



City Council Meeting Agenda

Tuesday, July 23, 2024

6:00 p.m. – City Council Work Session Meeting - **CANCELED**

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

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

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

- Attend in person and fill out a public comment card.
- Email at any time up to **noon on Monday, July 22nd** to CityRecorderTeam@mcminnvilleoregon.gov
- If appearing via telephone only please sign up prior by **noon on Monday, July 22nd** by emailing the City Recorder at CityRecorderTeam@mcminnvilleoregon.gov as the chat function is not available when calling in Zoom;
- Join the Zoom meeting use the raise hand feature in Zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide the City Recorder with your First and Last name, Address, and contact information (email or phone) for a public comment card.**

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

mcm11.org/live

Download the "Cablecast" app on iOS, Android, Roku, Apple TV or Amazon Firestick and watch McMinnville City Council on all your devices.

CITY COUNCIL REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/87163114749?pwd=98enemfcjOzcK93FFn8QPI4naCOiOu.1>

Zoom ID: 871 6311 4749

Zoom Password: 204747

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

ID: 871 6311 4749

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

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE IN HONOR OF FORMER MAYOR RICK OLSON

4. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –

The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.

5. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports

6. CONSENT AGENDA

- a. Consider the request from The Station for New Outlet – other public location, OLCC Liquor License located at 645 NW Adams St.
- b. Consider the request from Odd Moe’s Pizza for New Outlet – limited on-premises and off-premises, OLCC Liquor License located at 655 SW Keck Dr.
- c. Consider a request to permit a waiver of the noise ordinance from The Oak for live music for 2024 Cruising McMinnville on August 23rd & 24th, 2024.
- d. Consider **Resolution No 2024-42**: A Resolution Renewing the Appointment of Municipal Judge Arnold Poole and Increasing Compensation for Such Appointment.
- e. Consider **Resolution No 2024-43**: A Resolution approving the Third Amendment to Employment Agreement between City Manager Jeffrey Towery and the City of McMinnville.
- f. Consider **Resolution No 2024-44**: A Resolution to participate in the New National Opioids Settlement with Kroger and authorizing the City Attorney to take all action to effectuate that participation.
- g. Consider the Minutes of the December 12, 2023, City Council Work Session & Regular Meeting.
- h. Consider the Minutes of the February 21, 2024, City Council Work Session Meeting.

7. NEW BUSINESS

- a. Discussion – Petitioners Request to Refer Initiative Petition 2024-01 to the November 2024 General Election as a Ballot Measure.

8. ADJOURNMENT OF REGULAR MEETING

ENTERED INTO THE RECORD
DATE RECEIVED: 07/17/2024
SUBMITTED BY: listed names below
SUBJECT: Public Comment -

OFFICIAL PETITION
TO
COUNCIL MEMBERS
MCMINNVILLE, OR

RECEIVED
JUL 17 2024
City of McMinnville

City of McMinnville
230 Ne 2nd St
McMinnville, OR 97128-4831

To Members of the McMinnville City Council:

There is a national movement underway to cut back on quality-of-life policing methods such as making arrests for vandalism, littering, loitering, vagrancy, public intoxication, and other quality of life violations.

As a registered voter in McMinnville, I urge you to maintain all quality-of-life policing methods, vigorously defend these methods, support our police in enforcement of quality-of-life violations, and make sure our district attorney is fully behind quality-of-life policing methods.

Quality of life policing, as well as pro-active policing methods, have cleaned up and maintained order in many neighborhoods in our city and helped reduce more serious crime nationwide between 1985 and 2015 by over 50%.

Ms. Gloria Stroh

Mr. Melvin Mattoon

John Cramer Ph. D.

Mr. Philip Darling

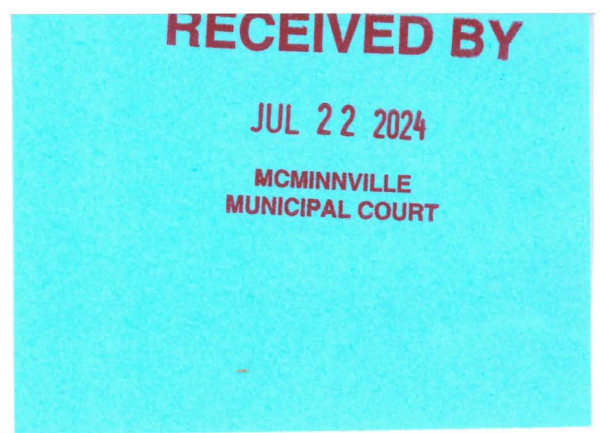
Mr. John Schwartz

Mr. Steven Laughlin

Mr. Vernon Popowski

ENTERED INTO THE RECORD
DATE RECEIVED: 07/22/2024
SUBMITTED BY: Leanna Jeffords
SUBJECT: Public Comment

RECEIVED
JUL 22 2024
CTC
City of McMinnville



July 22, 2024

Dear City Council and Mayor of McMinnville City,

As a resident of McMinnville, I have noticed that the city has been consistently maintaining the streets of McMinnville. I became even more aware of this, when you slurred Redmond Hill Road in front of my house. Although I am glad you are maintaining the streets in McMinnville, I am truly concerned about your staff and the citizens who have to breathe these fumes for days and weeks after the process is finished.

Your staff does not wear masks while working on our streets. I know they would be very hot wearing them but there has to be some kind of protection for these workers. They are breathing in toxic fumes for hours at a time, day after day and it appears month after month as I drive around town looking at all the streets that are being maintained with this black, gooey stuff. I would be curious to know what all is mixed into the slurry. I wonder if their insurance will cover the effects when they are sickened by these fumes.

I also wonder how long this practice extends the life of our roads. Is it for five years or more? Is it truly cost effective? Do any other cities in the area use this slurry practice or hopefully something less toxic? How much is this truly costing the city and the citizens of McMinnville? I have driven around the city to check out some streets that were done before, I am not sure this practice is maintaining our roads as long as we might hope it is when using this process.

I would also be curious to know if other cities around us that are similar in size or bigger practice scurrying their roads. I would really think by now, Oregon and specifically McMinnville would be looking at other options. There has to be some other options or we just shrug our shoulders and go and hope that the toxins don't bother anyone we know.

I want you to know I feel very fortunate to live in the City of McMinnville, but I really hope we can be better than spreading toxic chemicals through the air in our city to children and adults. I walk every day and I can't find a street near my home now that hasn't had slurry applied in the last couple of weeks. I shouldn't have to go to the other side of town to walk in the mornings. The reality is that our streets are being maintained with these same toxic materials or soon will be in the future.

These toxic fumes also impact our dogs, cats and the other animals in our neighborhoods like the deer, birds and farm animals near our city boundaries.

I do hope that the smell and toxins will subside in the weeks to come but is that really good enough?

PLEASE address this issue with your staff and the people that live in McMinnville.

A handwritten signature in cursive script that reads "Leanna Jeffords".

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: The Station
BUSINESS LOCATION ADDRESS: 645 NW Adams St
LIQUOR LICENSE TYPE: New outlet – other public location

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: N/A
Entertainment: N/A
Hours of Music: N/A
Seating Count: N/A

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

Page 1 of 4

Check the appropriate license request option:

[New Outlet](#) | [Change of Ownership](#) | [Greater Privilege](#) | [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT

After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received: July 5, 2024

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

The Station

Trade Name

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Odd Moe's Pizza
BUSINESS LOCATION ADDRESS: 655 SW Keck Dr
LIQUOR LICENSE TYPE: New outlet – limited on-premises and off premises

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: N/A
Entertainment: N/A
Hours of Music: N/A
Seating Count: N/A

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

Page 1 of 4

Check the appropriate license request option:

- [New Outlet](#) | [Change of Ownership](#) | [Greater Privilege](#) | [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received: July 5, 2024

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

Odd Moe's Pizza

Trade Name



STAFF REPORT

DATE: July 8, 2024
TO: Mayor and City Councilors
FROM: Claudia Cisneros, City Recorder
SUBJECT: Request to Permit a Waiver of the Noise Ordinance from Justin Cottrell (Director of Hospitality), from Grounded Hospitality for live music for 2024 Cruising McMinnville, on August 23rd & 24th, 2024

Report in Brief:

This action is the consideration of a request to permit a waiver of the Noise Ordinance.

Background:

Justin Cottrell (Director of Hospitality) from Grounded Hospitality would like to have live music on the designated Main Stage for 2024 Cruising McMinnville a consecutive outdoor live music event on Friday, August 23rd and Saturday, August 24th, 2024, from 4:00pm to 10:00pm at the approved special permit street location in front of The Oak, on NE Davis St., between NE 3rd Street and NE 4th Street. The event will have amplified noise and anticipate roughly 1000 patrons in attendance. If approved by Council the City will be requesting them to notify all residents/businesses within a block radius at a minimum.

The McMinnville Municipal Code, Section 8.10.260, specifies that:

A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code.

In granting previous waivers, the City has requested that the applicant provide notice in advance to affected neighbors.



Attachments:

1. McMinnville Municipal Code (MMC) section 8.10.260 Noises.

Fiscal Impact:

There is no anticipated fiscal impact.

Recommendation:

Should the Council choose to vote in favor of a motion allowing this waiver, the City Manager will write a letter to Justin Cottrell, letting him know that he has the Council's approval.



8.10.260 Noise.

- A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.
- B. It is prohibited for any person on a public way to cause to exist any loud, disturbing or unnecessary noise that either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of other persons or property.
- C. For the purposes of this section, noise exceeding the following thresholds when measured 25 feet from the source if in the right-of-way or 25 feet from the property line if the source is on private property, is presumed to be a nuisance in violation of subsection [A](#) of this section:

ZONE	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.
Residential	55 dBA	50 dBA
Commercial	60 dBA	55 dBA
Light Industrial	70 dBA	65 dBA
Industrial	80 dBA	75 dBA

D. For the purposes of this section, “loud, disturbing or unnecessary noise” includes but is not limited to the following substances, conditions or acts:

1. *Animals and Birds.* The keeping of any bird or animal that disturbs the comfort and repose of any person in the vicinity by causing frequent or long continued noise;
2. *Dog Barking.* The keeping of a dog that barks for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog’s owner or keeper;
3. *Animal Bells.* The attaching of a bell to any animal or allowing a bell to remain on any animal that is disturbing to any person in the immediate vicinity;
4. *Vehicle Noises.* The use of any vehicle or engine, either stationary or moving, in a manner that causes or creates any loud or unnecessary grating, grinding, rattling or other noise, including the discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
5. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any vehicle on any

street, public or private place, except as a necessary warning of danger;

6. *Nonemergency Signaling Devices.* The sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than 10 consecutive seconds in any hourly period, except that the reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city for traffic control purposes are exempt;

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of 7:00 a.m. and 8:00 p.m., except upon special permit granted by the city manager or designee;

8. *Noise Sensitive Areas: Adjacency to Schools, Churches and Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;

9. *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.* The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the city manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

10. *Blowers and Similar Devices.* The operation of any noise-creating blower, power fan, power tools, or any internal combustion engine in a manner the operation of which causes noise due to the explosion of operating gases or fluids:

- a. In a residential district or noise sensitive areas between the hours of 8:00 p.m. and 7:00 a.m.; and
- b. In a manner that can be heard by persons on nearby residential property.

11. *Commercial Establishments Adjacent to Residential Property.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m., that is plainly audible to persons on any nearby residential property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code;
2. Emergency response activities;
3. Vehicles performing repairs or upgrades in the right-of-way, including but not limited to street



**City of McMinnville
Administration**
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702

www.mcminnvilleoregon.gov

sweeping, sewer cleaning, construction and maintenance activities occurring between the hours of 7:00 a.m. and 8:00 p.m.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

STAFF REPORT

DATE: July 09, 2024
TO: McMinnville City Council
FROM: Vicki Hedges, Human Resources Director
SUBJECT: Resolution No. 2024-42, A Resolution Approving an Amendment to the employment agreement with Municipal Judge, Arnold Poole



CITY GOVERNMENT CAPACITY

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

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief:

Resolution No. 2024-42 will authorize an amendment to the employment agreement with the Municipal Judge, Arnold Poole and the City of McMinnville.

Background and Discussion:

The City entered into an Employment Agreement ("Agreement") with Municipal Judge, Arnold Poole ("Municipal Judge") on May 25, 2022.

The agreement authorized a semi-monthly wage of \$2,931 through June 30, 2023. The Municipal Judge has continued to be paid this amount through today's date, without a cost-of-living adjustment (COLA).

This agreement increases the wages for the Municipal Judge by 5.4% from the wage agreed to in May 2022. Additionally, the agreement authorizes an annual COLA to match what other general service City employees receive.

Attachments:

Resolution No. 2024-42

Fiscal Impact:

This agreement will result in an increase of \$157 for each semi-monthly pay period.

Recommendation:

Approve the Consent Agenda.

RESOLUTION NO. 2024-42

A Resolution Renewing the Appointment of Municipal Judge Arnold Poole and Increasing Compensation for Such Appointment.

RECITALS:

Whereas, Arnold Poole was appointed to the position of Municipal Judge on February 25, 2022, subject to annual review by the City; and

Whereas, the City Council finds that Judge Poole has the legal background and training to sufficiently exercise the role of Municipal Judge as required by McMinnville City Charter Section 23; and

Whereas, the Council desires to renew the appointment of Judge Pool, pursuant to its authority under McMinnville City Charter Section 11; and

Whereas, the Council additionally desires to increase the Compensation for the Municipal Judge and subject his contract to standard future cost-of-living adjustments.

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

1. Arnold Poole’s appointment to the position of Municipal Judge is hereby renewed.
2. The City Manager is authorized to amend the Employment Agreement with Judge Poole, increasing his salary to \$3,088, and, beginning July 1, 2025, to be adjusted with the same cost of living adjustments that regular budgeted non-represented full-time employees of the City receive.
3. That this resolution shall replace and supersede any prior resolution regarding the appointment or employment of a municipal judge.
4. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 23rd day of July 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 23rd day of July 2024.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder



City of McMinnville
Human Resources
230 NE Second Street
McMinnville, OR 97128
(503) 434-7303

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: July 09, 2024
TO: McMinnville City Council
FROM: Vicki Hedges, Human Resources Director
SUBJECT: Resolution No. 2024-43, A Resolution Approving a Third Amendment to the employment agreement with City Manager, Jeff Towery



CITY GOVERNMENT CAPACITY

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

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief:

Resolution No. 2024-43 will authorize the third amendment to the employment agreement with the City Manager, Jeff Towery and the City of McMinnville.

Background and Discussion:

The City entered into an Employment Agreement ("Agreement") with City Manager Jeffrey Towery ("City Manager") on February 14, 2017. The City and City Manager executed an amendment to the Agreement on June 26, 2018 ("First Amendment"). The City and City Manager executed a second amendment to the agreement on October 27, 2021 ("Second Amendment").

In 2019, the State of Oregon passed Senate Bill (SB) 1049 (2019), which now allows most retirees who are members of the Public Employees Retirement System (PERS) to retire and continue working full-time for a PERS-participating employer. In 2021, the Council authorized a work-back agreement for the City Manager.

The work-back program requires the City to contribute the standard employer rate on work-back wages but does not require or allow the 6% IAP contribution. Therefore, the City has not been contributing a PERS contribution for the City Manager since he began his work-back in 2021.

Although the City Manager is no longer eligible for PERS contributions, he is eligible for deferred compensation contributions.

Additionally, the current agreement sets a standard contribution of 8%, which sometimes exceeds the limits allowed by the IRS.

This amendment authorizes deferred compensation contributions up to the IRS limits.

Attachments:

Resolution No. 2024-43

Exhibit 1 to Resolution – Third Amendment to Employment Agreement

Fiscal Impact:

As with other payroll-related expenses, deferred compensation costs are built into the annual budget and subject to appropriation by the City Council. Annual impacts will vary, and additional costs should closely mirror full costs prior to retirement and work back.

Recommendation:

Approve the Consent Agenda.

RESOLUTION NO. 2024 - 43

A Resolution approving the Third Amendment to Employment Agreement between City Manager Jeffrey Towery and the City of McMinnville.

RECITALS:

Whereas, the City of McMinnville ("City") entered into an Employment Agreement ("Agreement") with City Manager Jeffrey Towery ("City Manager") on February 14, 2017; and

Whereas, the City and City Manager executed an amendment to the Agreement on June 26, 2018 ("First Amendment") to clarify reporting relationships, increase vacation accrual, update mileage reimbursements, and increase deferred compensation; and

Whereas, the City and City Manager executed an amendment to the Agreement on October 26, 2021 ("Second Amendment") to address the implications of Senate Bill (SB) 1049 (2019); and

Whereas, the parties seek to address the deferred compensation for the City Manager.

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

1. A third amendment to the Employment Agreement, attached hereto and incorporated by reference herein as Exhibit 1, is hereby approved. The Mayor is authorized to sign the Third Amendment on the City's behalf.
2. 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 23rd day of July, 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 23rd day of July 2024.

MAYOR

Approved as to form:

City Attorney

City Recorder

Exhibits:

1. Third Amendment to Employment Agreement - Jeffrey Towery, City Manager

CITY OF McMinnville
THIRD AMENDMENT TO EMPLOYMENT AGREEMENT

This Third Amendment to Employment Agreement (“Third Amendment”) is effective the ____ day of _____ 2024 (“Effective Date”), by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (“City”), and **Jeffrey Towery** (“City Manager”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into an Employment Agreement (“Agreement”) with City Manager on February 14, 2017; and

WHEREAS, the City and City Manager executed an amendment to the Agreement on June 26, 2018 (“First Amendment”); and

WHEREAS, the City and City Manager executed an amendment to the Agreement on October 27, 2021 (“Second Amendment”); and

WHEREAS, the parties seek to address the deferred compensation for the City Manager.

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

AGREEMENT

The Agreement is amended as follows:

SECTION VII. RETIREMENT, DEFERRED COMPENSATION, AND INSURANCE.

Subsection B of Section VII of the Agreement is hereby amended to

“The City Manager will be eligible to participate in the City’s deferred compensation program. If the City Manager elects to participate, the City will contribute the annual maximum allowed by the Internal Revenue Service (IRS). The City will contribute an additional \$7,500 for the Age 50 Catch-Up allowed by IRS regulations during the 2024 calendar year. Each year in May, the Mayor and Council President will review the City’s ability pursuant to the budget capacity and make a unanimous determination whether or not to contribute the allowable Pre-Retirement Catch-Up under IRS regulations.”

[Remainder of Page Intentionally Left Blank]

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

The City Manager and the City hereby agree to all provisions of this Third Amendment.

CITY MANAGER:

JEFFREY TOWERY

By: _____

Print Name: _____

CITY:

CITY OF McMinnville

By: _____

Print Name: _____

As Its: _____

APPROVED AS TO FORM:

David Ligtenberg, City Attorney
City of McMinnville, Oregon



City of McMinnville
City Attorney's Office
230 NE Second Street
McMinnville, OR 97128
(503) 434-7303

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: July 23, 2024
TO: Mayor and City Councilors
FROM: David Ligtenberg, City Attorney
SUBJECT: National Opioids Settlement

Report in Brief:

The City has the opportunity to participate in a new National Opioid Settlement, thereby receiving a share of settlement funds and releasing Kroger from any claims it may currently have.

Discussion:

In early 2023, the City elected to participate, along with approximately 80 other Oregon subdivisions and localities, in a series of National Opioid Settlements against Teva, Allergan, CVS, Walgreens, and Walmart. By participating, the City released those entities from any unique claims the City may have had at the time. Having done so, the City has begun to receive settlement fund distributions from those entities (just over .48%, or ~\$94,000). Opioid settlement funds may only be used in approved, opioid remediation uses, and the City continues to seek out partners and opportunities to effectively spend those funds.

Now, a similar settlement has been reached with Kroger. Subject to the same terms and distributions, the City has the opportunity to participate and receive additional opioid settlement funds.

Attachments:

1. Resolution 2024-44: A Resolution to participate in the New National Opioids Settlement with Kroger and authorizing the City Attorney to take all action to effectuate that participation.

Fiscal Impact:

The City will receive a portion of the monetary settlement with Kroger. Funds received under a settlement agreement are subject to limitations on its expenditure to opioid remediation and abatement strategies.

RESOLUTION NO. 2024-44

A Resolution to participate in the New National Opioids Settlement with Kroger and authorizing the City Attorney to take all action to effectuate that participation.

RECITALS:

Whereas, subdivisions and localities in the State of Oregon have been participating in National Opioids Settlements; and

Whereas, the City of McMinnville has previously participated in settlements against Teva, Allergan, CVS, Walgreens, and Walmart, releasing them from any unique claims the City may have had at the time; and

Whereas, a New National Opioids Settlement has been reached with Kroger; and

Whereas, the City must elect to participate by August 12, 2024.

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

1. That the City of McMinnville shall participate in the New National Opioids Settlement with Kroger.
2. That the City Attorney is authorized to take all action to effectuate that participation.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 23rd day of July, 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 23rd day of July, 2024.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

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

Tuesday, December 12, 2023 at 6:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin, Council President	
	Kellie Menke	
	Zack Geary	
	Sal Peralta	
	Chris Chenoweth	
	Jessica Payne	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Information Services Director Scott Burke, Finance Director Jennifer Cuellar, Parks and Recreation Director Susan Muir, Interim Public Works Director James Lofton, Senior Planner Tom Schauer, Wastewater Services Manager Leland Koester, Public Works Superintendent David Renshaw, Park Maintenance Supervisor Liz Fliszar, Communications and Engagement Specialist Noelle Amaya, and *members of the News Media Kyle Dauterman, McMinnville Community Media and Scott Unger, News-Register.*

1. CALL TO ORDER: Mayor Drabkin called the meeting to order at 6:00 p.m. and welcomed all in attendance.

2. PARK MAINTENANCE LEVEL OF SERVICE:

Parks and Recreation Director Muir introduced the topic. She gave a context of past conversations and planning around park maintenance.

Jon Pheanis, consultant, discussed key needs for the parks system and key maintenance objectives.

Public Works Superintendent Renshaw gave a current maintenance overview.

Park Maintenance Supervisor Fliszar broke down staff's workload including park operations, park security, demand work, and significant maintenance programs.

Public Works Superintendent Renshaw explained the cost per acre metric, which was a target of \$5,000 per acre. The City was reaching 82% of the target. With the planned personnel add package for FY 24-25, it would increase to 87% of the target. He discussed FTE per acre, maintenance efficiencies, asset management and renewal, balanced approach to maintenance funding, and planned software update for maintenance management.

Mr. Pheanis showed examples of efficiencies in design.

Public Works Superintendent Renshaw gave examples of efficiencies in staff deployment and strategic contract use.

3. ADJOURNMENT: Mayor Drabkin adjourned the meeting at 6:51 pm.

Claudia Cisneros, City Recorder

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

Tuesday, December 12, 2023 at 7:00 p.m.

Presiding: Remy Drabkin, Mayor

Councilors: Present Absent
Adam Garvin, Council President
Kellie Menke
Zack Geary
Sal Peralta
Jessica Payne
Chris Chenoweth

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Special Legal Counsel Walt Gowell, Information Services Director Scott Burke, Finance Director Jennifer Cuellar, Parks and Recreation Director Susan Muir, Interim Public Works Director James Lofton, Senior Planner Tom Schauer, Wastewater Services Manager Leland Koester, Public Works Superintendent David Renshaw, Park Maintenance Supervisor Liz Fliszar, Police Chief Matt Scales, Interim Fire Chief Amy Hanifan, Training Chief/Interim Ops Chief Scott Law, Special Legal Counsel Bill Kabeiseman, and *members of the News Media Kyle Dauterman, McMinnville Community Media and Scott Unger, News-Register.*

1. CALL TO ORDER: Mayor Drabkin called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE
Police Officers led the pledge of allegiance.
3. CEREMONIES
- 3.a. Police Department Oath of Office
Police Chief Scales performed the oath of office to several Corporals.
4. INVITATION TO CITIZENS FOR PUBLIC COMMENT
City Recorder Cisneros said Council received a letter from Krista Powell.

William Sykes, McMinnville Community Member, spoke about the code in regard to noise pollution from loud vehicles on the City's streets. He thought there should be a conversation about solutions.

5. PRESENTATIONS

5.a. McMinnville Water & Light (MW&L) Update

John Dietz, MW&L General Manager, gave an update on water capital projects, water "shovel ready" projects, water transmission line phases, electric capital projects, Facility Master Plan and phasing, project costs, supply chain challenges, and BPA contract post 2028.

There was discussion regarding financing projects, future rate increase, electricity use, impact of electric vehicles, working with watershed property owners on wildfire mitigation, replacing direct buried underground lines, converting overhead lines to underground, and replacing aging water lines.

5.b. McMinnville Downtown Association (MDA) Annual Presentation

Doris Towery, Executive Director, and Dani Chisholm, Board President, gave the presentation. They discussed MDA's mission, values statement, MDA team, Board of Directors, Board priorities, four pillars of Main Street, Economic Vitality Committee, Promotion Committee, Organization Committee, Design Committee, Farmers Market, Dine Outside program, UFO Festival, annual awards, gift card sales, other ongoing efforts, and Scratch Offs.

6. PUBLIC HEARING

6.a. Consider **Resolution No. 2023-66**: A Resolution adopting a supplemental budget amendment for fiscal year 2023-24 in the Affordable Housing Fund

Mayor Drabkin opened the public hearing. She asked if any Councilor needed to declare a potential conflict of interest or recuse themselves from the hearing. There was none.

Finance Director Cuellar said the supplemental budget was needed as the amendment exceeded 10% of the original appropriation of the budget that was adopted. The amendment included a new grant and extra amounts in the Affordable Housing Grant distributions.

There was discussion regarding the navigation center and county partnership.

There was no public testimony.

Mayor Drabkin closed the public hearing.

7. ADVICE/ INFORMATION ITEMS

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

Councilor Payne reported on Landscape Review Committee decisions, Department of Corrections supplemental funding, and County Equity Action Plan.

Councilor Peralta reported on the Council of Governments award nominations and legislative reforms to Measure 110.

Councilor Geary reported on the Third Street Improvement Project Advisory Committee where calculating stormwater improvements and rate options was discussed.

Council President Garvin reported on the Fire District IGA and YCOM meeting.

Mayor Drabkin discussed Committee interviews, Council Retreat, Victory Institute Conference, meeting with Senator Wyden, and Oregon Business Summit.

7.b. Department Head Reports

City Manager Towery discussed Public Works Director interviews and vacation time.

Finance Director Cuellar shared they were zeroing in on the deadline for submitting FY 2022-23 financial statements.

Wastewater Services Manager Koester gave an update on the local limits work for the pretreatment program.

Police Chief Scales reported on a round table regarding Measure 110, recruitment efforts, and Shop with a Cop and Adopt a Family programs.

Parks and Recreation Director Muir announced the Senior Center holiday party on Friday and upcoming Winter Fun program.

Interim Fire Chief Hanifan spoke about transitioning from City to District and holiday programs.

8. CONSENT AGENDA

- a. Consider the Request to Permit a Waiver of the Noise Ordinance from Chris Durig of The Oak for December 31, 2023, for a New Year's Eve Party.
- b. Consider **Resolution No. 2023-69**: A Resolution Approving an Amendment to the Intergovernmental Agreement Between the City of McMinnville, Oregon, and McMinnville Fire District for Temporary Fire and Emergency Response Services for a Specified Term.
- c. Consider **Resolution No. 2023-70**: A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions.

Mayor Drabkin pulled item 8c from the consent agenda.

Councilor Peralta MOVED to adopt the consent agenda except 8c; SECONDED by Councilor Menke. Motion PASSED unanimously.

Consider **Resolution No. 2023-70**: A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions.

Committee Members who were present at the meeting introduced themselves.

*Councilor Chenoweth MOVED to adopt **Resolution 2023-70**; SECONDED by Councilor Payne. Motion PASSED unanimously 6-0.*

9. NEW BUSINESS

9.a. McMinnville Water and Light Commission Appointment

Mayor Drabkin recommended reappointing Jody Christensen to the McMinnville Water and Light Commission.

There was discussion regarding the recruitment process.

Councilor Menke MOVED to approve the appointment; SECONDED by Councilor Payne. Motion PASSED unanimously 6-0.

10. RESOLUTIONS

10.a. Consider **Resolution No. 2023-64**: A Resolution Awarding the Contract for Park and Open Space Unarmed Security Services to NAS Security Services LLC.

Public Works Supervisor Renshaw said this was for the park security program, which had been an effective program in the past.

City Attorney Ligtenberg discussed a minor amendment to the contract.

Councilor Menke MOVED to adopt Resolution 2023-64 as amended; SECONDED by Councilor Chenoweth. Motion PASSED unanimously 6-0.

- 10.b. Consider **Resolution No. 2023-66**: A Resolution adopting a supplemental budget amendment for fiscal year 2023-24 in the Affordable Housing Fund.

Finance Director Cuellar said this resolution was in relation to the earlier public hearing.

Councilor Peralta MOVED to adopt Resolution 2023-66; SECONDED by Councilor Menke. Motion PASSED unanimously 6-0.

- 10.c. Consider **Resolution No. 2023-67**: A Resolution adopting a fiscal year 2023-24 a contingency transfer in the General Fund and a budget amendment for the Fire District Transition Fund and General Fund.

Finance Director Cuellar said this budget amendment addressed a financial planning issue that was missed in the transition to the Fire District. This had to do with the accumulated unused leave of employees that transitioned from the City to the District and needed to be paid by the City to the District.

Councilor Payne MOVED to adopt Resolution 2023-67; SECONDED by Councilor Menke. Motion PASSED unanimously 6-0.

- 10.d. Consider **Resolution No. 2023-68**: A Resolution Approving and Authorizing Execution of an Intergovernmental Agreement for the Transfer of Assets, Obligations and Liabilities to the McMinnville Fire District.

Special Legal Counsel Gowell said this resolution was a culmination of the Council's work and would authorize the transfer of the Fire Department's assets to the newly formed Fire District. He specified the assets that would be transferred as well as the liabilities. He also explained the cooperation clauses, assignment of leases, transfer of public records, assignment of contracts, dispute resolution provision, and reimbursement of tax revenue.

There was discussion regarding transfer of property and Medicare reimbursement.

Councilor Geary MOVED to adopt Resolution 2023-68; SECONDED by Councilor Chenoweth. Motion PASSED unanimously 6-0.

11. ORDINANCE

- 11.a. Consider the second reading of **Ordinance No. 5141**: An Ordinance Adopting the November 2023 “McMinnville Urbanization Report”, and Updating the McMinnville Comprehensive Plan, Volume I, by Adopting the November 2023 “McMinnville Housing Needs Analysis” and the November 2023 “McMinnville Economic Opportunities Analysis”, and Repealing Ordinances No. 4746 and 4976.

Special Legal Counsel Kabeiseman said the Department of Land Conservation and Development noted a sequencing issue that if they were to adopt this ordinance now it could cause problems with the review because it was out of sequence. He recommended delaying adoption of the ordinance. The deadline DLCD had given the City was being extended and no harm would come to the City for not meeting the previous deadline.

12. ADJOURNMENT: Mayor Drabkin adjourned the Regular City Council Meeting at 9:05 p.m.

Claudia Cisneros, City Recorder

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

Wednesday, February 21, 2024 at 6:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin, Council President	
	Zack Geary	
	Kellie Menke	
	Sal Peralta	
	Chris Chenoweth	
	Jessica Payne	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Deputy City Recorder/Exec Assistant Daniel Ruiz, Police Chief Matt Scales, Police Captain Scott Fessler, Fire Marshal Ty Darby, Community Development Director Heather Richards, Parks and Recreation Director Susan Muir, Library Director Jenny Berg, Municipal Court Supervisor Jason Carbajal, Interim Public Works Director James Lofton, Public Works Superintendent David Renshaw, Finance Director Jennifer Cuellar, Park Maintenance Supervisor Liz Fliszar, Communications & Engagement Manager Noelle Amaya, and *members of the News Media Phil Guzzo, McMinnville Community Media and Scott Unger, News-Register.*

1. CALL TO ORDER: Mayor Drabkin called the meeting to order at 6:00 p.m. and welcomed all in attendance.

2. COMMUNITY LEARNING SESSION: UNDERSTANDING PROHIBITED CAMPING POLICIES

City Attorney Ligtenberg reviewed the City’s historic enforcement to address camping including City ordinances, Martin v. Boise case, HB 3115, and HB 3124.

There was discussion regarding the definition of “established campsite”.

City Attorney Ligtenberg reviewed the Blake v. Grants Pass and Bilodeau, et al v. Medford cases.

There was discussion regarding shelters requiring sobriety did not qualify as available bed space, Grants Pass and Medford decisions, monitoring available beds, number of available beds in the community, what Medford had done for homeless services, enforcement and consequences, comparing the City's code with Medford's, caveats to the 72-hour notice requirement, and Measure 110.

Public Works Superintendent Renshaw gave a snapshot of issues in park operations, security contract/cleanups, rights-of-way, and environmental concerns they had been facing. There had been a change to the frequency and intensity of these issues.

There was discussion regarding regulations on site contamination, partnership with the County, impacts to standard public works and parks service, and parks zoning.

Parks and Recreation Director Muir spoke about issues at the Community Center, Aquatic Center, and Senior Center, especially in the parking lots and bathrooms.

There was discussion regarding additional costs for increased security measures, behavior and maintenance on park trails, and how RVs fit in the court cases.

The Council took a short break.

Library Director Berg pointed out how the library served the homeless and the challenging situations they had faced.

There was discussion regarding the newly formed Behavior Response Committee, additional costs for increased security measures, direction from Council to staff to start a data collection process, and impact on staff.

Community Development Director Richards explained the resources and partnerships the City had to help build shelter and bed capacity including Affordable Housing Committee work, Housing for Homeless Subcommittee, tiny home initiative, property search, vehicular homeless, and partnerships.

Municipal Court Supervisor Carbajal gave Municipal Court case statistics from 2022 and 2023 as well as the current approach to prohibited camping citations and Municipal Court partners. They would like to pursue Community Court and other programs cities were doing.

There was discussion regarding the Downtown Exclusionary Zone ordinance, access to the jail, lack of staffing at the jail, software upgrade,

requesting extra days for court, no shows to court, other issues related to homeless besides camping that were being addressed through municipal court, and budgetary requests.

Police Chief Scales and Captain Fessler reviewed enforcement, abatement, and gaps. One of the largest gaps was addressing fires due to cooking and warming. The other was encampments in school zones.

Fire Marshal Darby explained the issues surrounding these open fires.

There was discussion regarding replacement of Officer Heidt, enforcement difference for the camping ordinance and criminal behaviors for residential areas and parks, changing the establishment definition and timing of abatement, risk assessment, RV abatement process, towing uninsured vehicles, current camping enforcement map and creating boundaries around the schools, number of abatements, citing for the open flame ban, litigation risk, effect of response to open flame fire calls and risk that put the rest of the City considering service levels, differentiating backyard burning from the open flame ban, citation category for the open flame ban, potential outcomes of a lawsuit, and percentage of streets where camping was allowed currently and how it would change if a school buffer was implemented.

Mayor Drabkin reviewed the follow up items for staff to do. The Council was interested in moving forward with ordinances related to the open flame ban and school buffer zones as well as changing the established campsite definition. The buffers would be discussed at the joint Council/School Board meeting.

3. ADJOURNMENT: Mayor Drabkin adjourned the meeting at 9:56 pm.

Claudia Cisneros, City Recorder

From: [Chris Chenoweth](#)
To: [Jeff Towery](#); humformac@gmail.com; [Mayor Remy Drabkin](#); [Claudia Cisneros](#)
Subject: 2024-1
Date: Monday, July 15, 2024 2:51:28 PM

This message originated outside of the City of McMinnville.

Mr. Towery and Mayor Drabkin,

We are writing you to ask the City Council to refer our petition to the November ballot. At this point we will not have enough signature to qualify via signature collection but have full confidence we will in time for the May ballot. As such it becomes a matter of practicality. For two main reasons we believe the November ballot is superior to May.

1. The City intends to place a bond on the May ballot. We believe it is important that residents weigh these two independently of each other. We do not want our measure to impact the vote for the bond.
2. We believe tax measures, for or against, should always fall on presidential or gubernatorial November elections to provide the greatest feedback to governing bodies.

Thank you in advance for your consideration.

Chris Chenoweth & George Humlie