

**CITY OF YAMHILL, CITY COUNCIL MEETING**

**Wednesday, July 14, 2021 7:00 P.M.**

**MINUTES**

**REGULAR MEETING**

**THIS MEETING WAS A TELECONFERENCE**

1. **Call to Order**: Roll Call

Present by Teleconference: Mayor Yvette Potter, Councilors: Kay Echauri, Tim Askey, and Marci Hedin.

Staff Present by Teleconference: Travis Van Cleave, Police Officer for Chief Greg Graven; Jason Wofford, Facility Manager; Lori Gilmore, City Recorder/Treasurer; Sharon Bregante-Candau, Administrative Clerk; Walt Gowell, City Attorney; Nicholas Peasley, City Attorney.

1. **SWEARING IN OF CITY COUNCILOR**

Councilor Andrew McMullen was sworn in.

1. **ORDINANCES:**

**FIRST READING:**

1. O-534 – An Ordinance Establishing Design Requirements for Small Wireless Facilities in the Rights-Of-Way in the City of Yamhill, Oregon.

Ordinance No. O-534 will be available. Ordinance posted: July 1, 2021 (Charter Chapter IV, Section 16(b).)

Mayor Potter made motion for the reading of O-534 to be read.

Walt Gowell read Ordinance O-534, by title only, for the first time.

Motion by Echauri to approve the first reading of Ordinance O-534 seconded by Potter an Ordinance Establishing Design Requirements for Small Wireless Facilities in the Rights-Of-Way in the City of Yamhill, Oregon

Roll call: Ayes: Potter, Echauri, Hedin, McMullen, and Askey.

Nays: None

1. O-535 – An Ordinance Granting to Ziply Fiber, LLC, A Franchise to Construct, Operate and Maintain a Telecommunications Network within the City of Yamhill, Oregon. Ordinance No. O-535 will be available. Ordinance posted: July 1, 2021 (Charter Chapter IV, Section 16(b)., Chapter IV Section 17.)

Mayor Potter made motion for the reading of O-535 to be read.

Walt Gowell read Ordinance O-535, by title only, for the first time.

 Motion by Echauri to approve the first reading of Ordinance O-535 with 5% to be

inserted as compensation as a franchise fee under Section 11, seconded by

 Potter an Ordinance Granting to Ziply Fiber, LLC, A Franchise to Construct,

 Operate and Maintain a Telecommunications Network within the City of Yamhill,

 Oregon.

 Roll call: Ayes: Potter, Echauri, Hedin, McMullen, and Askey.

Nays: None

**SECOND READING:**

C. O-533 – An Ordinance Adopting City of Yamhill Municipal Code Chapter

3.70, Stormwater Drainage Utility; and Amending Yamhill Municipal Code

Chapter 3.72, Utility Billing. Ordinance posted: May 31, 2021 (Charter

Chapter IV, Section 16(b).)

Mayor Potter made motion for the reading of O-533 to be read.

Walt Gowell read Ordinance O-533, by title only, for the second time.

 Motion by Echauri to approve the second reading of Ordinance O-533 seconded

by Potter, an Ordinance Adopting City of Yamhill Municipal Code Chapter

3.70, Stormwater Drainage Utility; and Amending Yamhill Municipal Code

Chapter 3.72, Utility Billing.

 Roll call: Ayes: Potter, Echauri, Hedin, McMullen, and Askey.

Nays: None

**4.** **PUBLIC COMMENT:**

Public comment was received.

**5.** **PRESENTATIONS & APPOINTMENTS:**

 A. Yamhill Downtown Association (YDA)

Phillip Higgins was not present to give a report.

**6.** **UNFINISHED BUSINESS:**

A. Consider adopting Resolution No. R-789, a resolution by the City Council

 Setting Stormwater Utility Fees.

Motion by Echauri, seconded by Askey, to adopt Resolution R-789, a resolution by the City Council Setting Stormwater Utility Fees.

Roll call: Ayes: Potter, Echauri, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

**RESOLUTION NO. R-789**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YAMHILL, OREGON SETTING STORMWATER UTILITY FEES.**

B. Nuisance complaint and Report from the City Attorney.

Report and recommendations were heard from City Attorney Gowell.

Motion by Echauri, seconded by Askey, to:

1. Authorize and direct staff to obtain a third-party independent determination as to as to whether the sign is directing measurable amounts of light into the residence in question; and
2. Authorize the payment of reimbursement of an electrician to deactivate the current photocell on the sign; and
3. Defer further City Council action on the nuisance complaint for approximately 60 days, until a lighting report is received, to provide an objective basis for determining the validity of the complaint.

Roll call: Ayes: Potter, Echauri, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

C. Consider submitted names for new park at Yamhill Park Estates, select 10 for contest.

Motion by Askey, seconded by Echauri to approve these 10 names to be posted online for the public to vote on for the new park in the Camellia St. cul-de-sac.

Roll call: Ayes: Potter, Echauri, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

**7. New Business:**

 A. Consider application for Planning Commission position, term appointment

runs until December 31, 2022.

Motion by Echauri, seconded by Askey, to appoint Shea Corrigan for City of Yamhill Planning Commission

Roll call: Ayes: Echauri, Hedin, McMullen, and Askey.

Nays: Potter

The motion carried.

B. Consider termination of John Morgan as the direct contact for City

 Planning Services.

1. Consider changing City Planning services to Walt Wendolowski, using

 same terms and fees currently being used.

Motion by Echauri, seconded by Askey, to accept the termination of John Morgan as the direct contact for the City Planning Services and accept the change of City Planning services to Walt Wendolowski, using the same terms and fees currently being used.

Roll call: Ayes: Echauri, Potter, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

D. Discuss water services, consider publishing a reduced water usage

notification.

Wofford provided the following information: The City is using more water than it is producing, the water plant is running 23 hours a day – normally it only runs 13 to 14 hours a day, the impound was released, Turner Creek has dropped, the impound has dropped by a foot, and the water users need to be more conservative with water usage because this is a serious issue. Wofford advised the Council that they needed to do something. Potter would like to start with educating the public about the concerns with water usage. Wofford stated that there will be no bulk water sales at this time.

Motion by Echauri, seconded by Askey, to publish reduced water usage notifications to the water users on the water system.

Roll call: Ayes: Echauri, Potter, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

Added to this section was the personal services agreement for DRC services for wastewater with Darrel Lockard.

Motion by Echauri, seconded by Askey, to approve the personal services agreement for DRC services for wastewater with Darrel Lockard.

Roll call: Ayes: Echauri, Potter, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

1. Consider No Parking signs removal at 1st and Ash St.

Hedin stated that the fire code requires each street to have 20 feet of drivable space and if parking was allowed on both sides of the street, this would violate this code.

Motion by Hedin, seconded by Echauri, to not remove the No Parking signs at 1st and Ash St.

Roll call: Ayes: Echauri, Potter, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

F. Consider requesting draft of new ordinance that requires separate business

permits for firework sales, or that blanket bans firework sales without a

business license expressly for the sale of fireworks.

City Attorney Peasley explained that this would provide the City the ability to ban firework sales within the City limits.

This was tabled and will be looked at again before 7/4/2022.

G. Consider how City Council meetings should be held – teleconference or in

person.

Discussion was had with Council and City Staff. Staff was directed to see how these meetings could be held in-person and stay in compliance with HB 2560, which requires governing bodies of public, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony.

Motion by Potter, seconded by Echauri, to have a teleconference City Council meeting in August and discuss how to provide an in-person and zoom teleconference with associated costs potentially as soon as September.

Roll call: Ayes: Echauri, Potter, Hedin, McMullen, and Askey.

Nays: None

The motion carried.

**8.** **Consent Agenda:**

A. Approve Council Minutes

(1) Regular Session – June 9, 2021

 B. Financial Statements

 C. Approve the following Purchase Order:

 (1) PO # 21-035 – Bound Tree Medical - $6,331.96 –4 replacement AED’s

 (2) PO # 22-001 – Jurassic Parliament - $1,600 – City Council Training

8/19

 (3) PO #22-002 – Vasquez Landscaping and Maintenance, Inc.- $2,720 –

 Trees for the City’s properties.

 (4) PO #22-003 – Ferguson Waterworks - $4,827.03 –Restock the

 Water parts supply.

Potter asked Wofford to clarify the purchase of the trees in PO #22-002. Wofford explained it was a terrible communication error on his part and that this had been resolved. Discussion of where the trees were planted.

Motion by Echauri, seconded by Potter, to approve the Consent Agenda.

Roll call: Ayes: Potter, Hedin, Echauri, McMullen and Askey

 Nays: None

The motion carried.

**8.** **Department/Committee Review/Reports:**

A. Police Review– Officer Van Cleave for Graven – Monthly report in packet

Officer Van Cleave read Chief Graven’s monthly report.

National Night Out planning meeting is later in August and the baseball game is postponed due to the conflicts of some personnel being called out to help with the current fires.

(1) Annual review and salary adjustment approval of Police Department

personnel.

This item has been tabled until the City Council meeting in August.

1. Public Works Review

Wofford reported that they have been very proactive with the distribution system - they are saving the City 65,000 gallons of water per day by fixing some major and small leaks. Wofford also reported that due to issues with prior maintenance, they have needed to replace some of the older pumps at the wastewater plant. Wofford had hired summer help. Wofford also reported that they have continued doing crack sealing on the streets, he was contacted by a shake alert system which will be presented at the August City Council meeting, Public Works staff was doing lots of Yamhill Park Estates building permit inspections, and July 16th the Utility Worker I recruitment would close with one applicant.

Hedin asked how the summer part-time position was being funded since it had been removed from the budget for this fiscal year 21-22. Wofford said it was being funded through distribution with a locked wage and service because it was necessary due to lack of staff for the upcoming events. Wofford also added that this position would be eliminated a few weeks after filling the Utility Worker I position.

1. Annual review and salary adjustment approval of Public Works

Department personnel.

Wofford had nothing to provide at this time.

1. Consider approving Public Works Summer Help.

Discussed above that this position had been hired and how it was being funded.

1. Mayor/Administration Review

(1) Annual review and salary adjustment approval of Administrative

Department personnel.

Gilmore provided reviews for the City Clerk and the Administrative Clerk. Gilmore stated that the City Clerk had an excellent review and recommended a 2% cost of living increase and a 1% wage increase effective July 1, 2021 with the explanation that 3% had been approved in the budget for this position. Hedin asked why this was being proposed since the budget committee had only approved a 2% increase in total for the whole administrative department. Gilmore stated that is what she understood but the approved budget had a 3% increase for the City Clerk, so she was asking for a 2% cost of living increase and a 1% wage increase for a total of 3% that had been approved in the budget to stay within the approved budget.

Motion by Echauri, seconded by Potter, to approve a 3% salary increase for the City Clerk effective July 1, 2021.

Roll call: Ayes: Potter, Echauri, and Askey

 Nays: Hedin, McMullen

The motion carried.

Gilmore stated that the Administrative Clerk was not only getting their one-year review but their annual review as well. Gilmore stated that the Administrative Clerk was doing a lot of learning, filling in for positions and back up for positions and recommended a 2% cost of living increase and a 3% wage increase for a total of 5% with a reduction of hours to 36 hours a week to stay well below the amount that was budgeted for the Administrative Clerk. Potter asked if the reduction of hours would affect benefits for the Administrative Clerk. Gilmore responded that this doesn’t affect benefits because approved benefits are for any position at full-time/32 hours a week and added that the Administrative Clerk forfeits benefits at this time which saves the City approximately $24,000 a year so this position’s wages aren’t anywhere near what they may appear when you figure out payroll costs with wages. Gilmore also added that both the City Clerk and Administrative Clerk were excellent and dependable employees, and she would hate to lose them and that was why she was advocating for these increases while staying within the current budget.

Motion by Echauri, seconded by Askey, to approve a 5% salary increase for the Administrative Clerk with the reduction in hours of 40 to 36 effective July 1, 2021.

Roll call: Ayes: Potter, Echauri, and Askey

 Nays: Hedin, McMullen

The motion carried.

Bregante-Candau reported that the City did not receive the AARP grant for the community garden but would continue to work with Echauri to pursue grant funding since there were several other grants that could be pursued. Bregante-Candau also reported that herself and Wofford worked very hard on a Nike Community Impact Fund grant application for Beulah Park, and it was declined due to the requests for support far exceeding the resources available. Bregante-Candau also reported that she had a meeting with the Mayor, Phillip Higgins, and Wofford to discuss potential funding for the update of the Park Master Plan. Bregante-Candau reported that the Administrative staff was working very hard with all the work for the new homes being sold at Yamhill Park Estates and all the move ins and move outs at other properties and appreciated the responsiveness and cooperation of Public Works in accomplishing this work. Bregante-Candau stated that the City Council training was scheduled for Thursday, 8/19 from 3-5pm and she would provide all the online information once she had received it from Jurassic Parliament.

Wofford asked if a discussion of promoting the Utility Worker I to Utility Worker II could be had at this meeting or needed to wait until the next meeting. Potter responded that it would need to wait until the next City Council meeting in August. Gilmore added that Wofford needed to review the Utility Worker II job description to ensure the Utility Worker I met all the requirements for a promotion.

1. Council Review

None.

**9.** **Information/Announcements:**

A**.** Homeward Bound Pets -Thank You Letter of Support.

B. Yamhill Derby Days Parade – July 17,2021.

C. Yamhill National Night Out – Tuesday, August 3, 3021.

D. Vacancy: Planning Commission – 1 member –

 Applications are available at City Hall

**10.** **Adjournment: 8:38PM**

Motion by Echauri that the meeting adjourn at 8:38PM.

The motion carried by unanimous vote.

Respectfully submitted,

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 Yvette Potter

 Mayor, City of Yamhill

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ATTEST:

Sharon Bregante-Candau, Administrative Clerk