



**CITY OF YAMHILL, CITY COUNCIL MEETING
Wednesday, November 14, 2018 7:00 P.M.
MINUTES**

REGULAR MEETING

1. CALL TO ORDER: Roll Call

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

Present: Mayor Terp and Councilors Disbrow, Echauri, Gray and Potter
Staff present: City Recorder Gilmore, Superintendent Howard, Chief Graven

2. PUBLIC COMMENT:

Chuck Mitchell of 2nd St, Yamhill would like to discuss the City's Municipal Code that addresses Accessory Dwelling Units and requires independent services that include water, sewer and electricity. Mitchell believes the word independent needs to be removed from the Code. It was noted that the Planning Commission reviewed and updated this code last year and Mitchell is the Planning Chair. Mayor Terp referred Mitchell back to the Planning Commission for reviewing the code and to follow the necessary process for any changes.

Rocky Losli made a request regarding a scheduled Bridge replacement on Laughlin Road that will cause a closure of the road. Losli reported that a possible quicker and less expensive remedy for the bridge replacement would be to install a culvert at the location. Losli stated that the Yamhill County Public Works Road Director also would like to place a culvert at the location. Losli asked the Council if they would be willing to sign a document that would state the City's agreement for the Department of Fish and Wildlife to exempt the building of the bridge via a large culvert. If a culvert is not used, the bridge replacement estimate would take close to a year. Mayor Terp stated a willingness to agree to a culvert but would require more information before making a Council decision. Consensus was that Council would be open to an agreement once more information was received.

Mike Bracken of 240 W. 3rd Street requested an update for the DeMoss & Gutterman business moving from W. 3rd Street. This has been an ongoing item on the Council's agenda since September 2017. Sue Richardson was not in attendance but provided Gilmore with an update via a phone call on November 13, 2018. Richardson stated that all trucks, equipment and most inventory have been moved to the new location on Highway 47. Only the office staff and estimator are still at the 3rd Street location.

Richardson reported that all truck deliveries are being made at the new location and no disturbances should be happening at the 3rd Street location and reported that the office would be moved soon. Bracken was satisfied with the update.

3. PRESENTATIONS & APPOINTMENTS:

A. None Scheduled.

4. UNFINISHED BUSINESS:

A. Discuss approving obligation of revenues from the timber harvest for water projects.

During the October 10, 2018 Council Meeting, there was discussion regarding consideration of obligating funds from the timber sale to pay off a current water debt loan of approximately \$150,000.00, upgrade the Water plant SCADA system of approximately \$80,000.00 and fund the installation of the booster pump, for a total obligation of \$480,000.00.

The current Timber Harvest Income is \$660,327.00 to date and staff does not have an estimate for the final income amount at this time.

Council consensus is for staff to budget for these expenditures in the next 2019/2020 Fiscal Year. It was noted that the income is in the unappropriated General Fund balance and can not be spent this Fiscal Year unless a supplemental budget is approved.

B. Follow-up on the parking complaints on N. Olive Street and W. Main Street during the October 10, 2018 Council Meeting.

During the October 10, 2018 Council Meeting, there were complaints brought up during the Public Comment section and Council suggested that violation letters be sent prior to contacting Yamhill County for "No Parking Signs" for the 145 N. Olive Street violation. Discussion continued regarding the business owner at 190 W. Main Street and staff was directed to order no parking signs and paint the curb areas yellow at the entrance area to 190 W. Main Street. A complaint was also received regarding a clear vision hazard at the residence of 417 N. Olive Street. Council recommended reporting follow-up information at the November 14, 2018 Council Meeting.

Chief Graven reported that the Police staff are trying to educate citizens regarding the no parking areas and have also issued a few citations for the violations.

Howard reported that Public Works is in the process of ordering more signs and painting the curb and no parking areas yellow. Staff also noted that no further complaints have been received from the business owners.

C. Continue discussing plans to replace City Hall flag pole.

Continued discussion from the July 11, 2018 Council Meeting regarding moving the City Hall Flag away from the corner of the building and getting a larger flag with a taller pole that can be placed half-mast when necessary. At the July meeting, it was noted that Officer Miller would be helping with the project and work with Police Reserve Officer Chris Livingston to obtain a donated flag and pole. Miller would coordinate the project

with Superintendent Howard on the location and the access for running power for the lighting of the flag.

Graven reported that Officer Miller and Officer Livingston have been directed recently to coordinate with Howard regarding the new location for the flag pole. Council decided to use the current flag pole and possibly purchase a larger flag once the pole is moved to the new location at the south side of City Hall. Terp asked for a definitive timeline for completing the project and was assured it would be completed by the end of March 2019.

5. ORDINANCES:

FIRST READING:

A. None Scheduled

SECOND READING:

A. None Scheduled

6. NEW BUSINESS:

A. Receive Annual Financial Audit for year ending June 30, 2018, and authorize Mayor Terp to sign acceptance.

Motion by Echauri, seconded by Disbrow to accept the Financial Audit from Grove, Mueller & Swank, P.C. for year ending June 30, 2018 and authorize Mayor Terp to sign acceptance.

Roll call: Ayes: Potter, Disbrow, Terp, Echauri and Gray
Nays: None

The motion carried.

Councilor Disbrow thanked Treasurer Gilmore for her hard work on the yearly audit and stated a lot of progress has been made in the last few years completing the audit with no deficiencies.

B Consider request from Yamhill-Carlton School District to waive System Development Charges for their development project.

A letter from the Yamhill Carlton School District was received on October 26, 2018 requesting a waiver of the System Development Charge fees (SDC) for the project development of the domed CTE and gymnasium buildings. Yamhill Municipal Code 2.20.020 states "The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater, drainage, streets, flood control, and parks and upon those developments that create the need for or increase the demands on capital improvements."

The School District states that through the development of the project, the district upsized approximately 1,400 lineal feet of 8-inch water line to a 12 inch water line. The District believes that the installation of the line meets the intended requirement for SDC

credit and is requesting the SDC costs for the three new services on School District property be waived. It was noted that the current Water SDC fee is \$5,867.00 per connection to the water system.

Patty Pairan had concern regarding the City waiving SDC fees as she feels the School District has mismanaged the School Bond money and shouldn't be forgiven costs because they have over spent.

Mayor Terp explained that our City Municipal Code allows for the forgiveness of SDC fees if the developer makes capital improvements. The upgrade of the water line to a 12- inch water line has significantly saved the City more money than what the revenue received would be for the SDC amounts totaling \$17,601.00. Terp reiterated that the waiving of SDC fees has no bearing on how the School District has spent revenue received from their school bond.

Motion by Echauri, seconded by Gray to approve the School Districts request to waive the Water SDC's for their Development Project.

Roll call: Ayes: Potter, Disbrow, Terp, Echauri and Gray
Nays: None

The motion carried.

- C. Consider request from Yamhill-Carlton School District to waive Professional Service Fees in the amount of \$12,408.00 for their development project.

At the October 10, 2018 Council meeting Howard discussed that the City's current development application fee includes four hours of professional services provided by the City and states that each applicant is responsible for all costs over the four hours provided. To date, the City has paid over \$27,000.00 in engineering fees and costs associated with the development of the School District building project. There is currently \$22,000.00 in the School Districts water line project fund that has been maintained by the City for the Pike Road to the School District property pipeline. Howard suggested that if the School District agrees, that the balance the School District owes for professional service fees of \$27,000.00 be taken out of the water line project fund account that currently has \$22,000.00 and not charge them for any balance for professional services.

Howard also reported that the School District is required to complete the remaining public improvement work on their section of E. Azalea Street where it was dug up to install pipeline for their project. The estimated cost for the School Districts portion is \$7,000.00, and an agreement was discussed to have the district pay the City for their section and the City would complete the improvement work.

A letter was received November 6, 2018 from the Yamhill Carlton School District requesting a waiver of the Professional Service Fees. The letter stated that through the development of this project, the school district was required to reimburse the city for the cost of the professional services fees charged to the city. They had been notified that the professional service fee to date had amounted to \$28,129.53. In

addition, they had agreed to pay the City of Yamhill \$7,000 for the repair to be done to Azalea Street.

At this time, there is \$22,721.40 left in the account set up for construction of the off-site water line. They are requesting that the balance of the account be applied to pay for professional services and the work on Azalea Street. They are also asking for the city to waive the balance of the fees in the amount of \$12,408.13.

This transaction would complete the obligations of the district to the City of Yamhill for professional service fees.

There was discussion and disagreement regarding waiving \$12,408.00 for the School District and whether the City should try to collect the full amount owing for professional services and for the street repair of Azalea Street. Howard reported that the proposal was suggested to the School District Superintendent in October to request that the City Council waive the difference of \$12,408.00 as Howard felt it was a compromise for the City to receive a large portion of the owed balance and close out the School Districts water line project fund. Howard also noted that the School District is not in a position to pay the balance of the \$12,408.00.

Motion by Echaury, seconded by Potter to approve the Yamhill Carlton School District's request to waive the balance of \$12,408.13 from their development project and accept the agreement that completes the obligations of the school district to the City of Yamhill.

Roll call: Ayes: Potter, Terp, Echaury and Gray
Nays: Disbrow

The motion carried.

- D. Consider adopting Resolution No. R-758, a Resolution by the City Council of Yamhill, Oregon superseding Resolution R-739, adopting an amended updated Sick Leave Policy version of the Yamhill Personnel Policy.

Gilmore briefed the Council that the Yamhill Personnel Policy regarding the current Sick Leave Policy Has been updated to reflect labor laws affecting employers with over nine employees; to set 240 hours of sick leave can be used each calendar year with reasonable documentation by a healthcare provider; to specify that the City may require documentation from a healthcare provider even if the absence is for less than three consecutive days and to allow employees a right to appear before the Yamhill City Council to request exceptions to the Sick Leave Policy

Motion by Echaury, seconded by Potter, to adopt Resolution No. R-758, a Resolution by the City Council of Yamhill, Oregon superseding Resolution R-739, adopting an amended updated Sick Leave Policy version of the Yamhill Personnel Policy.

Roll call: Ayes: Potter, Disbrow, Terp, Echaury and Gray
Nays: None

The motion carried.

RESOLUTION No. R-758

A RESOLUTION BY THE CITY COUNCIL OF YAMHILL, OREGON, SUPERCEDING RESOLUTION R-739, ADOPTING AN UPDATED SICK LEAVE POLICY VERSION OF THE YAMHILL PERSONNEL POLICY.

- E. Consider request from Chief Jensen, Yamhill Fire Protection District, for the City to fund four new AED's (Automated external defibrillator) in the next fiscal year.

Fire Chief Brian Jensen reported to the Council that the current City's AED's need to be replaced as the Philips Company has recalled the AED's and will not be repairing or replacing them. Jensen noted that the current City's AED's were purchased by the Fire District through a grant four-years ago. The company will offer a \$250.00 credit for the purchase of each new one with the return of the old AED's. The replacement cost is approximately \$1,350.00 each for a total of 5,400.00 and it was noted that the average life of an AED is eight years. Jensen stated that the Fire District is willing to purchase the four AED's for the City with the understanding that the City will repay the Fire District in the upcoming Fiscal Year. Jensen requests that the City commit to budgeting for this replacement expense in the 2019/2020 Fiscal Year.

Motion by Disbrow, seconded by Echauri to approve the commitment to budget for a line item not to exceed \$6,000.00 for the purchase of four AED's.

Roll call: Ayes: Potter, Disbrow, Terp, Echauri and Gray
Nays: None

The motion carried.

7. CONSENT AGENDA:

- A. Approve Council Minutes
 - (1) Regular Session October 10, 2018
- B. Financial Statements
- C. Approve the following Purchase Order:
 - (1) OreVac West, Inc. – PO # 19-020 - \$4,440.00- Sludge Removal
 - (2) USA Bluebook – PO # 19-023 - \$4,073.00 – Plant Supplies.
 - (3) Core & Main – PO # 19-024 - \$1,801.46 – New Meter
 - (4) Tri-Tech Software Systems-PO# 19-026- \$1,464.00- Police Mobile License.

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

Roll call: Ayes: Potter, Disbrow, Terp, Echauri and Gray
Nays: None

The motion carried.

8. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

A. Police Review– Graven – Monthly report in packets.

Chief Graven provided a report of the October police calls and stated it was another busy month for the department.

Patty Pairan, a resident on N. Maple Street inquired as to what percentage of the traffic citations that are issued are to traffic speeders on Highway 47. Graven stated he does not have statistics broke down by area but 75% to 80% of citations are for speeding violations and the majority are for the areas of Highway 47 and Highway 240. Pairan does not feel that Yamhill Officers are patrolling on Highway 47 during daytime or business hours. Howard stated the he has received the sign permits back from O.D.O.T. and will soon be installing the radar speed control road signs on Highway 47 and Third Street; Highway 240 and Fir Street and on the north end of town on Highway 47.

B. Public Works Review – Superintendent Howard – Memo in packets.

Superintendent Howard provided a staff report included in packets.

Howard reported that all the paperwork for the loan on the Water Transmission Line from the reservoir to town should be finished up within the next two weeks and estimates the loan could be approved by end of December 2018. The water line project would be scheduled to be completed by December 31, 2021.

C. Mayor/Administration Review-

Mayor Terp announced a Council position opening and congratulated Councilor Potter on winning the election for Mayor. Council consensus is to set a deadline of December 31, 2018 to accept Council position applications and consider received applications for the vacant City Council Position at the January 9, 2019 Council Meeting.

D. Council Review

None Received.

E. Emergency Preparedness Review

An EOC workgroup meeting is scheduled for Friday, November 16, 2018 @ 9:00am.

9. INFORMATION/ANNOUNCEMENTS:

A. 10th Annual Christmas Tree Lighting Ceremony – Friday, December 7th, 2018 @ 6:00 pm. Refreshments to follow ceremony.

B. City/County Dinner hosted by the City of Dayton – Thursday, November 15, 2018.

C. City offices will be closed November 22 & 23 – Thanksgiving Holiday.

D. Vacancy: Budget Committee -1-member application available at City Hall.

E. **November 06, 2018 General Election – Non-certified Election Results**

Mayor – 2 Year Term – Vote for 1

Yvette Potter – City Ticket 251

Councilor – 4 Year Term- Vote for 2

Kay Echauri – City Ticket 337

Morgann Gilmore – City Ticket 255

F. Elected Essentials Workshop Flyer

10. ADJOURNMENT: 9:10PM

Motion by Echaury that the meeting adjourn at 9:10PM.

The motion carried by unanimous vote.

Respectfully submitted,

Paula Terp
Mayor, City of Yamhill

ATTEST:
Lori Gilmore, City Recorder