



City of Yamhill

A small taste of Oregon

CITY OF YAMHILL, CITY COUNCIL MEETING Wednesday, February 12, 2020 7:00 P.M. MINUTES

REGULAR MEETING

1. **CALL TO ORDER:** Roll Call

The meeting was called to order by Mayor Potter at 7:00PM

Present: Mayor Potter and Councilors, Disbrow, Askey and M. Gilmore

Excused Absence: Councilor Echauri

Staff present: City Recorder Gilmore, Interim-Superintendent Malis, Chief Graven
Attorney Walt Gowell

2. **FLAG SALUTE:**

Mayor Potter led the flag salute with all those present participating.

3. **PUBLIC COMMENT:**

Wesley Brewer, a Senior at Yamhill/Carlton High School is doing a senior project involving setting up a small Library in town and would like an area for a desk and space for shelves. Mayor Potter expressed interest in the project and requested Wesley return with more specifics and the Council would be able to make a determination on the request.

4. **PRESENTATIONS & APPOINTMENTS:**

- A. National Child Abuse Prevention Month- April Campaign- Juliette's House- Carole Joa. Proclamation in support included.

Carole Joa was not in attendance, but Chief Graven gave a brief overview of the April Campaign. April is National Child Abuse Prevention Month, a month-long campaign to promote awareness about child abuse and neglect using "Pinwheels for Prevention", (a happy symbol of childhood) wearing blue ribbons and placing blue pinwheels in highly visible places.

Juliette's House has asked the City to adopt a proclamation proclaiming April to be National Child Abuse prevention month. Mayor Potter stated that the City will be supporting the campaign again this April, and she will sign the proclamation.

- B. Homeward Bound Pets, 2020-2021 funding request, Ronnie Vostinak, Executive Director.

Ronnie Vostinak, Executive Director for Homeward Bound Pets was in attendance and provided an update for 2019. The shelter is celebrating their 45th anniversary this year as Oregon's first no-kill shelter. The shelter is proud to have found forever homes for 675 dogs and cats in 2019. Last year, 279 dogs came into their shelter through dog control and 206 were reunited with their families. The funding request of \$1,000.00 is for the shelter medical fund. The service includes needed surgeries, spay/neutering, vaccinations and microchipping. Homeward Bound Pets is asking for the City's support so they may continue to serve Yamhill County.

Mayor Potter noted that the City of Yamhill will take this into consideration at budget time, as the Council appreciates the valuable service the shelter provides.

5. UNFINISHED BUSINESS:

- A. Discuss citizens concern for traffic speed enforcement on Highway 47 and the submitted citizen petition received January 8, 2020.

Continued from the January 8, 2010 Council Meeting where Patty Pairan of Maple Street in Yamhill addressed the Council to discuss the lack of speeding enforcement in Yamhill. Pairan stated that she has been coming to council meetings for the last two years and does not feel that there have been any resolutions with her complaints. Pairan provided a signed petition from citizens that also show concern for speeding enforcement and urging city leaders to require the Yamhill Police Department to enforce the 20mph school zone speed and the 25mph city speed zone.

Mayor Potter respected Pairan for her time spent collecting the signatures and the petition complaint will be reviewed, discussed and Pairan will receive a response.

Patty Pairan of Yamhill was in attendance and requested a response to last months submitted petition and asked what the Police Chief has planned for better enforcement of the speeding in our City because she does not believe there has been any change and continues to be a lack of enforcement.

Mayor Potter responded that there have been many discussions on the best way to express what the City is doing and planning for concerning speed enforcement that includes more signage, making the crosswalks safer and visible and continue to pressure O.D.O.T to allow a traffic light or stop sign at Highway 240 and Highway 47.

Potter reported that there were 55 citations in the month of January and 75 warnings. Pairan believes that if more citations were issued than warnings that people would slow down. Potter expressed that the Yamhill Police Department are doing their job and that the monthly statistics prove it in her opinion.

Pairan stated that she believes that 95% of cars traveling on Highway 47 in the 25 mile an hour zone are going over the speed limit. Pairan has asked for over two years for an officer to sit for at least one hour a week in various locations to catch speeders and also, wouldn't be opposed to speed traps being set up.

Potter reported that there have been 250 traffic stops in the last 60 days and reiterated that she believes the Police Department are doing their job but also agrees there are speeders on Highway 47 and the department will continue to patrol and make appropriate traffic stops.

6. ORDINANCES:

FIRST READING:

A. None Scheduled

SECOND READING:

A. None Scheduled

7. NEW BUSINESS:

None Scheduled.

8. CONSENT AGENDA:

A. Approve Council Minutes

(1) Regular Session January 8, 2020

(2) Special Session January 15, 2020

B. Financial Statements

C. Approve the following Purchase Order:

(1) PO # 20-037 Staples Office - \$564.12 - Canon Printer- PD

(2) PO # 20-038 Roto-Rooter - \$787.60 – emergency repair

(3) PO # 20-039 S & W Electric Works - \$1,986.00 – repair effluent pump #4.

Motion by Disbrow, seconded by Askey to approve the Consent Agenda as presented.

Roll call: Ayes: Potter, Disbrow, M. Gilmore and Askey

Nays: None

The motion carried.

9. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

A. Police Review– Graven – Monthly report in packets

Chief Graven stated that he does appreciate input regarding how his organization is doing and would like to address both the public and Council that his Police Officers spend at least 50% of their shifts doing traffic enforcement. Chief Graven also expressed concern for speeding and the results caused by speeding and reported that the City receives Federal Funding Grants that helps with traffic enforcement of DUI, distracted driving, pedestrian safety and Seatbelt violations. The Yamhill Police Department will continue to participate in enhanced traffic patrols, next month specifically relating to distracted driving (cell phone use). Chief Graven advised that the Yamhill Police Department will continue to strive to keep our citizens safe and are committed to the reduction of traffic offenses which most frequently result in injuries and property damage. Enforcement efforts will be on-going as they work with the community.

B. Public Works Review –

Bernard Malis reported that two weeks ago there were over 4 inches of rain over night that caused almost 1,000,000 gallons of wastewater intake, with the normal average flow at about 100,000 gallons. The crew were able to avoid any major problems by using extra pumps and working about 20 hours. Malis also reported they have completed some road patch work on Hemlock Street and are almost done installing new street signs on First Street. The Water Plant SCADA system project is complete with a few final adjustments being done.

C. Mayor/Administration Review-

City Recorder Gilmore reported to the Council that there has been ongoing vandalism at the Beulah Park bathrooms and requested that the bathrooms be locked until springtime. If approved, a port-a-potty would be provided during the off-season while bathrooms are locked. Council consensus is to allow City Staff to make the decision, but requests if a group makes reservations for the use of the park, that the doors be unlocked during that time.

Mayor Potter reported that she recently met with the Yamhill/Carlton Together Cares group, (YCTC) which is an organization that works both with Yamhill and Carlton and works with youth between the ages of 12 and 18. They support afterschool and youth activities, and also teach volunteerism to the youth and need opportunities for the youth to help the community by doing volunteer work. Potter would like suggestions for city projects or possibly community members that may need work done and provide the information to YCTC.

D. Council Review

Councilor Disbrow reported that the new location of the recycling area is working out much better, with less garbage being dumped. PGE will be installing a new light pole near the area on February 25, 2020.

E. Emergency Preparedness Review

Disbrow would like a E.O.C. workgroup meeting scheduled, as no future meetings have been scheduled. Potter directed Disbrow to organize a meeting preferably on a Friday and send a meeting request to those parties involved.

10. **EXECUTIVE SESSION: 8:15PM**

- A. Consider convening in executive session under ORS 192-660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation likely to be filed.
- B. Consider convening in executive session under ORS 192-660(2)(e) to conduct deliberations to negotiate real property transactions.

Following discussion Mayor Potter adjourned the Executive Session at 8:33pm

Following adjournment of the executive session, Mayor Potter called the regular session to order again at 8:35PM.

Present: Mayor Potter and Councilors, Disbrow, Askey and M. Gilmore
Excused Absence: Councilor Echauri
Staff present: City Recorder Gilmore, Interim-Superintendent Malis, Chief Graven,
Attorney Walt Gowell

Mayor Potter stated Council's next item of business was to consider action related to the executive session.

City Attorney Gowell provided information from a recent mediation meeting relating to the property known locally as the "Pitfido" former Yamhill Service Station located at 210 S. Maple Street at Yamhill Oregon. This property has been the subject of a significant Department of Environmental Quality clean-up action for several years resulting in a partial settlement between the DEQ and certain parties. Last year, a Notice of Contingent Claim was received from Mark Bierly, Attorney at Law representing Glen Nelson Oil Company, Inc., and asserts that the City of Yamhill may have and may assert a future or contingent claim against Glen Nelson, Inc. and its shareholders, arising from any future expense or remediation claim in the future relating to the Yamhill Service Station for which the City of Yamhill may have any future financial responsibility.

The mediation meeting was not attended by Attorney Gowell, but a potential settlement range was provided for the City by Gowell to the parties involved.

In exchange for release of all claims against that entity, the City is being offered the sum of \$15,000.00 and Gowell recommends it as a fair and rational settlement on the part of the City.

Motion by Disbrow, seconded by Potter that the City of Yamhill accept the Nelson Oil Company \$15,000.00 settlement offer and authorize Mayor Potter to sign the settlement document.

Roll call: Ayes: Potter, Disbrow, M. Gilmore and Askey
Nays: None

The motion carried.

Attorney Gowell commented on the Agenda Item regarding the on-going citizens concern for traffic speed enforcement in town. Gowell recommended that the Mayor use her authority to limit discussion of an item when it is past the point of being productive.

Gowell's view is that when comments have been stated several times over there is no reason to continue to have it as an agenda item but could be done during public comment where three or five minutes are allowed. If information is repeatedly addressed and there is no issue that the Council is interested in deliberating about because deliberation is complete and are satisfied with the decision or outcome, then Council does not need to allow it to be an agenda item month after month.

Councilor Disbrow questioned Attorney Gowell regarding the Water Transmission Line project and if he would be reviewing the contract for the construction agreement. Gowell stated that the City Engineers will draft the contract and he will be reviewing it before it

goes out for bid. Gowell will be reviewing information regarding the bonds, the insurance requirements, liquidated damage clause, complies with procurement requirements and so forth. The bidding documents have separate requirements from the contract documents that Gowell will also be reviewing. The process is once the bid documents are published for approximately for 4-6 weeks, bids received will be opened at the specified time and date that was published, that will show the apparent low bidder. A responsibility investigation will be done on the low bidder to determine the low bidder is capable and has the financial resources to complete the project and acquire bonding. After that process, the engineers will make a recommendation that you award to that particular bidder, which will come to a Council Meeting for approval of the conditional award. A notice of intent to award will then be issued to all received bids which will then have seven days to file any protests regarding the bid choice. If no objections are filed during the seven days, than the notice of award becomes final and the awarded bidder moves forward with submitting contracts and obtaining insurance certificates and bonds that are submitted to Gowell for review and forwarded to the Mayor for signing, and a notice to proceed is done and the contract is executed. The timeline from the construction contract review to the notice to proceed is several months.

11. INFORMATION/ANNOUNCEMENTS:

- A. City Offices will be closed Monday, February 17, 2020 – President’s Day.
- B. City County Dinner hosted by The City of Newberg – February 20, 2020.
- C. OLCC License renewal list- informational only.
- D. Vacancies:
Budget Committee - 1 member- Applications are available at City Hall.

12. ADJOURNMENT: 8:45PM

Motion by Disbrow that the meeting adjourn at 8:45PM.

The motion carried by unanimous vote.
Respectfully submitted,

Yvette Potter
Mayor, City of Yamhill

ATTEST:
Lori Gilmore, City Recorder