lodging Tax	343.20	(40,000.00)	(39,656.80)
10	Telecommunications	794.99	1,030.00	1,824.99
15	Emergency Communications	819.86	132,094.81	132,914.67
20	Street (State Tax)	704.31	1,875,423.32	1,876,127.63
25	Airport Maintenance	215.94	(210,250.97)	(210,035.03)
40	Public Safety Facility Construction	74.68	2,805.24	2,879.92
45	Transportation	990.84	12,719,414.19	12,720,405.03
50	Park Development	391.03	1,203,791.28	1,204,182.31
58	Urban Renewal	854.09	1,466,698.64	1,467,552.73
59	Urban Renewal Debt Service	332.13	314,693.77	315,025.90
60	Debt Service	459.56	1,193,443.75	1,193,903.31
70	Building	98.31	979,000.00	979,098.31
75	Sewer	659.08	1,045,554.91	1,046,213.99
77	Sewer Capital	790.61	19,910,103.65	19,910,894.26
79	Ambulance	665.47	(153,164.72)	(152,499.25)
80	Information Systems & Services	129.33	213,713.61	213,842.94
85	Insurance Reserve	734.19	1,617,290.54	1,618,024.73
CITY TOTALS		276,385.85	49,846,073.84	50,122,459.69

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST	CASH VALUE
			RATE	
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 276,385.85
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	7,004,298.64
N/A	State of Oregon	Local Government Investment Pool (LGIP)	1.30%	28,889,920.47
N/A	State of Oregon	Park Improvement Bonds (LGIP)	1.30%	745,249.68
N/A	State of Oregon	Transportation Bond (LGIP)	1.30%	10,751,460.51
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	1.30%	1,781,447.72
N/A	MassMutual Financial Group	Group Annuity	3.00%	673,696.82
				<u>\$ 50,122,459.69</u>