



**CITY OF YAMHILL, CITY COUNCIL MEETING
Wednesday, November 8, 2017 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 and Potter
Excused Absence: Councilor Gilmore
Staff present: City Recorder Lori Gilmore, Superintendent Howard, Chief Graven,
City Attorney, Walt Gowell

2. PUBLIC COMMENT:

Roger Grahn, of Yamhill spoke to the Council concerning the School Districts Variance LUBA appeal that was remanded back to the City Council to reconsider the Variance approval. Grahn doesn't believe that there is any way the School District can meet the criteria to prove a hardship for the variance, and suggests the City move forward with re-zoning the School District to a Public Zone.

3. PRESENTATIONS & APPOINTMENTS:

A. None Scheduled.

4. UNFINISHED BUSINESS:

A. Discuss Yamhill/Carlton School District Variance application regarding the LUBA decision and the received request to reopen the record.

The Land Use Board of Appeals, regarding Yamhill's Variance Case 17-01 was decided on October 26, 2017. LUBA remanded the City's approval decision back to the City to either identify and reject all evidence included with the school district's June 20, 2017 submittal, or allow petitioner an opportunity to rebut that evidence.

Attorney Gowell provided a letter from the School Districts attorney requesting that the City of Yamhill proceed to reopen the record for the appellant to comment on the District's last submission to the City on June 20, 2017. Gowell stated that the record would need to be open to the appellant, Mr. Grahn, for seven days to provide an opportunity to rebut the evidence submitted by the District in support of the granted variance. Following the final rebuttal period, the City Council would need to re-consider

the record once again and make a decision for Variance Case # 17-01. Gowell stated that prior to a decision there is no variance approval, as the remand vacated that original approval and no building permit can be issued. Gowell noted that the remand allows the City 120 days to re-consider the record and complete the decision. There will be a deadline for a written submission period for Mr. Grahn, after which the record will be closed, and the submission will be considered with a decision at a regular Council Meeting with no public hearing being required.

Gowell will submit a letter, "Notice of Action on Remand" to Mr. Grahn and his Attorney stating the Yamhill City Council's action is to reopen the record until 5:00pm on November 17, 2017, to allow an opportunity to submit rebuttal.

Echauri made motion, seconded by Disbrow to re-open the record, allowing Mr. Grahn seven days to submit a written rebuttal, setting a deadline of Friday, November 17, 2017, at 5:00pm for receipt and authorizing Mayor Terp to sign the Notice of Action.

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

The motion carried.

B. Discuss City's option to proceed with timber harvest.

Agenda item has been continued from the October 11, 2017 Council meeting. A letter was received on September 15, 2017 from the United States Department of the Interior, Bureau of Land Management, Tillamook Field Office, stating BLM has accepted the City's findings. Attorney Gowell had responded in an email recommending that the City decide to either, Identify the BLM trees and see what a timber harvest that leaves those trees will yield; or approach the BLM about a valuation of the BLM trees for negotiating an exchange with the BLM where the City buys replacement land for BLM at an agreed cost in exchange for transfer of the BLM trees to the City.

At the October 11, 2017 Council meeting, Howard recommended to Council that our timber consultant, Garner Timber Services, should evaluate the City's timber and estimate the cost to harvest the City's timber and leave the BLM timber before deciding on how to proceed.

Howard stated that he has not yet received an estimate from Garner Timber Services. Gowell recommended that the City question if the presence of the federal trees is an impediment to the City's timber sale, in terms of increase costs to log the area. Gowell stated that the process of trading land with the BLM would probably take close to two years, and should be considered when deciding how to proceed with harvest. Gowell recommended that the Department of Interior be contacted to see if there would be any interest in a land exchange, and if interested, they could be instrumental in expediting the process. It was decided that Gowell and Howard would contact Karen Schank at the Tillamook Field Office to discuss a possible exchange and report back to Council at the December meeting.

- C. Follow up from the September 13, 2017 meeting, that the conditions have been met concerning the RV Permit on E. 2nd Street.

A recreational vehicle use permit was received and approved on May 30, 2017 which allows for an RV to be placed on an individual lot and used as a temporary residence during construction of a home for a period of one-month, Yamhill Municipal Code, Chapter 10.84.030. The code also specifies that an RV Permit must be obtained for each succeeding 30-day period with notification to the City Council before issuance of a second permit. On July 27, 2017, a permit application was received to request another 30-day period of using the RV for a temporary residence. At the August 9, 2017 Council meeting, there was a motion to deny the Recreational Vehicle Use Permit request based on lack of satisfactory progress as stated in Title 10.84.030 (B) (3).

The property owner submitted an appeal letter at the September 13, 2017 Council meeting, and the Council voted to allow Fisher limited approval of the appeal until October 29, 2017 with the condition that the water and sewer hook-ups be disconnected from the RV by that date and October 29, 2017 will be the final day that Fisher will be permitted to live in the RV. The Council voted to review that the conditions have been met at the next scheduled Council meeting on November 8, 2017 meeting.

It was reported that the services have been disconnected and the property owner is no longer living in the RV and has relocated until Spring of 2018.

- D. Discuss agreement with the Yamhill/Carlton School District regarding offsite water.

At the September 13, 2017 Council meeting, School District Project Manager, Michael Marino requested the City's assistance in using Yamhill City Engineers to design the off-site water system upgrades from E. Camellia Street to Pike Road and the School District would compensate the City for the costs. Council approved the request and City Staff directed the City Attorney to write up an agreement to start the engineering process for designing the off-site water system. A draft of the agreement was provided by Attorney Gowell.

Gowell reported that the Intergovernmental Agreement (IGA) is between the City, the Yamhill/Carlton School District and the Yamhill Fire District, and is designed to satisfy the fire flow requirement for the new School Facility and make it possible for the project to proceed. The School District has proposed the construction of a pipeline replacement project consisting of abandonment of approximately 1,400 lineal feet of existing waterline and construction of approximately 1,400 lineal feet of new 12-inch diameter water line, replacement of 10 existing residential water services, replacement of two existing hydrants, one new hydrant, and restoration of the paved roadways following construction ("Pipeline Extension") to augment existing city fire flows and has proposed to pay all costs associated with the City's design and construction of the Pipeline Extension. The agreement includes that the City agrees to undertake and complete preliminary and final design of the Pipeline Extension in accordance with the design assumptions; all costs incurred by City for such design documents and drawings will be paid from the cash bond fund provided; Upon completion of construction, City will take ownership of the Pipeline Extension.

and will thereafter assume responsibility for all future maintenance, replacement, repairs and operation of such Pipeline Extension as a normal part of City's water transmission line system. Prior to the issuance of a building permit to School District for on-site school district improvements, School District shall deposit with City, in an account maintained by the City, the sum of \$616,438 for the purpose of paying all costs associated with the Pipeline Extension. City may draw on such Cash Bond Account as needed to pay all out-of-pocket costs of the Pipeline Extension which shall be incurred by the City.

Patricia Manson of Yamhill, questioned who would be responsible for meeting the minimum fire flow standards for the project.

Gowell replied that each of the entities carry their own responsibility for their actions under this agreement, and reported that Oregon law does not impose an absolute fire flow obligation on cities, the law just sets the minimum fire flow requirements, and those relate to whether construction can be authorized. Gowell stated that under this agreement, there is no guarantee that this transmission line will produce the 1,500 gallons per minute fire flow requirement.

Disbrow made motion, seconded by Echaury to approve the Intergovernmental Agreement for the Off-Site School Pipeline Extension Project between the City of Yamhill, The Yamhill Carlton School District and the Yamhill Fire District and authorize Mayor Terp to execute the agreement.

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

The motion carried.

5. ORDINANCES:

FIRST READING:

A. None Scheduled

SECOND READING:

A. None Scheduled

6. NEW BUSINESS:

A. Consider approving Yamhill Carlton School District project for construction to include working on Saturday's and confirm consensus approval of the October 31, 2017 concrete pour.

For the record, prior to October 31, 2017, Council's consensus by email, gave approval for the School District's contractors to pour concrete footings for the two new dome buildings at 4:00 am on October 31, 2017 and November 1, 2017. It was noted that the Yamhill Municipal Code does not prohibit work on Saturdays between the hours of 7:00am and 6:00pm.

Disbrow made motion, Echaury seconded to approve the off hours work on the construction project.

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

The motion carried.

- B. Accept Office of Emergency Management grant award in the amount of \$20,000.00 and authorize Mayor Terp to sign agreement.

Terp made motion, seconded by Echaury to accept the Office of Emergency Management Grant award in the amount of \$20,000.00 and authorize Mayor Terp to sign agreement.

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

The motion carried.

- C. Receive Annual Financial Audit for year ending June 30, 2017, and authorize Mayor Terp to sign acceptance.

Mayor Terp complimented Treasurer Gilmore for her annual work with the Auditors and thanked her for keeping the City in compliance and on track.

Motion by Echaury, seconded by Disbrow to accept the Financial Audit from Grove, Mueller & Swank, P.C. for year ending June 30, 2017 and authorize Mayor Terp to sign acceptance.

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

The motion carried.

7. CONSENT AGENDA:

- A. Approve Council Minutes
(1) Regular Session – October 11, 2017
- B. Financial Statements
- C. Approve the following Purchase Order:
(1) HD Waterworks Supply – PO # 18-019 - \$3,438.71 -Parts for Inventory.

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

Roll call: Ayes: Potter, Disbrow, and Terp,
Abstain: Echaury

The motion carried.

8. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

A. Police Review– Graven – Monthly report in packets

Chief Graven reviewed Police business for October 2017 and provided a report of October calls, no questions followed.

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

Superintendent Howard provided his staff report included in packets, no questions followed.

Howard stated that he will be doing a purchase order for \$5,000.00 next month to repair motors at Water Plant and will also be updating the SCADA System (supervisory control and data acquisition system) to be internet driven because it currently does not work with Windows 10 software. The cost for the SCADA System upgrade for the Water Plant is estimated at \$40,000.00 to \$50,000.00 and for the Sewer Plant \$30,000.00 to \$40,000.00.

(1) Consider approving part-time Public Works position.

Howard reported that the part-time position was advertised in August and interviewing was completed. and Howard had intended to seek approval in September for the position, but due to unforeseen circumstances is requesting approval this month to hire the person that was interviewed, if they are still interested in accepting the position.

Howard would like to have a start date of Monday, November 13, 2017.

Councils consensus is to approve the already budgeted part time position.

Mayor Terp questioned Howard regarding the process for updating the City's System Development Charges. Howard stated that after the Water Master Plan is completed next month, the methodology for increasing the fees can be done and a recommendation will be made by approximately February. The SDC's for the Wastewater, Park, and Street are currently being reviewed by the City Engineers and they will be providing a cost estimate to do the methodology to review if the fees can be increased. Howard will be receiving the cost estimate from the engineers by the end of this month.

C. Mayor/Administration Review-

(1) Discuss property for sale at 210 S. Maple Street.

Mayor Terp reported that the property across from City Hall on Maple Street is for sale, and the City has the right-of-first-refusal for the sale of the property. If the property owner receives an offer to purchase the property, the City will be notified and will have the opportunity to purchase it first. The City may be interested in the property for a future City Hall.

D. Council Review

None Received.

- E. Emergency Preparedness Review
 - (1) Emergency Operation Plan gap analysis.

Disbrow reported that the City received notification from the State Homeland Security that the Grant application period is open for 2018. The City has discussed applying for the grant for updating the City's Emergency Operations Plan, and Disbrow recommends having a formal acceptance of the EOP's gap analysis to help officially identify the need for the EOP upgrade. The State of Oregon recommends updating EOP's every five years, and Yamhill's last update was in 2013. Disbrow provided a revised GAP analysis and recommends the Council accept the analysis.

Disbrow made motion, seconded by Echaury to accept the EOP gap analysis as a requirement to update the current EOP and direct staff to proceed with the 2018 State Homeland Security Grant program application for funding to procure contractor services to update the current EOP.

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

The motion carried.

9. INFORMATION/ANNOUNCEMENTS:

- A. 9th Annual Christmas tree lighting ceremony – Friday, December 8th, 2017 @ 6:00 pm. Refreshments to follow ceremony.
- B. City/County Dinner hosted by the Confederated Tribes of Grand Ronde - Thursday, November 16, 2017 @ Spirit Mountain Casino.
- C. City offices will be closed November 10th – Veteran's Day
City offices will be closed November 23 & 24 – Thanksgiving Holiday.
- D. Vacancies: Budget Committee - 2 members
Applications are available at City Hall

10. ADJOURNMENT: 8:30PM

Motion by Echaury that the meeting adjourn at 8:30 PM.

The motion carried by unanimous vote.

Respectfully submitted,

Paula Terp
Mayor, City of Yamhill

ATTEST:
Lori Gilmore, City Recorder