



City Council Meeting Agenda

Tuesday, January 11, 2022

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

EXECUTIVE SESSION – to immediately follow the Regular City Council Meeting (CLOSED TO THE PUBLIC)

REVISED 01/07/2022

Welcome! Civic Hall will be closed to the public. Until improvements of COVID cases in Yamhill County improve meetings will be held via Zoom and live broadcast ONLY.

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

- *Email at any time up to 12 p.m. the day of the meeting to Claudia.Cisneros@mcminnvilleoregon.gov;*
- *If appearing via telephone only please sign up prior to the meeting by emailing the City Recorder at Claudia.Cisneros@mcminnvilleoregon.gov as the chat function is not available when calling in zoom;*
- *Join the zoom meeting; send a chat directly to City Recorder, Claudia Cisneros, to request to speak and use the raise hand feature in zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide your First and Last name, Address, contact information (email or phone) to the City Recorder. You do not need to state your address for the record when called to speak.***

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

www.mcm11.org/live

CITY COUNCIL REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/81415700503?pwd=RzJaNOY4bkdORzRMNmZYUzEwS3QzUT09>

Zoom ID: 814 1570 0503

Zoom Password: 111919

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

ID: 814 1570 0503

7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND LIVE BROADCAST ONLY

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.*
4. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
 - c. October 2021 Cash and Investment Report (in packet)

5. CONSENT AGENDA

- a. Consider **Resolution No. 2022-01**: A Resolution authorizing an extension to the Goods and Services Contract with Garten Services, Inc. for Janitorial Services.
- b. Consider the Minutes of the September 8, 2020 City Council Work Session & Regular Meeting.
- c. Consider the Minutes of the September 16, 2020 City Council Work Session Meeting.
- d. Consider request from DACC Enterprises LLC DBA: The Oak for Full On-Premises, Commercial OLCC Liquor License located at 326 NE Davis Street.
- e. Consider **Resolution No. 2022-04**: A Resolution for City of McMinnville, Oregon Ratifying the Declaration of State of Emergency signed by Mayor Scott Hill on January 6, 2022. (Added on 01/07/2022)

6. RESOLUTION

- a. Consider **Resolution No. 2022-02**: A Resolution appointing Cherry Haas as a representative of the City of McMinnville Budget Committee.

7. ORDINANCE

- a. Consider first reading with a possible second reading of **Ordinance No. 5109**: An Ordinance of the City of McMinnville Amending Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code Relating to Abandoned Vehicles.

8. ADJOURNMENT OF REGULAR MEETING

EXECUTIVE SESSION – IMMEDIATELY FOLLOW THE CITY COUNCIL REGULAR MEETING - VIA ZOOM (NOT OPEN TO THE PUBLIC)

1. CALL TO ORDER

2. **Executive Session pursuant to ORS 192.660(2)(h)**: To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

3. ADJOURNMENT

From: [Claudia Cisneros](#)
To: [Claudia Cisneros](#)
Subject: FW: Unscientific shutdown of City Parks & Recs
Date: Tuesday, January 11, 2022 3:25:53 PM

From: Kellie Menke <Kellie.Menke@mcminnvilleoregon.gov>
Sent: Tuesday, January 11, 2022 3:12 PM
To: Brittany Ruiz <britterbritt@gmail.com>
Cc: Remy Drabkin <Remy.Drabkin@mcminnvilleoregon.gov>; Scott Hill <Scott.Hill@mcminnvilleoregon.gov>; Chris Chenoweth <CChenoweth70@outlook.com>; Sal Peralta <Sal.Peralta@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Jeb Bladine <jbladine@newsregister.com>; Zack Geary <Zack.Geary@mcminnvilleoregon.gov>; Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>; Rep Noble <Rep.RonNoble@oregonlegislature.gov>; Adam Garvin <Adam.Garvin@mcminnvilleoregon.gov>; Mary Starrett <starrettm@co.yamhill.or.us>; Lindsay Berschauer <berschauerl@co.yamhill.or.us>; kullac@co.yamhill.or.us <kullac@co.yamhill.or.us>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>
Subject: Re: Unscientific shutdown of City Parks & Recs

It just spreads so rapidly. A jump from a high of 400/week for the last serge vs > 700/week this time and we are not at peak says to me let's do whatever we can to slow the spread. It is just the sheer numbers.

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From: Brittany Ruiz <britterbritt@gmail.com>
Sent: Tuesday, January 11, 2022 2:56:45 PM
To: Kellie Menke <Kellie.Menke@mcminnvilleoregon.gov>
Cc: Remy Drabkin <Remy.Drabkin@mcminnvilleoregon.gov>; Scott Hill <Scott.Hill@mcminnvilleoregon.gov>; Chris Chenoweth <CChenoweth70@outlook.com>; Sal Peralta <Sal.Peralta@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Jeb Bladine <jbladine@newsregister.com>; Zack Geary <Zack.Geary@mcminnvilleoregon.gov>; Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>; Rep Noble <Rep.RonNoble@oregonlegislature.gov>; Adam Garvin <Adam.Garvin@mcminnvilleoregon.gov>; Mary Starrett <starrettm@co.yamhill.or.us>; Lindsay Berschauer <berschauerl@co.yamhill.or.us>; kullac@co.yamhill.or.us <kullac@co.yamhill.or.us>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>
Subject: Re: Unscientific shutdown of City Parks & Recs

This message originated outside of the City of McMinnville.

Hi Kellie,

Thanks so much for the email and the confirmation that you support the two week shut down.

Once again though, the cases have not occurred with our parks and recreation programs. Why shut that down? Why is Susan Muir or Jeff Towery able to make this decision without consulting community partners and without the council deciding?

We've got to look at the entire risk/reward profile and the social, economic, mental and physical outcomes these cause as well.

What other risk factors does our community have that could be greater than the virus when we shut these programs down?

CDC Director and top Scientists have made clear that while Omicron spreads fast, it's mild. They've also said that shutting down school and essential services is bad public health policy.

<https://time.com/6131104/rethinking-covid-19-restrictions-2022/>

These programs are scientifically proven to mitigate disease, especially with our elderly and those at high risk. Pub Med and NIH has them easily searchable. It's illogical and unscientific.

Best regards,

Brittany Ruiz
Ward 2 Resident

On Jan 11, 2022, at 2:20 PM, Kellie Menke <Kellie.Menke@mcminnvilleoregon.gov> wrote:

Brittany

I just listened to Casey Kulla's weekly update. At the highest level of cases reported in over a week since vivid started, 400, this last week we surged to over 700 in a week. This surge is not expected to last long, a peak is expected to happen around January 27th according to Public Health. Right now the expected peak should drop off rapidly. Given an educated time line for these cases two weeks seems reasonable.

I cannot imagine how difficult this time has been for youth, children and their parents. However, if we can lower the spread the recovery should be faster.
Kellie

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From: Brittany Ruiz <britterbritt@gmail.com>

Sent: Tuesday, January 11, 2022 1:44:29 PM
To: Remy Drabkin <Remy.Drabkin@mcminnvilleoregon.gov>
Cc: Scott Hill <Scott.Hill@mcminnvilleoregon.gov>; Zack Geary <Zack.Geary@mcminnvilleoregon.gov>; Kellie Menke <Kellie.Menke@mcminnvilleoregon.gov>; Chris Chenoweth <Chris.Chenoweth@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Sal Peralta <Sal.Peralta@mcminnvilleoregon.gov>; Adam Garvin <Adam.Garvin@mcminnvilleoregon.gov>; Jeb Bladine <jbladine@newsregister.com>; Rep Noble <Rep.RonNoble@oregonlegislature.gov>; Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>; Mary Starrett <Starrettm@co.yamhill.or.us>; Lindsay Berschauer <berschauerl@co.yamhill.or.us>; Casey Kulla <kullac@co.yamhill.or.us>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>
Subject: Re: Unscientific shutdown of City Parks & Recs

This message originated outside of the City of McMinnville.

Hi Remy,

Other than the snark in the last paragraph (I never said Susan Muir said that). I truly appreciate you forwarding this document over to me and answering my email.

Again, my position was this decision making is absolutely and categorically unscientific and does not reason whatsoever with shutting down our parks and recreation programs. Makes zero sense. These services should be held sacred and part of **disease prevention** with all scientific evidence that has come forth since the pandemic first started.

We are the only city that has shut down essential parks and recs services.

A decision this massive should absolutely go before the council. We elected the council to put in place key people to properly manage the city. Why wouldn't the Council have a voice in this decision? Why does an unelected city employee get this much power over taxpayer funded programs?

More importantly, key community partners were not involved in this decision process. They were given same day notification.

Do you support shutting down key services that help with the physical, spiritual and mental health outcomes of our community, for two weeks?

Best regards,

Brittany Ruiz
Ward 2 Resident

On Tue, Jan 11, 2022 at 1:20 PM Remy Drabkin
<Remy.Drabkin@mcminnvilleoregon.gov> wrote:

Brittany,

I've received your email. This is an administrative decision and doesn't go before the Council for decision making. I attached Director Muir's memo regarding the shut down – it will show that the decision making was in regard to overall staffing inside the City of McMinnville as well as abundance of caution given a sharp increase of 163% of cases and never cites, in your words, "that our youth are the cause of this outbreak, or that our Parks and Recreation were the cause of the spread of disease".

Respectfully,

Remy Drabkin, Council President

<image001.png>

<image002.jpg>

From: Brittany Ruiz <britterbritt@gmail.com>

Sent: Tuesday, January 11, 2022 11:16 AM

To: Chris Chenoweth <Chris.Chenoweth@mcminnvilleoregon.gov>; Zack Geary <Zack.Geary@mcminnvilleoregon.gov>; Kellie Menke <Kellie.Menke@mcminnvilleoregon.gov>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>; Sal Peralta <Sal.Peralta@mcminnvilleoregon.gov>; Adam Garvin <Adam.Garvin@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Remy Drabkin <Remy.Drabkin@mcminnvilleoregon.gov>

Cc: Jeb Bladine <jbladine@newsregister.com>; Allen Patrick <Patrick.Allen@dhsaha.state.or.us>; Lindsay Berschauer <berschauerl@co.yamhill.or.us>; Rep Noble <Rep.RonNoble@oregonlegislature.gov>; Sen Boquist <Sen.BrianBoquist@state.or.us>; Mary Starrett <Starrettm@co.yamhill.or.us>; Casey Kulla <kullac@co.yamhill.or.us>; Murilo Martins <coachmmartins@gmail.com>

Subject: Unscientific shutdown of City Parks & Recs

This message originated outside of the City of McMinnville.

Dear City Council and City Manager,

I was informed on Friday when dropping my daughter off at swim that the pool was shutting down after Friday for two weeks. When I inquired with the pool staffer as to why, none of the explanations had anything to do with our parks and recreation services.

The logic was that the Fire Department had only 50 % capacity and Police Department were understaffed and there's an increase in cases (Omicron) in Yamhill County. While some staff were out due to covid (3 reported), the real issue is the lack of foresight and ensuring the Fire Department had enough employees to begin with.

There has been zero evidence to suggest that our youth are the cause of this outbreak, or that our Parks and Recreation were the cause of the spread of disease. In fact, the CDC at the beginning of the pandemic said the safest sport and place you can be is a chlorinated pool.

Yesterday, the CDC Director clarified that 75% of all covid deaths had at least 4 co-morbidities, the highest factor being overweight. Yet the City of McMinnville shut down the very services that help with one of the top co-morbidities (weight and exercise), especially during a time when people cannot get out and exercise when it's cold and wet.

Our children have been through so much these past two years. CDC and OHA reported a spike in ER visits for suicide and mental health events, predominately among our youth. Oregon already ranks #14 in the nation for the suicide and #11 for youth suicide.

Our children have followed the masking requirements, the testing, they have followed every single protocol so that they could continue to enjoy their sports, extracurricular and library, yet you closed these down again.

I called numerous cities yesterday, places with higher case counts than our own and they are not SHUT DOWN.

The reasoning is not scientific and I believe an investigation needs to happen to see if this shutdown is being utilized to get more federal funding dollars.

Last of all, can each of the city councilors please make public or via response to my email, whether they supported this two week shut down?

Best regards,

Brittany Ruiz
Ward 2 Resident

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CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
October 2021

FUND #	FUND NAME	GENERAL OPERATING		TOTAL
		CASH IN BANK	INVESTMENT	
01	General	\$1,405,128.53	\$44,896.25	\$1,450,024.78
05	Special Assessment	\$173.62	\$5,497,109.17	\$5,497,282.79
07	Transient Lodging Tax	\$516.58	\$174,000.00	\$174,516.58
10	Telecommunications	\$927.58	\$1,030.00	\$1,957.58
15	Emergency Communications	\$364.15	\$88,094.81	\$88,458.96
20	Street (State Tax)	\$608.97	\$2,257,971.61	\$2,258,580.58
25	Airport Maintenance	\$894.17	(\$662,250.97)	(\$661,356.80)
45	Transportation	\$121.28	\$3,364,494.92	\$3,364,616.20
50	Park Development	\$349.08	\$1,924,441.49	\$1,924,790.57
58	Urban Renewal	\$717.99	\$204,942.00	\$205,659.99
59	Urban Renewal Debt Service	\$913.12	\$173,870.71	\$174,783.83
60	Debt Service	\$812.35	\$227,684.80	\$228,497.15
70	Building	\$567.23	\$1,846,240.37	\$1,846,807.60
75	Wastewater Services	\$829.99	\$2,516,471.99	\$2,517,301.98
77	Wastewater Capital	\$373.32	\$38,178,103.65	\$38,178,476.97
80	Information Systems & Services	\$32.35	\$194,742.38	\$194,774.73
85	Insurance Reserve	\$687.83	\$570,290.54	\$570,978.37
CITY TOTALS		1,414,018.14	56,602,133.72	58,016,151.86

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST	CASH VALUE
			RATE	
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 1,414,018.14
N/A	Key Bank of Oregon	Money Market Savings Account	0.01%	\$ 9,536,357.23
N/A	State of Oregon	Local Government Investment Pool (LGIP)	0.49%	\$ 46,022,350.01
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	0.49%	\$ 210,510.84
N/A	MassMutual Financial Group	Group Annuity	3.00%	\$ 832,915.64
				<u>\$ 58,016,151.86</u>
				\$ -

STAFF REPORT

DATE: January 11, 2022
TO: Jeff Towery, City Manager
FROM: Josh Adelman, Project Manager
SUBJECT: Janitorial Services Contract Extension

Report in Brief:

Staff seeks authorization by the Council to extend the City's current contract with Garten Services, Inc. ("Garten") to provide janitorial services within City facilities through June 30, 2022. The current contract expires December 31, 2021, and any extension will require Council approval.

Background:

The Oregon public contracting statutes require government entities to procure certain products and services from qualified nonprofit agency for individuals with disabilities pursuant to ORS 279.835 *et seq.* Janitorial services are included in the state's list of services. The City currently contracts with Garten to provide janitorial services within City facilities. Garten is a qualified nonprofit agency for individuals with disabilities.

Discussion:

Staff seeks approval from the Council to amend the contract with Garten and extend the contract for an additional six months. Due to the COVID-19 pandemic and the resulting closures and reduced hours of certain City facilities, when the City began negotiating a new contract with Garten for the start of this fiscal year, the City determined a short-term agreement was appropriate since the scope of services will likely change as more City facilities reopen. Thus, the City entered into a three-month contract with Garten for janitorial services, totaling \$60,000. This was followed by a three month, \$62,000 extension. This brought the total contract to \$122,000. See Attachment 2 attached hereto.

Staff requests approval for the contract extension due to the uncertainty of the scope of janitorial services needed long term. The additional cost of the contract exceeds administrative authority without Council approval.

Attachments:

Attachment 1: Resolution No. 2022-01

Attachment 2: Current Goods and Services Contract with Garten

Fiscal Impact:

Contract extension will be for \$124,000. This will bring the total contract for FY 22 to \$246,000. Janitorial work is included in the FY22 approved budget.

Recommendation:

Adopt Resolution No. 2022-01.

RESOLUTION NO. 2022-01

A Resolution authorizing an extension to the Goods and Services Contract with Garten Services, Inc. for Janitorial Services.

RECITALS:

Whereas, on July 1, 2021, the City of McMinnville (City) and Garten Services, Inc. (Contractor) entered into a goods and services contract for City facility janitorial services through and including September 30, 2021 (Original Term); and

Whereas, on October 1, 2021, the City extended their contract with the Contractor through December 31, 2021 with a 3% rate Increase.

Whereas, prior to the expiration of the Original Term, the City and Contractor engaged in good faith negotiations regarding the City's desire for continued janitorial services while the City worked to determine a long term scope for janitorial services within City facilities; and

Whereas, the parties now agree to extend the contract through and including June 30, 2022 at the same rate as negotiated in the October 1, 2021 extension.

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

1. The City Manager is hereby authorized and directed to execute the contract extension, in substantially similar form to Exhibit A attached hereto and incorporated by reference herein.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 11th day of January, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 11th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Second Amendment to Goods and Services Contract with Garten

CITY OF McMinnville
SECOND AMENDMENT TO GOODS AND SERVICES CONTRACT

Janitorial Services

This Second Amendment to Goods and Services Contract (“Second Amendment”) is effective the 1st day of January 2022 (“Effective Date”), by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (“City”), and **Garten Services, Inc.**, an Oregon non-profit corporation (“Contractor”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into a Goods and Services Contract (“Contract”) with Contractor on July 1, 2021 relating to the Janitorial Services Project (“Project”); and

WHEREAS, the City entered into a First Amendment to Goods and Services Contract (“First Amendment”) with Contractor on October 10, 2021; and

WHEREAS, the City seeks to extend the term of the Contract; and

WHEREAS, Contractor represents that Contractor is qualified to perform the Services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Contractor is prepared to provide such Services as the City does hereinafter require;

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

The Contract is amended as follows:

Section 1. Term

The term of the Contract is hereby extended to June 30, 2022.

Section 2. Compensation

The City agrees to continue to pay Contractor on a time and materials basis at the same rate as stated in the First Amendment.

Section 3. All Other Terms

All of the other terms and conditions of the Contract shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Contract shall apply to this Second Amendment.

The Contractor and the City hereby agree to all provisions of this Second Amendment.

CONTRACTOR:

GARTEN SERVICES, INC.

By: _____

Print Name: _____

As Its: _____

Employer I.D. No. _____

CITY:

CITY OF McMinnville

By: _____

Print Name: _____

As Its: _____

APPROVED AS TO FORM:

Amanda R. Guile-Hinman, City Attorney
City of McMinnville, Oregon

CITY OF McMinnville
CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, September 8, 2020 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	
	Zack Geary	
	Kellie Menke, Council President	
	Remy Drabkin	
	Sal Peralta	
	Wendy Stassens (joined at 6:13 p.m.)	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Parks and Recreation Director Susan Muir, Finance Director Jennifer Cuellar, Human Resources Manager Kylie Bayer, Planning Director Heather Richards, Information System Director Scott Burke, Library Director Jenny Berg, and member of the News Media –and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:03 p.m.
2. HOUSE BILL 2001 FOLLOW-UP

Planning Director Richards gave an update on HB 2001. She reviewed what was in HB 2001, missing middle housing code including design standards and housing types, state rulemaking process and upcoming public hearing, infrastructure planning, and Housing Production Strategy. The goal was to adopt the new code standards by July 1, 2021. They could not require more than one off-street parking space per dwelling unit. She discussed McMinnville’s current parking standards and vehicle ownership, problems with the data, and staff’s recommendation that parking should be a local decision. She then gave reasons for staff’s recommendation and that the Affordable Housing Task Force agreed. She also discussed concerns regarding master planned developments and infrastructure constraints.

There was discussion regarding infrastructure constraints, funding for needed improvements, transportation and parking concerns, and lacking transit system.

There was consensus for Planning Director Richards to testify in favor of local decision making on parking standards.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:01 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, September 8, 2020 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Absent</u>
	Remy Drabkin	
	Adam Garvin	
	Kellie Menke, Council President	
	Zack Geary	
	Wendy Stassens	
	Sal Peralta	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Planning Director Heather Richards, Police Chief Matt Scales, Finance Director Jennifer Cuellar, Parks and Recreation Director Susan Muir, Information Technology Director Scott Burke, Library Director Jenny Berg, Human Resources Manager Kylie Bayer, Fire Marshal Debbie McDermott, Community Development Director Mike Bisset, and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:05 p.m. and welcomed all in attendance.
2. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Eloise Pierce, McMinnville resident, spoke about her ideas for planting trees and creating a community garden in the City.

Tynan Pierce, McMinnville resident, spoke about the current wildfires and climate crisis which should always stay at the forefront of their minds and conversations.
3. ADVICE/ INFORMATION ITEMS
 - 3.a. Reports from Councilors on Committee & Board Assignments

Councilor Geary reported on the Landscape Review Committee applications and MacPac discussions.

Councilor Stassens reported on MURAC façade improvement grant applications and vacancies.

Councilor Drabkin said the Affordable Housing Task Force had discussed parking for middle housing, equity and inclusion in the City's codes, rental housing criteria, and success of the moteling program.

Councilor Peralta said applications had been closed for the Executive Director of the COG.

Councilor Garvin said the airport had been awarded a grant. There were still security issues at the airport. They were also looking into providing power to G Hanger and updating the commercial standards.

Mayor Hill reported on funding for the Bypass Phase 3, interviews for the MURAC vacancies, Covid cases in the County, wildfire smoke particulates in the air, and businesses moving to McMinnville.

3.b.

Department Head Reports

Fire Marshal McDermott said there were no active fires in their jurisdiction. They had sent vehicles and equipment to help with fires and evacuations in other areas. They had enough staff to respond to anything that might happen in the City. Two part time paramedic fire fighters had been hired. She discussed how to stay informed regarding the smoke.

Police Chief Scales said School Resource Officers started next week. Arbitration had been completed and the City had prevailed.

Planning Director Richards gave an update on the emergency business assistance grant.

Human Resources Manager Bayer said the Council would receive a presentation in October on the classification and compensation project. She discussed the DEI Plan and formation of a committee to implement the plan. They were also working on getting DEI training for the City. She clarified miscommunication regarding the intent of DEI community listening sessions. They would also explore other engagement strategies.

There was consensus to move forward with adoption of the DEI Plan and putting the committee together.

Finance Director Cuellar said the deadline had been extended for applications to the Budget Committee.

Library Director Berg discussed library services during Covid.

City Manager Towery clarified McMinnville would remain under a red flag warning for fires. He reported on trees that had come down due to the recent windstorm.

4. CONSENT AGENDA

a. Consider request from Blue Ocean Wines LLC.: Blue Ocean Wines LLC. located at 581 NE 3rd Street for an OLCC Winery 1st Location Liquor License.

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

5. RESOLUTIONS

5.a. Consider **Resolution No. 2020-55**: A Resolution authorizing the City Manager to execute the forthcoming grant offer from the Federal Aviation Administration relative to the construction of the McMinnville Municipal Airport Apron & Taxilane Rehabilitation project contingent upon the City Attorney's review.

Community Development Director Bisset said they had been working on the design, environmental work, and bidding for the project to reconstruct about 400 square yards of the apron at the airport and construct new tie-downs for transient aircraft. They had applied for the grant based on the bid opening results. Additional discretionary funds had been made available at the FAA and the City was able to get the grant funding for the project. Construction would begin in 2021.

Councilor Peralta MOVED to approve Resolution No. 2020-55, authorizing the City Manager to execute the forthcoming grant offer from the Federal Aviation Administration relative to the construction of the McMinnville Municipal Airport Apron & Taxilane Rehabilitation project contingent upon the City Attorney's review; SECONDED by Council President Menke. Motion PASSED 6-0 by the following vote:

Aye – Councilors Drabkin, Geary, Garvin, Stassens, Peralta, and Menke

5.b. Consider **Resolution No. 2020-56**: A Resolution approving an Intergovernmental Agreement between the City of McMinnville and McMinnville Water & Light related to the Three Mile Lane Bridge replacement project utility construction services.

Community Development Director Bisset said ODOT was working on a project to replace the Three Mile Lane Bridge. As part of that project, both the City and Water & Light asked for utilities to be placed on the structure. ODOT had agreed and the City and Water & Light would pay for their portions of the work. This IGA was for utility construction services.

Councilor Geary MOVED to approve Resolution No. 2020-56, approving an Intergovernmental Agreement between the City of McMinnville and McMinnville Water & Light related to the Three Mile Lane Bridge replacement project utility construction services; SECONDED by Councilor Stassens. Motion PASSED 6-0 by the following vote:

Aye – Councilors Drabkin, Geary, Garvin, Stassens, Peralta and Menke

- 5.c. Consider **Resolution No. 2020-57**: A Resolution approving Task Order No. 2 to the Personal Services Contract for utility construction services related to the Three Mile Lane Bridge replacement project.

Community Development Director Bisset said this was a companion resolution to the one just adopted. It would formally execute a task order in the amount of \$157,598 for the utility construction services. The City's share would be \$72,463 which would come out of the Wastewater Capital budget. The balance would be paid for by Water & Light.

Councilor Peralta MOVED to approve Resolution No. 2020-57, approving Task Order No. 2 to the Personal Services Contract for utility construction services related to the Three Mile Lane Bridge replacement project; SECONDED by Councilor Geary. Motion PASSED 6-0 by the following vote:

Aye – Councilors Drabkin, Geary, Garvin, Stassens, Peralta and Menke

6. ADJOURNMENT: Mayor Hill adjourned the meeting at 8:00 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, September 16, 2020 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Absent</u>
	Zack Geary	Wendy Stassens
	Kellie Menke, Council President	
	Sal Peralta	
	Adam Garvin	
	Remy Drabkin	

Budget Committee: Jerry Hart
Alison Seiler

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Planning Director Heather Richards, Senior Planner Tom Schauer, Associate Planner Jamie Fleckenstein, Project Manager DJ Heffernan, Finance Director Jennifer Cuellar, Parks and Recreation Director Susan Muir, and Human Resources Manager Kylie Bayer.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:01 p.m.
2. DISCUSSION – McMinnville Reserve and Fund Balance Policy:

Finance Director Cuellar gave a background on the Audit Committee’s work to review the City’s budgeted and actual fund balance as well as best practices and literature regarding municipal reserve policies. She discussed what went into building the City’s credit score and General Fund reserve trends which showed that expenditures were coming in higher than revenues. She explained property tax revenues and principal property tax payers.

There were questions about the effect of Covid-19 on the budget, cost recovery for services, and housing market.

Finance Director Cuellar discussed guidance for reserve and fund balance policies. She then discussed the proposed policy elements for McMinnville including the policy purpose, prudent reserve for the General Fund, reserve calculation, reserve communications, reserve targets for all funds, fund balance and working capital definitions, budgeting approach

focused on core services, and compliance cleanup. She clarified for the General Fund, a 3-5 year approach was proposed to get to the target of 2 months of operating costs as the reserve. If after they reached the target and then went below it, the budget should include a plan for rebuilding it.

There was discussion regarding how two months of operating costs was lower than what had been in the reserves historically, making the budget more transparent and stable, how sacrifices that were made for the higher reserve in the past had created difficulties for the community and City departments, and getting the reserves in line with the actual budget.

Budget Committee Member Hart asked if the reserve policy of two months minimum would apply to all funds. Finance Director Cuellar said it would not be the same for all, but it would be the same policy for street, building, and wastewater service funds.

Budget Committee Hart agreed that the 25% reserve in the past created deferred maintenance that cost the City more in the long term. He asked if they had a capital reserve fund.

Finance Director Cuellar explained there were special revenue funds that could be characterized as capital reserve funds which should be better called out in the budget as to where they fell in the policy.

Budget Committee Member Seiler agreed with the new mindset. If they deferred capital improvements, they would be more expensive in the end. This new mindset might free up more money that could be put towards capital improvements.

City Manager Towery suggested taking the comments made tonight and refining the why behind the best practices. He thought staff could bring back more information to the Council as a document they could adopt.

Mayor Hill asked staff to bring back comparisons of a two month floating reserve, three month floating reserve, and minimum of 17% reserve.

Finance Director Cuellar said she could take the current budget for 2021 and show the difference between the amount that was put in reserves and the two month vs. 25% and how many dollars that would have been in this budget year.

Councilor Drabkin was in favor of moving forward with the two month floating reserve, especially with the deferred maintenance from the past and the unknown impacts of Covid.

Councilor Peralta thought they should also discuss whether or not to maintain current service levels in every department along with reducing the reserve to meet capital needs.

Mayor Hill thought the Budget Committee should be involved in the next discussion regarding the reserve policy as well.

3. PRESENTATION/DISCUSSION – URBAN GROWTH BOUNDARY (UGB) REMAND RESPONSE UPDATE:

Planning Director Richards gave a presentation on the Urban Growth Boundary remand. She discussed the land supply need and how they were now looking for 1,189 new dwelling units on land outside the existing UGB, 54 acres for public schools, 254 acres of public parks, 47.60 acres for religious uses, 27.50 acres for other, 106 acres for commercial, and there was a surplus of 46 acres of industrial. The overall plan goal for residential was 5.7 units per acre. Staff went through the study areas to determine what was not buildable. They removed 174 acres in the West Hills 1 study area due to steep slopes and serviceability beyond the steep slopes and 70 acres in Grand Haven due to the Chegwyn Farms Conservation Easement. The UGB expansion had to be within the 2003 planning and legal framework which meant they had to meet the principles and objectives of the MGMUP, achieve the stated need for McMinnville's future, look at the priority structure of ORS 197.298, and look at Goal 14 (Urbanization) factors. The MGMUP principles were: contain urban expansion within natural and physical boundaries, encourage development consistent with "smart growth" principles, allow increased densities to help meet housing needs, minimize public facilities costs, avoid identified hazards and natural resources, respect historic development patterns and land uses, and comply with state land use laws. She explained the MGMUP framework concept.

Project Manager Heffernan discussed the Goal 14 factors related to the UGB amendments. Factor 3 was the orderly and economic provision for public facilities and services. The screening criteria included the cost to extend water, sewer, and roads outside of the UGB and the cost to expand capacity in the UGB.

There was discussion regarding how the factors were to be applied as a group and the Council as the legislative decision body needed to weigh and balance the net effect of expansion against all of the factors and arrive at a decision on that basis.

Project Manager Heffernan said Factor 4 was maximum efficiency of land uses within and on the fringe of the existing urban area. The screening criteria included urban integration, development costs, suitability for bike/ped, commercial multi-story development, and parks/schools. Factor 5 was environmental, energy, economic, and social consequences. The screening criteria included critical wildlife hazard, natural hazards, affordable housing suitability, and neighborhood commercial suitability. He showed maps that indicated critical wildlife habitat areas for species of concern and geologic and flood hazard areas. Factor 6 was retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority. The screening criterion was the non-irrigated soil classification map. He then showed the map with the soil class locations. Factor 7 was compatibility of the proposed urban uses with nearby agricultural activities. The screening criteria included high value farmland and perimeter proximity to high value farmland. He showed maps of the high value farmland areas. He then discussed how the Goal 14 factors were rated by giving an exception areas sample.

Planning Director Richards said the prioritization scheme was to first look at established urban reserves, which McMinnville did not have. The second was to look at exception land and farm or forest land other than high value farmland surrounded by exception land. The next would be to look at marginal lands designated pursuant to ORS 197.247, and the last would be to look at farm and forest land. Higher priority would be given to land of lower capability as measured by the capability classification system. Land of lower priority under subsection 1 may be included in an Urban Growth Boundary if land of higher priority was found to be inadequate to accommodate the amount of land estimated in subsection 1 for one or more of the following reasons: specific types of identified land needs cannot be reasonably accommodated on higher priority lands, future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints, or maximum efficiency of land uses within a proposed Urban Growth Boundary required inclusion of lower priority lands in order to include or to provide services to higher priority lands. She then applied the Goal 14 factors to the study area maps.

Project Manager Heffernan discussed the problems found in the original study areas and findings. He then walked through the maps showing the new priority selections with the exception lands and lower quality resource areas, higher value resource lands with low Goal 14 factor scores, and alternatives.

Planning Director Richards explained how the alternatives achieved the stated need. They could add the West Hills 2A (48 dwelling units) or West Hills 2B (92 dwelling units), or add the gross acres of the remaining land to the creek south. The Council needed to decide on one scenario and she gave options for how to proceed.

Councilor Drabkin did not think she could make a decision until she had time to go out and evaluate the areas and talk to neighbors. She was interested in looking more at 3B.

Councilor Geary thought they should move forward with 3B and 3C, more towards 3B. He liked the ability for these areas to be nestled and distributed wisely.

Councilor Garvin also liked the nestled approach of 3B from a deploying resources standpoint. He liked the idea of a river walk in that area as well. He wanted to make sure whatever areas they chose would be developed and not sit for years undeveloped.

Councilor Peralta would like to hear from stakeholders and the public. He was also leaning towards 3B and 3C.

Project Manager Heffernan said accelerating the timetable by 60 days to hold a public hearing earlier in the process would be very difficult. They could hold an informational meeting as outreach to property owners and interest groups where they could weigh in.

Council President Menke was also in favor of 3B.

Planning Director Richards said the next steps were a joint meeting in October with the Council and County Commission to discuss the final map and findings, a joint Council and County Commission public hearing in November, separate Council and County Commission

deliberation meetings in December, and a submittal to DLCD by December 31, 2020. The October meeting could be a public open house to get input.

There was consensus for staff to move forward as suggested.

4. ADJOURNMENT: Mayor Hill adjourned the Work Session at 9:10 p.m.

Claudia Cisneros, City Recorder

DRAFT



City Recorder Use

Final Action:
 Approved Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: DACC Enterprises LLC DBA: The Oak
BUSINESS LOCATION ADDRESS: 326 NE Davis Street
LIQUOR LICENSE TYPE: Full On-Premises, Commercial

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 3pm to 12am; Tuesday-Wednesday 3pm to 12am; Thursday-Saturday 3pm to 1am

Entertainment: Recorded Music, Karaoke

Hours of Music: Open to close

Seating Count: 60; 50 lounge and 10 outdoors

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



LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: <i>12/01/2021</i>
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Name of City or County:
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input checked="" type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	By: _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	Date: _____
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	OLCC USE ONLY
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Date application received: <u>12/01/2021</u>
<input type="checkbox"/> Limited On-Premises	Date application accepted: <u>12/01/2021</u>
<input type="checkbox"/> Off-Premises	License Action(s): <u>C/O</u>
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

~~Andrew Anderson~~ DACC ENTERPRISES LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

~~DACC ENTERPRISES LLC~~

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)

The Oak

4. Business Address (Number and Street Address of the Location that will have the liquor license)

326 NE Davis St.

City	County	Zip Code
McMinnville	Yamhill	97128

¹ Read the instructions on page 1 **carefully**. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



STAFF REPORT

DATE: January 7, 2022
TO: Mayor and City Councilors
FROM: Rich Leipfert, Fire Chief
SUBJECT: Ratification of Resolution No. 2022-04 Declaring Local State of Emergency for City of McMinnville

STRATEGIC PRIORITY & GOAL:



COMMUNITY SAFETY & RESILIENCY

Proactively plan for & responsively maintain a safe & resilient community.

OBJECTIVE/S: Lead and plan for emergency preparedness

Report in Brief:

On January 6, 2022, Mayor Hill declared a State of Emergency for the City of McMinnville due to the COVID-19 Virus and its continued impact on the City of McMinnville. This action is allowed by City Emergency Operations Plan adopted by City Council in 2009, and ORS 401.

Background: ORS Chapter 401, establishes the authority for the highest elected official of the City Council to declare a state of emergency. The Mayor has the authority to declare a state of emergency initially and the City Council should convene as soon as practical to ratify the State of Emergency Declaration. This action is scheduled to take place at the City Council meeting on January 11th.

Discussion:

The McMinnville Fire Department has asked for and received an Emergency Declaration due to the COVID 19 impacts on our staffing levels. Our staffing levels have dropped to below 50% due to positive or presumptive COVID 19 tests /symptoms, injuries and current vacancies.

Prior to this Declaration our crews were working a significant amount of mandatory hold over to cover minimum staffing. The emergency declaration allows the Department to modify shift schedules from 3- shifts to 2 shifts. The original work schedule was 11 staff on each the 3 shifts,



City of McMinnville

FIRE DEPARTMENT

working 24 hours on and 48 hours off. The emergency work schedule starting today is 9 staff on each of the 2 shifts working 48 hours on and 48 hours off. This shift realignment is so we may continue providing service with 3 ALS ambulances and staffing on our front line engine.

Our goal is to not use the line staff to cover for vacancies if possible and use a combination of volunteers EMT's and Admin Chiefs with EMS certifications to fill gaps in the schedule until we have enough of our line staff able to return to work. I do not have an estimated time for the length of the emergency status to share currently.

The entire EMS system is stressed due to staffing shortages and call volume. We are working with our EMS and hospital partners to ensure the best service we can during these trying times.

The department does have 2 new employees currently on staff and 1 starting next week. They are a part of the original hiring process to fill the 5 vacancies. There are 2 more applicants estimated to start the first week in February. We expect to have all current vacancies filled with staff that can operate independently by the middle of March. We are currently advertising for the additional 6 positions for the new fourth ambulance. The hiring process is scheduled for the second week in February.

Attachments:

1. Resolution Number 2022-04
 - a. EXHIBIT 1: Signed Declaration of State of Emergency

Financial Impact

No changes

Recommendation

Council Ratify the Mayor's Declaration of a State of Emergency for the City of McMinnville by approving Resolution No. 2022-04.

RESOLUTION NO. 2022-04

A Resolution for the City of McMinnville, Oregon Ratifying the Declaration of State of Emergency signed by Mayor Scott A. Hill on January 6, 2022.

RECITALS:

WHEREAS, Due to the continued COVID-19 pandemic and the current surge of increasing COVID-19 positive cases; and

WHEREAS, The City of McMinnville may require significant resources to provide for the health and safety of residents; and

WHEREAS, The State of Oregon, pursuant to ORS 401.309(1); authorizes the governing body of Oregon cities and counties to declare a local state of emergency; and

WHEREAS, The City of McMinnville, pursuant to the Emergency Operation Plan authorized the Mayor to declare a local state of emergency; and

WHEREAS, The Mayor of the City of McMinnville finds that conditions require a local state of emergency; and

WHEREAS, The Mayor of the City of McMinnville signed a Declaration of State of Emergency on January 6, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE OREGON, HEREBY RATIFY THE DECLARATION OF STATE OF EMERGENCY SIGNED BY MAYOR SCOTT A. HILL ON JANUARY 6, 2022 AND AUTHORIZES THE FOLLOWING:

1. City Manager of the City of McMinnville, as the Emergency Manager as indicated in the Emergency Operation Plan, may take any and all necessary steps authorized by law to coordinate a response to this emergency; and
2. The state of emergency declaration provides the City Manager of the City of McMinnville is authorized to reallocate any city funds for emergency use; and
3. City Manager of the City of McMinnville is authorized to coordinate an effective response by redirecting funding for emergency use as needed and suspending standard procurement procedures; and
4. This resolution is effective immediately and shall remain in effect until at least March 10, 2022, but may be extended as necessary.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 11th day of January, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 11th day of January 2022.

MAYOR

Approved as to form:

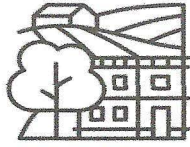
Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Declaration of State of Emergency signed by Mayor Scott A. Hill



City of McMinnville

DECLARATION OF STATE OF EMERGENCY

To: Brian Young, Yamhill County Emergency Manager,
Yamhill County Office of Emergency Management

From: Mayor Scott Hill,
City of McMinnville, Oregon

At 3:49 pm (time) on January 6, 2022 (date),

The COVID -19 Pandemic continues to have negative impacts within the State of Oregon, Yamhill County. The City of McMinnville is experiencing a surge of COVID-19 positive cases, which is significantly adversely impacting staffing needs.

The current situation and conditions are:

The City of McMinnville seeks to adjust its emergency response efforts to continue to meet the emergency medical service (EMS) and fire service needs of the McMinnville community. Due to the COVID-19 pandemic, and the current surge of increasing COVID-19 positive cases, standard staffing practices are not able to meet current EMS and fire service needs.

This state of emergency declaration provides the City Manager or designee with the authority to immediately undertake shift reassignments in order to meet EMS and fire service needs.

The state of emergency declaration provides the City Manager with the latitude to coordinate an effective response by redirecting funding for emergency use as needed and suspending standard procurement procedures.

City Manager of the City of McMinnville, as the Emergency Manager, may take any and all necessary steps authorized by law to coordinate the continued response to this emergency.

City Manager of the City of McMinnville is authorized to initiate emergency request for aid from Yamhill County, the State of Oregon, and the Federal Emergency Management Agency as necessary.

Additionally, the designation aides the City's efforts when requesting assistance and/or reimbursement for expenditures related to COVID -19 response.

The declaration, set to expire on March 10, 2022 may be renewed if necessary. This declaration will be presented to the McMinnville City Council on January 11, 2022 for ratification.

The geographic boundaries of the emergency are:
The City Limits of McMinnville, OR 97128.

WE DO HEREBY DECLARE THAT A STATE OF EMERGENCY NOW EXISTS IN THE CITY OF MCMINNVILLE AND THAT THE CITY HAS EXPENDED OR WILL SHORTLY EXPEND ITS NECESSARY AND AVAILABLE RESOURCES. WE RESPECTFULLY REQUEST THAT THE COUNTY PROVIDE ASSISTANCE, CONSIDER THE CITY AN "EMERGENCY AREA" AS PROVIDED FOR IN ORS 401, AND, AS APPROPRIATE, REQUEST SUPPORT FROM STATE AGENCIES AND/OR THE FEDERAL GOVERNMENT.



Signed: _____

Title: Mayor Scott A. Hill _____ Date & Time: 1/6/22 3:49pm

This request may be passed to the County via radio, telephone, or fax. The original signed document must be sent to the County Emergency Management Office, with a copy placed in the final incident package.

STAFF REPORT

DATE: January 11, 2022
TO: Mayor and City Councilors
FROM: Jennifer Cuellar, Finance Director
SUBJECT: Resolution 2022-02: Appointment for vacant position on the City's Budget Committee

Strategic Priority and Goal:



CITY GOVERNMENT CAPACITY

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

Background:

ORS 294.414(1) requires a local government to establish a budget committee for purposes of acting as the local government's fiscal planning advisory committee. The committee is comprised of the elected members of the governing body and an equal number of electors of the municipal corporation (i.e., qualified voters). The governing body appoints electors to the budget committee for three-year terms.

At the December 14, 2021, Council meeting, one vacancy on the City's Budget Committee was filled and the second was left open. Based on the discussion at that meeting, Mayor Hill and Councilor Menke recommend an appointment renewal for Cherry Haas to a three-year term.

The vacancies were advertised in the News Register and on the City website. Eleven applications for the vacant positions were received, one later withdrew her candidacy.

Ten interviews were scheduled with all applicants – Tynan Pierce, Lisa Pool, Matthew Deppe, Cherry Haas, Lu Ann Anderson, Samuel Bear, Victoria Ernst, Rosalie Ayers-Etherington, Jerry Hart and James Goings. Interviews took place on Friday November 12, 2021 in person and on zoom with members of the Audit Committee (Mayor Hill and Councilor Menke).

Recommendation:

The Audit Committee recommends that City Council appoint the candidate noted above.

Attachments:

1. Committee Application (redacted)
2. Resolution No. 2022-02
3. The Interview Schedule and Committee Applications (redacted) are found in the December 14, 2021, packet starting on page 250.
https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/city_council/meeting/packets/22988/packet_amended_12.14.2021-compressed.pdf



APPLICATION FOR SERVICE ON BOARD OR COMMISSION

Thank you for your interest in serving your community. The information on this form will help the Mayor and City Council learn about the background of persons interested in serving on a particular board or commission.

Name: Cherry Haas

Home Phone: _____

Address: _____

Cell Phone: _____

Email: _____

Work Phone: _____

Board, Commission or Committee for which you are an applicant:

<input type="checkbox"/> Advisory Board	<input type="checkbox"/> Landscape Review Committee
<input type="checkbox"/> Airport Commission	<input type="checkbox"/> McMinnville Affordable Housing Task Force
<input type="checkbox"/> Board of Appeals	<input type="checkbox"/> McMinnville Urban Renewal Advisory Committee (MURAC)
<input checked="" type="checkbox"/> Budget Committee	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Citizens' Advisory Committee	
<input type="checkbox"/> Historic Landmark Committee	

Ward in which you reside (if applicable): _____

How many years have you lived in McMinnville? 4

Educational and occupational background: Presently employed as Treasurer for the City of St Paul. I prepare their annual operating and capital budget as well as grant applications. Prior experience was Operating manager of security product division for national fence distributor and CFO of Bank ATM division, Bank of America.

Why are you interested in serving? I believe my background in budgeting and finance can be beneficial to the committee and the city in our deliberations. I am also very interested in helping find ways to address the affordable housing and homelessness issues we face.

Date 10-20-21

Signed _____

Please return to City Hall, 230 NE Second Street, McMinnville, OR 97128

RESOLUTION NO. 2022-02

A Resolution appointing Cherry Haas as a representative of the City of McMinnville Budget Committee.

RECITALS:

Whereas, ORS 294.414(1) requires a local government to establish a budget committee for purposes of acting as the local government’s fiscal planning advisory committee.

Whereas, the Budget Committee is comprised of the elected governing body and an equal number of volunteer electors who are appointed by the governing body for three-year terms.

Whereas, there is currently one vacancy on the City of McMinnville Budget Committee. Ten candidates applied for the vacant positions.

Whereas, the City has advertised the vacancies in the local newspaper and posted the advertisement on the City’s website.

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

- 1. The City Council appoints the following volunteer to the Budget Committee:

BUDGET COMMITTEE
(3-year term)

Cherry Haas

- 2. This Resolution and these appointments will take effect immediately.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 11th day of January, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 11th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder



City of McMinnville

ADMINISTRATION

**City of McMinnville
City Attorney's Office**

230 NE Second Street
McMinnville, OR 97128
(503) 434-7303

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: December 29, 2021
TO: Jeff Towery, City Manager
FROM: Tim Symons, Police Captain
Amanda Guile-Hinman, City Attorney
SUBJECT: Ordinance No. 5109: An Ordinance Amending Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code Relating to Abandoned Vehicles

I. Report in Brief:

Council consideration of amendments to McMinnville Municipal Code Title 10 relating to abandoned vehicles.

II. Background and Discussion:

In 2018, the City adopted Ordinance No. 5049, which updated certain chapters in Title 10 of the McMinnville Municipal Code relating to the parking of recreational vehicles, motor trucks, and abandoned vehicles. Ordinance No. 5049 developed out of a City Council discussion to address the increased presence of recreational vehicles and abandoned vehicles on the City's right-of-way for extended periods of time.

Ordinance No. 5049 did three key things: (1) codified a recreational vehicle parking permit program to allow recreational vehicles to park on public rights-of-way if certain conditions were met; (2) created a definition for an "abandoned vehicle;" and (3) established a definitive timeframe for declaring a vehicle abandoned. Prior to Ordinance No. 5049, if a vehicle located within the public right-of-way was moved within 72 hours of being cited, it often could not be towed, despite being repeatedly cited. This created a loophole where owners of non-operable, uninsured, and/or

unregistered vehicles could avoid having their vehicles towed. Ordinance No. 5049 sought to clarify that a vehicle could still be considered abandoned even if it was moved, and thus subject to towing.

In reviewing Ordinance No. 5049 and the Oregon Revised Statutes (ORS) concerning abandoned vehicles (ORS Chapter 819), staff has found that further clarification to establish whether a vehicle is abandoned and the appeal process to challenge a tow are necessary.

On December 14, 2021, Council held a work session to review updates to McMinnville Municipal Code Chapters 10.04, 10.28, and 10.44 to address the needed clarifications. Upon review of the proposed revisions, no additional changes were made.

A. Establishing Whether a Vehicle Is Abandoned

1. Definition of Abandoned Vehicle

The proposed revisions to Title 10 clarify whether a vehicle is considered abandoned. The current definition created some confusion whether a vehicle is considered abandoned in two ways. First, the current definition begins by stating that an abandoned vehicle is a vehicle that “remains in violation for more than 24 hours” and also meets one of several conditions. The definition thus suggests that the two components to determine whether a vehicle is abandoned is if (1) it is in violation; and (2) it meets one of the listed conditions. What “in violation” means is not currently explained in Title 10.

In reviewing the information from the adoption of Ordinance No. 5049, the intent was that if a vehicle was on a public street and met one of the listed conditions, it is considered abandoned. For example, if a vehicle was parked in the right-of-way for more than 24 hours and during that entire period did not have current registration, then it qualified as an abandoned vehicle. The wording of the definition, however, suggested that, in addition to not being registered, some other violation must exist.

The proposed revisions clarify that the two components for determining whether a vehicle is abandoned are: (1) is it parked on a public right-of-way for 24 hours; and (2) does it meet any one of 5 conditions?

The second confusing element of the definition of abandoned vehicle is that under the current list of existing conditions, item 1 includes issues relating both registration and insurance. Item 1 is somewhat confusing as to whether the vehicle must be unregistered and uninsured or could either exist for the vehicle to be considered abandoned. To clarify this issue, the proposed revisions list vehicle registration from vehicle insurance as separate existing conditions so that if a vehicle is either unregistered or uninsured, it could be considered abandoned.

2. Clarifications to Chapter 10.28

Staff also reviewed other provisions that discuss “abandoned vehicles” and found that Chapter 10.28 could also be clarified to be consistent with the proposed definition (and apparent intent) of the definition of “abandoned vehicle.” The proposed code provisions revise Section 10.28.090 to clarify that the 72-hour rule for parking is separate from the abandoned vehicle prohibition since different time frames apply.

B. Process for Appealing a Tow

ORS 819.190 allows a person who has an interest in a vehicle to contest the validity of a tow but requesting a hearing with the appropriate authority. The authority must hold a hearing and receive evidence from both the entity that towed the vehicle and the person with an interest in the vehicle to determine whether the tow was valid.

MMC Title 10 does not expressly state the process for this hearing, such as to whom a person should request a hearing, what type of information should be provided, and who is designated as the authority to decide whether a tow is valid. The draft amendments to MMC Chapter 10.44 propose to use the same appeal provisions in MMC Title 2 that are utilized for the other code violations/enforcement actions.

III. Attachments:

Attachment 1: Ordinance No. 5109

Exhibit 1: Amendments to MMC Chapters 10.04, 10.28, and 10.44

IV. Fiscal Impact:

N/A

V. Recommendation:

Council adopt Ordinance No. 5109.

ORDINANCE NO. 5109

AN ORDINANCE OF THE CITY OF McMinnville Amending Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code relating to abandoned vehicles.

RECITALS:

WHEREAS, in 2018, the Council adopted Ordinance No. 5049, which updated certain chapters in Title 10 of the McMinnville Municipal Code relating to the parking of recreational vehicles, motor trucks, and abandoned vehicles; and

WHEREAS, Ordinance No. 5049 developed out of a City Council discussion to address the increased presence of recreational vehicles and abandoned vehicles on the City's right-of-way for extended periods of time; and

WHEREAS, in reviewing Ordinance No. 5049 and the Oregon Revised Statutes (ORS) concerning abandoned vehicles (ORS Chapter 819), further clarification of the McMinnville Municipal Code is needed to establish whether a vehicle is abandoned and the appeal process to challenge a tow; and

WHEREAS, on December 14, 2021, Council held a work session to review updates to McMinnville Municipal Code Chapters 10.04, 10.28, and 10.44 to address the needed clarifications;

NOW, THEREFORE, THE CITY OF McMinnville ORDAINS AS FOLLOWS:

1. The Council of the City of McMinnville adopts the above-recitals and the accompanying staff report as if set forth fully herein.
2. Chapters 10.04, 10.28, and 10.44 of the McMinnville Municipal Code is hereby amended as set forth in Exhibit 1 attached hereto.

3. This Ordinance will take effect 30 days after passage by the City Council.
4. The City Recorder is instructed to format the provisions to be consistent with the formatting of the McMinnville Municipal Code and to correct any scrivener's errors.

Passed by the McMinnville City Council this 11th day of January, 2021 by the following votes:

Ayes: _____

Nays: _____

Approved this 11th day of January 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

1. Amendments to MMC Chapters 10.04, 10.28, and 10.44

Chapter 10.04 GENERAL PROVISIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Applicability of state traffic laws.
- 10.04.030 Definitions.

10.04.010 Short title.

The ordinance codified in this title may be cited as “the city of McMinnville uniform traffic ordinance.” (Ord. 3629 §1, 1972).

10.04.020 Applicability of state traffic laws.

Violations ~~under the Oregon Vehicle Code adopted by the of ORS Chapters 801 through 823 as now constituted, amended and revised by the 1983 and 1985 Oregon State Legislatures~~ shall be an offense against the city. (Ord. 4400 §2, 1987).

10.04.030 Definitions.

In addition to those definitions contained in the ORS chapters set forth in Section [10.04.020](#), the following words or phrases, except where the context clearly indicates a different meaning, shall be defined as follows:

“Abandoned vehicle” means a vehicle that remains ~~parked or kept on a public right-of-way in violation~~ for more than 24 hours, ~~without having been issued a permit pursuant to Section 10.28.205,~~ and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate; ~~or~~ fails to display current registration;
- ~~2.~~ ~~The vehicle~~ ~~or~~ fails to have vehicle insurance as required by the state of Oregon;
- ~~3.~~ The vehicle appears to be inoperative or disabled;
- ~~3.~~ The vehicle appears to be wrecked, partially dismantled or junked; or

45. The vehicle appears to have been abandoned by its owner.

“Bicycle” means a nonmotorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of 10 inches or having two or more wheels where any one wheel has a diameter in excess of 15 inches.

“Bus stop” means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

“Holiday” means New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the council to be a holiday.

“Loading zone” means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

“Motor vehicle” means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that vehicle may be exempt from licensing under the motor vehicle laws of the state.

“Park” or “parking” means the condition of:

1. A motor vehicle that is stopped while occupied by its operator with the engine turned off;
2. A motor vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off.

“Pedestrian” means a person on the public right-of-way except:

1. The operator or passenger of a motor vehicle or bicycle;
2. A person leading, driving or riding an animal or animal-drawn conveyance.

“Recreational vehicle” means a vehicular-type unit that:

1. Contains sleeping facilities;
2. Is designed or used:
 - a. For human occupancy; and
 - b. As temporary living quarters for recreational, seasonal, or emergency use; and
3. Has its own motive power or is mounted on or towed by another vehicle.

“Stand” or “standing” means the stopping of a motor vehicle while occupied by its operator with the engine running except stopping in obedience to the instructions of a traffic officer or traffic-control device or for other traffic.

“Stop” means complete cessation of movement.

“Street” and “other property open to public travel”:

1. When used in this title or in the ORS chapters incorporated in this title, shall be considered synonymous, unless the context precludes such construction. “Street,” as defined in this title and the ORS chapters incorporated by reference in this title, includes alleys, sidewalks, grass or parking strips, and parking areas and accessways owned or maintained by the city.
2. “Other property open to public travel” means property whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates motor vehicles either by express or implied invitation other than streets as defined in subsection (1) of this definition, and excepting public school property, county property, or property under the jurisdiction of the State Board of Higher Education. Other property open to public travel shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

“Taxicab stand” means a space on the edge of a roadway designated by sign for use by taxicabs.

“Traffic-control device” means a device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button or street or curb marking installed by the city or other authority.

“Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

“Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. “Vehicle,” as used in subsequent sections of this title, includes bicycles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

Chapter 10.28

STOPPING, STANDING AND PARKING*

Sections:

- 10.28.010 Parking – Two-hour and 30-minute zones created.
- 10.28.015 Parking – Ten and 15 minute zones.
- 10.28.020 Parking or standing – Exemptions for certain official vehicles.
- 10.28.030 Parking or standing – Prohibited in designated locations.
- 10.28.040 Parking – Adams Street restrictions.
- 10.28.050 Parking – Third Street restrictions.
- 10.28.060 Parking – Highway North 99W restrictions.
- 10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.
- 10.28.080 Parking – For sale, repair or storage prohibited when.
- 10.28.090 Overtime parking prohibited – Fines.
- 10.28.100 Calculation of Maximum Parking Time Limits.
- 10.28.110 Parking or standing – Methods and restrictions.
- 10.28.120 Lights on parked vehicle.
- 10.28.130 Parked vehicle – Removing ignition key required when.
- 10.28.140 Parked vehicle – Police authorized to remove ignition key when.
- 10.28.150 Vehicles parked near fire – Removal requirements.
- 10.28.160 Buses and taxicabs – Parking and standing restrictions generally.
- 10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.
- 10.28.180 Loading zone – Commercial vehicle regulations.
- 10.28.190 Parking permit for certain commercial or service vehicles.
- 10.28.200 Courtesy Parking permits.
- 10.28.205 Recreational vehicle parking permit.
- 10.28.210 Parking permit – Display required.
- 10.28.220 Parking permit – Not transferable.
- 10.28.230 Illegally parked vehicle – Citation requirements.
- 10.28.240 Citation – Owner responsibility.
- 10.28.250 Citation – Registered owner presumption.
- 10.28.260 Citation – Failure to comply.
- 10.28.270 *Parking Fine Schedule. Repealed.*
- 10.28.280 Multiple Parking Violations.
- 10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

* For statutory provisions on city power to control parking, see ORS [487.890](#).

10.28.010 Parking – Two-hour and 30-minute zones created.

Parking zones of two hours' and of 30 minutes' duration are created within the central business district and residential zones in those areas designated by the city manager or his or her designee. No vehicle as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 3727 §2, 1974).

10.28.015 Parking – Ten and 15 minute zones.

The city manager or his or her designee may designate 10 and 15 minute parking zones within the central business district and residential zones. No vehicle, as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 4716 §3, 2000).

10.28.020 Parking or standing – Exemptions for certain official vehicles.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 3629 §33, 1972).

10.28.030 Parking or standing – Prohibited in designated locations.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or leave standing, in the following places:

- A. A vehicle upon a bridge, viaduct or other elevated structure used as a street, or within a street tunnel, unless authorized by state statute, by this code, or by the chief of police or his or her designee.
- B. A vehicle in an alley, other than for the expeditious loading or unloading of persons or materials but in no case for a period in excess of 30 consecutive minutes.
- C. A motor truck, as defined by ORS [801.355](#), on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day unless a revocable permit is obtained from the city police department. The permit shall be for a six-month or a 12-month period and may be renewed. The cost of the permit will be set by resolution determined by the McMinnville city council. In the event a complaint(s) is received from a resident in the area

of the parked truck, the chief of police or his or her designee shall investigate the complaint and may revoke said permit, and the cost of the permit shall be forfeited by the permittee.

D. A vehicle upon a parkway or freeway, except as authorized by state statute, by this code, or by the chief of police or his or her designee.

E. A vehicle on a curb painted yellow, except as specifically authorized by signage.

F. A vehicle within the area between the curb or roadway and sidewalk line commonly known as the planting strip, except where improved parking areas have been approved and marked by the city engineering department.

G. A vehicle in such a manner that the vehicle blocks all or any part of any driveway.

H. A vehicle in such a manner that the vehicle blocks all or any part of a public sidewalk.

I. A recreational vehicle on any public highway, road, street, or right-of-way within the city, except for the immediate loading or unloading of persons or property, or by permit issued pursuant to Section [10.28.205](#).

J. A vehicle in any area where parking is permanently prohibited by order of the city manager or their designee, pursuant to Section [10.08.020](#).

K. A vehicle in any area where parking has been temporarily prohibited by order of the city manager pursuant to Section [10.08.020](#) and traffic control devices have been installed to provide notice of the prohibition. (Ord. 5055 §1 (Exh. 1 §1), 2018; Ord. 5049 §1 (Exh. 1 §2), 2018; Ord. 4788 §2, 2003; Ord. 3874 §1, 1977; Ord. 3629 §24, 1972).

10.28.040 Parking – Adams Street restrictions.

It is unlawful for any person to park any vehicle on the east side of Adams Street north of Twelfth Street for a distance of one hundred feet. (Ord. 4788 §2, 2003; Ord. 3063 §1, 1962).

10.28.050 Parking – Third Street restrictions.

It is unlawful for any person to park any vehicle on Third Street between Adams Street and Johnson Street in the city from three a.m. to six a.m. of any day. (Ord. 4788 §2, 2003; Ord. 3092 §1, 1963).

10.28.060 Parking – Highway North 99W restrictions.

It is unlawful for any person to park any vehicle on either side of Highway North 99W from Seventeenth Street to Lafayette Avenue. (Ord. 3555 §1, 1971).

10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.

Any person violating any of the provisions of MMC [10.28.040](#) through [10.28.060](#) shall, upon conviction be fined in an amount not to exceed three hundred dollars. (Ord. 4788 §2, 2003; Ord. 3555 §2, 1971; Ord. 3092 §2, 1963; Ord. 3063 §2, 1962).

10.28.080 Parking – For sale, repair or abandoned ~~storage~~ prohibited when.

No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising from the vehicle;
- D. Selling merchandise from the vehicle, except when authorized by this code or by the chief of police or his or her designee; ~~or~~
- E. Abandoning the vehicle. A vehicle that meets the definition of “abandoned vehicle” ~~Abandoned vehicles~~ may be tagged for tow immediately. ~~Abandoned vehicles may be towed 24~~ Twenty-four (24) hours after the notice has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; ~~or~~

F. Storing a vehicle, as prohibited under MMC 10.28.090. (Ord. 5049 §1 (Exh. 1 §3), 2018; Ord. 4788 §2, 2003; Ord. 4400 §1, 1987; Ord. 4320 §1, 1985; Ord. 3987 §1, 1979; Ord. 3629 §5, 1972).

10.28.090 Overtime parking prohibited – Fines.

For vehicles other than abandoned vehicles (which are subject to MMC 10.28.080(E)) or recreational vehicles with a valid permit under MMC 10.28.205, ~~¶~~ the owner of a vehicle shall not permit the vehicle to remain parked upon a public street for longer than 72 hours unless different parking time limits have been indicated by official city signs. A vehicle parked for longer than 72 hours shall be considered as being “stored,” ~~“junk,”~~ for

purposes of enforcing MMC [10.28.080](#) and [MMC Chapter 10.44](#) (Ord. 4788 §2, 2003; Ord. 4320 §2, 1985; Ord. 3727 §3, 1974).

10.28.100 Calculation of Maximum Parking Time Limits.

Where a maximum parking time limit is designated by sign, the time period shall begin at the first instance that the vehicle is parked along a block face or within a parking lot during a parking day. Any vehicle parked within the same block face or parking lot after the expiration of the maximum parking time limit during a single parking day shall be in violation of the parking time limit, notwithstanding that the vehicle may have been moved to another location within the same block face or parking lot, or that the vehicle may have departed and returned to the same block face or parking lot during that parking day.

- A. “Block face” is defined as one side of the street between two intersecting streets.
- B. “Parking day” is defined as a single calendar day between the hours of 9 a.m. and 6 p.m. (Ord. 5007, 2016; Ord. 4985, 2014; Ord. 3629 §32, 1972).

10.28.110 Parking or standing – Methods and restrictions.

- A. No person shall park or leave a vehicle in a street, other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- B. Where parking space markings are placed on a street, no person shall park or leave standing a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- C. The operator who first begins maneuvering his or her vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him or her of his or her priority or block his or her access. (Ord. 4788 §2, 2003; Ord. 3629 §23(1—3), 1972).

10.28.120 Lights on parked vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this chapter upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred feet from the vehicle. (Ord. 3629 §31, 1972).

10.28.130 Parked vehicle – Removing ignition key required when.

No operator or person in charge a motor vehicle shall park it or allow it to be parked on a street, on other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed. (Ord. 4788 §2, 2003; Ord. 3629 §27, 1972).

10.28.140 Parked vehicle – Police authorized to remove ignition key when.

Whenever a police officer finds a motor vehicle parked unattended with the ignition key in the vehicle in violation of MMC [10.28.130](#), the police officer is authorized to remove the key from vehicle and deliver the key to the police department. (Ord. 4788 §2, 2003; Ord. 3629 §28, 1972).

10.28.150 Vehicles parked near fire – Removal requirements.

Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the fire department has been summoned, he or she shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers. (Ord. 4788 §2, 2003; Ord. 3629 §23(4), 1972).

10.28.160 Buses and taxicabs – Parking and standing restrictions generally.

The operation of a bus or taxicab shall not park or leave standing the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping his vehicle outside a traffic lane while loading or unloading passengers. (Ord. 4788 §2, 2003; Ord. 3629 §29, 1972).

10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.

No person shall stand or park a vehicle other than a taxicab in a taxicab space, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 4788 §2, 2003; Ord. 3629 §30, 1972).

10.28.180 Loading zone – Commercial vehicle regulations.

A. The use of loading zones is restricted to commercial vehicles, and no person shall park or leave standing a commercial vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone, when the hours applicable to that loading zone are in effect. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

B. “Commercial vehicle” means a vehicle identified by permanent lettering conspicuously painted on the body of the vehicle or identified by the use of electromagnetic sign plates, either of which must be on the exterior of the vehicle, or a vehicle registered with the state and displaying a valid Oregon State Motor Vehicle Public Utilities Commission license plate issued for said vehicle. (Ord. 4788 §2, 2003; Ord. 3741 §1, 1975; Ord. 3629 §26, 1972).

10.28.190 Parking permit for certain commercial or service vehicles.

A. *Downtown Resident Parking Permits.* Residents who reside in the downtown core area may apply for a “Downtown Residential Parking Permit” to avoid receiving over-time parking citations. All outstanding parking citations must be paid before a permit will be issued. There will be a limited number of residential parking spaces available in the downtown core area. Permits will be issued on a first come, first served basis. No more than one parking permit will be issued to any residential address in the downtown area. No more than two permits will be issued in a one block area. The chief of police or his or her designee will determine the location(s) in which permitted vehicles will be parked. Vehicles parked under this section will not be exempt from MMC [10.28.080](#).

The following information must be presented when applying for a permit:

- 1 A valid automobile registration showing the automobile is registered to the applicant.
- 2 A valid driver’s license or identification card; and
- 3 Proof of residency (e.g., a gas, electric, or telephone bill).

The residential parking permit must be prominently displayed in or on the vehicle. The issuance of a residential permit does not guarantee that there will be a parking space available for the permit holder. Permits area assigned to a particular vehicle and are not transferable. Permits are on a first come, first served basis. The cost of the parking permit will be set by resolution determined by the McMinnville city council.

B. *Commercial/delivery permits.* Business owners in the downtown core area whose business consists of delivering consumer goods at minimum twice per day on business days may apply for a commercial/delivery parking permit. All outstanding parking citations must be paid prior to a permit being issued. Only one permit shall be allowed per business. Subject to the provisions of this section, a vehicle prominently displaying a commercial/delivery parking permit may be parked in a regular parking space. Commercial/delivery permits

are not valid in loading zones or parking spaces with a time limit of less than two hours. The chief of police or his or her designee will assign the location for the permitted vehicle to be parked. Vehicles parked under this section will not be exempt from MMC [10.28.080](#). The cost of the commercial/delivery permit will be set by resolution determined by the McMinnville city council.

The following information must be presented when applying for a permit:

- 1 A valid automobile registration showing the vehicle is registered to the owner of the business or to a designated employee;
- 2 Proof of business necessity for permit; and
- 3 Proof that vehicle is “commercially marked.”

a “Commercial vehicle” means a vehicle identified by any of the following:

- i Permanent lettering conspicuously painted on the body of the vehicle;
- ii Electromagnetic sign plates, which may be on the exterior of the vehicle, of not less than 120 square inches in size;
- iii The vehicle is registered with the state and displays valid Oregon State Motor Vehicle Public Utility Commission license plates issued for the vehicle.

A commercial/delivery permit must be prominently displayed in or on the vehicle. The issuance of a commercial/delivery permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable.

C. Residential Permit Parking Zone Permits. Residential parking permits in a form prescribed and issued by the chief of police or his or her designee may be issued to residents who would not otherwise be allowed to park near their residence due to restricted parking. No more than two permits will be issued to any residential address in a restricted residential zone as determined by the McMinnville city council. The cost of the permit will be set by resolution determined by the McMinnville city council.

The following information must be presented when applying for a permit:

- 1 A valid driver’s license or identification card; and
- 2 Proof of residency (e.g., a gas, electric, or telephone bill).

A residential permit must be prominently displayed. The issuance of a permit does not guarantee that there will be a parking space available for the permit holder.

D. Service/repair permits. Parking permits in a form prescribed and issued by the chief of police or his or her designee shall be issued to commercial and service vehicles for use in conjunction with work being performed or services being rendered within two hundred feet of a parking space. Permits may be used for construction,

installation, relocation, maintenance, or repair of streets, sidewalks, alleyways, parking lots, buildings, structures, or landscaping or other work on communication, power, gas, water, sewer, or other utility cables, mains, or pipelines. The permit must be prominently displayed. The issuance of a permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable. The chief of police or his or her designee will determine the locations for the vehicle to be parked. The cost of the permit will be set by resolution of the McMinnville city council. (Ord. 4788 §2, 2003).

10.28.200 Courtesy Parking permits.

The chief of police or his or her designee may, in his or her discretion, make courtesy permits available to visitors of the city. Such permits shall be valid for not more than three days and shall be without cost to the visitors. These permits, if properly displayed in accordance with the direction prescribed by the chief of police, shall authorize the permittee to park his or her vehicle without regard to time limits and without having to pay the meter fees in any parking space allowing over 30 minutes of continuous parking. (Ord. 4788 §2, 2003; Ord. 3629 §73, 1972).

10.28.205 Recreational vehicle parking permit.

Upon application and payment of the established permit fee, the chief of police or their designee will issue a parking permit allowing for a recreational vehicle to be parked on any public highway, road, street, or right-of-way within the city, if the following conditions are met:

- A. The permit will be valid for not more than 72 consecutive hours;
- B. The permit must be displayed on a recreational vehicle that is parked within 200 feet of residential real property owned or leased by the permit applicant;
- C. A single recreational vehicle may not be issued more than four parking permits during a calendar year, regardless of location parked;
- D. The starting time for recreational vehicle parking permit may not be less than 72 hours after the expiration time of a previous permit issued for the same recreational vehicle;
- E. The permit does not allow for parking of a recreational vehicle in excess of any posted time limit for parking. (Ord. 5049 §1 (Exh. 1 §4), 2018).

10.28.210 Parking permit – Display required.

It shall be the duty of the person parking a vehicle with a properly issued permit to display the identification card in plain sight within the driver's compartment of the vehicle for which the card was issued. (Ord. 3629 §71, 1972).

10.28.220 Parking permit – Not transferable.

No person shall use an identification card for a vehicle other than the vehicle for which it was issued nor while using the licensed vehicle for any purpose other than that authorized by the permit. Willful violation of these provisions will result in forfeiture of the permit and denial of future permits. (Ord. 3629 §72, 1972).

10.28.230 Illegally parked vehicle – Citation requirements.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the officer or other individual charged with the duty of enforcing the parking regulations of this title shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a parking citation for the operator to answer to the charge against him or her, or pay the penalty imposed during the hours and at a place specified in the citation. (Ord. 4788 §2, 2003; Ord. 3727 §4, 1974; Ord. 3629 §56, 1972).

10.28.240 Citation – Owner responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent. (Ord. 3629 §58, 1972).

10.28.250 Citation – Registered owner presumption.

In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he or she was then the owner in fact. (Ord. 4788 §2, 2003; Ord. 3629 §59, 1972).

10.28.260 Citation – Failure to comply.

If the operator does not respond to a parking citation affixed to the vehicle within a period of ten days, the city will increase the fine. If the operator does not respond to this increased fine, a summons shall be issued. (Ord. 4788 §2, 2003; Ord. 3727 §5, 1974; Ord. 3629 §57, 1972).

10.28.270 Parking Fine Schedule.

Repealed by [Ord. 4788](#) §2, 2003.

10.28.280 Multiple Parking Violations.

Each violation of the maximum lawful parking time designated for a metered or limited time parking zone shall constitute a separate offense. Each 24-hour period during which a vehicle is parked in violation of MMC [10.28.030](#) and [10.28.080\(A\)](#) through [\(D\)](#) shall constitute a separate offence. (Ord. 4788 §2, 2003; Ord. 4716 §2, 2000).

10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

A. The provisions of this section apply only when parking has been temporarily prohibited on a street for:

1. Street or utility maintenance, repair, or rehabilitation purposes.
2. Construction activities on public or private property adjacent to the street.
3. Public events on streets authorized by city permit.

B. Any vehicle parked on a street in violation of Section [10.28.030](#) may be towed according to the provisions of this section, upon the order of the city manager, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required to provide immediate access for a purpose described in subsection [A](#) of this section.

C. The city manager or designee may:

1. Order a vehicle to be towed to a legal parking space on a street within the vicinity of the prohibited area, in which case the cost of towing the vehicle will be paid by the city if requested by the city, or the permittee if requested by the permittee.

2. If, not less than 24 hours prior to the effective time and date of the prohibition, the city has installed and maintained traffic control devices giving notice of the parking prohibition, the city manager or designee may order the vehicle to be towed and stored as set forth in ORS [98.812](#). (Ord. 5055 §1 (Exh. 1 §2), 2018).

Chapter 10.44 ABANDONED VEHICLES

Sections:

- 10.44.010 Impoundment – police department’s duty.
- 10.44.020 Identification of owner.
- 10.44.030 Notice to owner.
- 10.44.040 Return to owner – Conditions.
- 10.44.045 Hearing.
- 10.44.050 Sale – Notice publication required.
- 10.44.060 Sale – To highest bidder.
- 10.44.070 Sale – Disposition of proceeds.
- 10.44.080 Sale – Certificate.
- 10.44.090 Delivery to purchaser.
- 10.41.100 Payment to owner following sale – Conditions.
- 10.44.110 Applicability of chapter provisions.

10.44.010 Impoundment – police department’s duty.

It shall be the duty of the police department of the city, whenever a motor vehicle is found abandoned on the streets of the city, or is found without an owner claiming the same, or by reason of arrest or in any other manner comes into the hands of the police department without a claimant, to either place the same upon property of the city for further disposition or store the same with some reputable motor vehicle storage yard or garage pending investigation into the ownership of said motor vehicle. (Ord. 1980 §1, 1939).

10.44.020 Identification of owner.

The chief of police, upon finding any vehicle as specified in MMC [10.44.010](#), or coming into possession of the same, shall make diligent inquiry of all available persons as to the name and address of the owner, conditional vendor or mortgagee, or any other person interested therein, and shall examine said motor vehicle for the license number, motor number, serial number, make and style, and for any other information which will aid in the identification of the owner, conditional vendor, mortgagee or other interested person. (Ord. 1980 §2, 1939).

10.44.030 Notice to owner.

After having acquired all available information, the chief of police shall immediately transmit the same to the secretary of state of Oregon with an inquiry for the name and address of the owner, conditional vendor, mortgagee or other interested person. If the owner, conditional vendor, mortgagee or other person interested in found and identified, he shall immediately be notified by registered letter that the motor vehicle is held by the chief of police of the city and will be sold at public auction at a definite place in the city on a day certain at ten a.m. in the morning of such day to the highest and best bidder for cash, which such sale shall not be held until ten days have elapsed from the receipt by the owner of the registered notice. (Ord. 1980 §3, 1939).

10.44.040 Return to owner – Conditions.

If the owner, conditional vendor, mortgagee or other person interested applied to the chief of police, before a sale has taken place, for the return of the motor vehicle, specified in MMC 10.44.010, submits to the chief of police satisfactory evidence of his interest therein, and tenders with said application the cost in the seizing, keeping and making sale of said motor vehicle, the chief of police, upon being satisfied that the claim is rightful, shall surrender the same to the claimant. (Ord. 1980 §5, 1939).

10.44.045 Hearing.

A. The owner(s) and any other persons who reasonably appear to have an interest in the abandoned vehicle are, upon timely application filed pursuant to Section 2.50.510(B)(2), entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

B. A person requesting a hearing must submit such request within 5 days from the mailing date of the notice. The 5-day period does not include City-recognized holidays, Saturdays or Sundays.

C. Failure to timely request a hearing and/or failure to submit the required information will result in the summary denial of the request by the City.

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10.44.050 Sale – Notice publication required.

If the owner, conditional vendor, mortgagee or other person interested cannot be found after due diligence as set forth in this chapter, then the chief of police shall cause to be published in some newspaper of general circulation published in the county a notice embodying the foregoing information, which shall be published

two times, the first publication of which shall be made more than ten days before such proposed sale. (Ord. 1980 §4, 1939).

10.44.060 Sale – To highest bidder.

If no claim has been made before the time set for sale of the vehicle, the chief of police shall, at the time and place appointed, within view of the motor vehicle to be sold, offer for sale and shall sell said motor vehicle to the highest and best bidder for cash, and in default of bids from others for a greater sum, shall bid the same in for the city at the amount of its costs incurred in its seizing, keeping and offering for sale of the same. (Ord. 1980 §6, 1939).

10.44.070 Sale – Disposition of proceeds.

The proceeds of the sale shall be first applied to the payment of costs incurred in the seizing, keeping and making such sale, and the balance, if any, shall be paid to the treasurer of the city to be credited to the general fund. (Ord. 1980 §7, 1939).

10.44.080 Sale – Certificate.

At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and a copy thereof filed with the recorder of the city, which certificate of sale shall be substantially in the following form:

“CERTIFICATE OF SALE

This is to certify that under the provisions of ordinance No. 1980, entitled ‘An ordinance providing for the disposition of motor vehicles coming into the hands of the police department of the city of McMinnville, through abandonment by the owner, arrest, or otherwise, and declaring an emergency,’ and pursuant to due notice of time and place of sale I did on the _____ day of _____, 19____, sell at public auction to _____ for the sum of \$ _____, cash, he being the highest and best bidder, and that being the highest and best sum bid therefore, the following described personal property, to wit: (Brief description of property) _____. And in consideration of the payment of said sum of \$ _____ receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. Dated this _____ day of _____, 19_____.

Chief of police.

The McMinnville Municipal Code is current through Ordinance 5104, passed June 8, 2021.

Note: The city of McMinnville assumes no responsibility as to the condition of title of the above described property. In case this sale shall for any reason be invalid the liability of the city is limited to the return of the purchase price.”

(Ord. 1980 §8, 1939).

10.44.090 Delivery to purchaser.

Upon such sale being consummated, the chief of police shall deliver the possession of the motor vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 1980 §9, 1939).

10.41.100 Payment to owner following sale – Conditions.

At any time within one year after such sale, the owner of any property sold as provided in this chapter shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund upon making application therefor to the council and presenting satisfactory proof of ownership. (Ord. 1980 §10, 1939).

10.44.110 Applicability of chapter provisions.

This chapter shall apply to all motor vehicles and parts thereof now in possession of the chief of police as well as to all such as may hereafter be taken into possession. (Ord. [1980 §1](#), 1939) and charges have been paid. Vehicles impounded under authority of this section shall be disposed of in the same manner as provided in MMC [10.48.020](#). (Ord. 3629 §60(5), 1972).