

**CITY OF HUBBARD
CITY COUNCIL MEETING MINUTES
AUGUST 9, 2022**

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Charles Rostocil at 6:45 p.m.

FLAG SALUTE: Mayor Charles Rostocil led the group in reciting the Pledge of Allegiance.

CITY COUNCIL PRESENT: Mayor Charles Rostocil, City Councilor James Yonally, City Councilor Robert Prinslow, City Councilor James Audritsh, City Councilor Tyler Thomas.

STAFF PRESENT: Director of Administration/City Recorder Vickie Nogle, Public Works Superintendent Michael Krebs, Police Chief Dave Rash, Public Works Administrative Manager Melinda Olinger, Administrative Assistant / Court Clerk Julie Hedden, City Attorney Emily Matasar. Interim Fire Chief Michael Kahrmann.

COUNCIL RECESS OPEN PUBLIC MEETING AND CONVENE CLOSED EXECUTIVE SESSION TO CONSIDER THE EMPLOYMENT OF A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL AGENT ORS 192.660(2)(A). PURSUANT TO ORS 192.660(4) COUNCIL SPECIFICALLY REQUEST THAT MEMBERS OF THE MEDIA AND OTHER ATTENDEES NOT DISCLOSE MATTERS DISCUSSED IN THE EXECUTIVE SESSION. Mayor Charles Rostocil declared the ORS and recessed the public open meeting at 6:45 to go into the Executive Session

COUNCIL CLOSE EXECUTIVE (CLOSED) SESSION AND RECONVENE PUBLIC (OPEN) MEETING. Mayor Charles Rostocil closed the Executive Session at 6:58 p.m. and reconvened the public open meeting at 7:00 p.m.

CALENDAR OF ORDINANCES – City Attorney Emily Matasar, Beery, Elsner & Hammond. City Attorney Emily Matasar explained this Ordinance has been updated and is kind of a hybrid of what is already in place for the City, which is, modeled after the State law and the one the City of Portland. She said the difference in Portland's law is that it does not have an intent requirement, which is where it differs from the State law.

City Councilor Robert Prinslow asked if the Portland law Ordinance has been challenged in court.

City Attorney Emily Matasar replied that it had, and was found to be constitutional and lawful without the intent requirement.

City Councilor James Audritsh asked if urinating in public is considered public indecency.

City Attorney Emily Matasar said that section of the code has not changed, and she would need to look up if it is captured elsewhere.

Police Chief Dave Rash said urinating in public would not be included in State law, but we have it as part of our City Ordinance.

A) Ordinance No. 376-2022. An Ordinance amending the Hubbard Municipal Code Section 9.15.070 Public Indecency.

MSA/City Councilor Tyler Thomas/City Councilor Robert Prinslow moved to read Ordinance No. 376-2022 by title only for the first reading. Mayor Charles Rostocil, City Councilor James Yonally, City Councilor James Audritsh, City Councilor Tyler Thomas, City Councilor Robert Prinslow were in favor.

Mayor Charles Rostocil read Ordinance No. 376-2022 by title only.

MSA/City Councilor Tyler Thomas /City Councilor James Audritsh moved to read Ordinance No. 376-2022 by title only for the second reading. Mayor Charles Rostocil, City Councilor James Yonally, City Councilor James Audritsh, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor.

Mayor Charles Rostocil read Ordinance No. 376-2022 by title only for the second reading.

MSA/City Councilor James Audritsh /City Councilor Tyler Thomas moved to adopt Ordinance No. 376-2022 amending the Hubbard Municipal Code Section 9.15.070 Public Indecency. Mayor Charles Rostocil, City Councilor James Yonally, City Councilor James Audritsh, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. Ordinance adopted unanimously.

B) Ordinance No. 377-2022. An Ordinance of the City of Hubbard declaring a temporary ban on Psilocybin Service Centers and the manufacture of Psilocybin Products.

City Attorney Emily Matasar said State Law requires any prohibition, whether temporary or permanent needs to go to the voters for approval in a general election in an even numbered year.

Mayor Charles Rostocil stated the reason he asked City Attorney Emily Matasar to draft this is he has been watching this debate in other areas and some communities are enacting a temporary ban until the State figure out how they are going to proceed with this, and how the rest of the State is going to handle this issue.

City Councilor James Yonally asked when the ban would take effect.

City Attorney Emily Matasar said it would take effect 30 days after election results and would be in place for 24 months.

City Councilor James Audritsh said this is putting something in front of the voters that they have already approved. He went on to say he has done a lot of research on the way this helps people. He has no issues with it, and said there is a cost to the City to putting it on the ballot, and since this has already gone before the voters of the State of Oregon, he could see the funds being used in a

better way. Furthermore, this substance is very controlled and has been known to be medically beneficial.

Mayor Charles Rostocil said when the marijuana shop opened up there were a lot of comments from citizens that did not like the shop coming into town, so that is what inspired him to agree that a temporary ban would be fine.

City Councilor James Audritsh stated it is his understanding that mushrooms cannot be sold openly because the Measure that was voted on by the voters did not allow for that, it has to be in a medical facility, regulated by the State. Furthermore, he said he understands the concern, but does not feel this is something that needs to be addressed.

Mayor Charles Rostocil asked what the overall cost to the City would be to put this on the ballot.

City Attorney Emily Matasar said she is not sure of the cost in putting it on the ballot. She said her cost in drafting the ballot title and preparing it, would be low because many cities are considering this, and the League of Oregon Cities just came out with a model ordinance and resolution, which these are primarily based on.

MSA/Mayor Charles Rostocil /City Councilor Tyler Thomas moved to read Ordinance No. 377-2022 by title only for the first reading. Mayor Charles Rostocil, City Councilor James Yonally, City Councilor James Audritsh, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor.

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Mayor Charles Rostocil read Ordinance No. 377-2022 by title only for the second reading.

MSA/Mayor Charles Rostocil /City Councilor Tyler Thomas moved to adopt Ordinance No. 377-2022 declaring a temporary ban on Psilocybin Service Centers and the manufacture of Psilocybin Products. Mayor Charles Rostocil, City Councilor James Yonally, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. City Councilor James Audritsh opposed. Ordinance adopted 4 – 1 in favor.

RESOLUTION NO. 738-2022. A RESOLUTION REFERRING TO THE VOTERS OF HUBBARD A MEASURE PROPOSING A TEMPORARY PROHIBITION ON PSILOCYBIN-RELATED BUSINESSES WITHIN THE CITY AND AUTHORIZING FILING OF EXPLANATORY STATEMENT RELATING TO THIS TEMPORARY PROHIBITION. – City Attorney Emily Matasar, Beery Elsner & Hammond.

MSA/Mayor Charles Rostocil /City Councilor Tyler Thomas moved to adopt Resolution No.738-2022. Mayor Charles Rostocil, City Councilor James Yonally, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. City Councilor James Audritsh opposed. Resolution adopted 4 – 1 in favor.

APPEARANCE OF INTERESTED CITIZENS. None

CONTINUED DISCUSSION REGARDING LOVE INC. PARTNERSHIP – Police Chief Dave Rash. Police Chief Dave Rash said Rosetta, with Love Inc., said the fund for helping citizens with Utilities would be set up the same way as Woodburn, they would set up a checking account with \$25,000 dollars the first year and would charge 20% per transaction. He said they have a program through Comcast that help low income families with internet access, and was asked if we would like part of the funds to be used for this, with the administrative cost being 30%.

Mayor Charles Rostocil said 30% seemed like a lot, and he was concerned of showing favoritism because we have other internet providers in the area.

City Councilor James Yonally said Love Inc., does a good job, but 20% administrative cost seems rather high.

Police Chief Dave Rash said he will contact Love Inc., and have them write a contract and get it to the City Attorney so it can be ready to bring back to the October City Council meeting.

Consensus of Council is in support of the utility agreement, but not the internet part of the agreement.

MAYOR’S AND/OR COUNCIL’S PRESENTATIONS. City Councilor James Audritsh said he enjoyed the Hubbard Hop Festival. Mayor Charles Rostocil said it was very family friendly, there was no cover charge to see the band and it was a great turn out.

Mayor Charles Rostocil thanked the Hubbard Police Department, the Fire Department, and Public Works Superintendent Mike Krebs for their participation in National Night out.

DISCUSSION REGARDING COMPENSATION FOR NON-REPRESENTED EMPLOYEES – Police Chief Dave Rash. Police Chief Dave Rash stated when the police union contract was being negotiated, it was agreed upon to have longevity pay, which most jurisdictions have, and with that in mind it was added into the budget in anticipation of this being added into the personnel policy. He went on to say that he strongly recommends longevity pay for all other city employees, being consistent with what is in the union contract. He said there are 5 employees right now that are eligible, with 3 employees being at the 4% increase, and 2 employees being at the 2% increase. This would also make sure the Sergeant’s pay would stay consistent with the Officer’s pay.

Consensus of City Council is in favor of longevity pay for all City Employees, and move forward with an amendment, with the longevity pay starting at the time it is adopted.

Police Chief Dave Rash said the other compensation agreed to in the Police Union Contract was a 3% COLA retroactive from July 2021 to June 2022 and all other City employees only received a 1.63% COLA for that period. He is asking City Council to consider raising the other City Employees COLA 1.37% to bring it up to the 3% which would be the same as the Police Officers are receiving. This would be an increase of 1.37% in the City Employees salary schedule during that time.

City Councilor James Yonally asked what the dollar amount would on the 1.37% retro pay.

Police Chief Dave Rash said he did not have that information, and can only base it off of what he makes and his would be approximately \$1000, and would probably be the highest.

City Councilor Robert Prinslow said he would like to give it to everyone, and the Police Association got an extra raise at their request, but he is not in favor of spending more money for the other employees at this time.

City Councilor Tyler Thomas said it is interesting that we say we care about our employees and want to keep them around, but we want to give them this, but not that, and if we are only talking about \$1000 per employee does that show that we really care about them. He went on to say that he is in favor of it.

City Councilor James Audritsh said he understands the quandary, we did go through a budget process and balanced it. He went on to say that he thought the last COLA at 1.63% was rather low, and at that point we should have maybe looked a 2% COLA, but does not agree to come back to it after the fact.

Mayor Charles Rostocil said that he would like to see the numbers, and have this brought back to the next City Council meeting with the total dollar amounts.

STAFF REPORTS:

POLICE DEPARTMENT- Police Chief Dave Rash. Police Chief Dave Rash said there are 2 errors on his report. The first is on the HPD Calls for Service, Area Check should be 45, not 455. The second error is Coffee with a Cop is Wednesday, October 5, not October 7 at Le Petite Bistro.

Police Chief Dave Rash said National Night Out was a success and all the Officers participated. He went on to say there were 6 block parties, with a good turnout at the 55 & over one.

City Councilor James Yonally asked about the Monthly Statistical Report, showing there was 1 call for kidnapping. Chief Dave Rash, said that was not a Hubbard call, it was probably a Woodburn call, and could have been a domestic call, he would need to research it to be sure, but it did not happen in Hubbard.

HUBBARD FIRE DISTRICT – Interim Fire Chief Michael Kahrmann. Interim Fire Chief Michael Kahrmann stated for the month of July they had 85 responses, 47 of them within the Hubbard Fire District. He went on to say Wildfire Season opened last week and they had a deployment to the Miller Fire for five days and have another task force going to Redmond next

week for pre-deployment due to the large amount of lightning strikes that are happening in the area.

Mayor Charles Rostocil asked how the construction was going on the new dormitory.

Interim Fire Chief Michael Kahrmann responded he missed a meeting because of being deployed so it has been pushed out 30 days.

Samantha Baylie, seasonal firefighter with the Hubbard Fire District, said she was in charge of the Softball fundraiser, National Night Out, and the Hop Festival which were all great successes. Approximately \$4000 was raised at the Hop Fest, \$1200 plus sponsorships was raised at the Softball game, and the community seemed to really enjoy the game. She went on to say the 16 volunteers attended the 6 block parties that participated in National Night Out. They brought 3 rigs, and the new brush truck with them to the events and the Community was very appreciative.

Chief Dave Rash said the Fire Department is having a Bike Rodeo on August 20, 2022, that some of the Police Officers will be involved in as well and more information will be out soon.

ADMINISTRATION DEPARTMENT – Director of Administration/City Recorder Vickie Nogle. Director of Administration/City Recorder Vickie Nogle stated the deadline for candidates to file for election is August 30, so far 2 people have filed and she is hoping to get one more.

Director of Administration/City Recorder Vickie Nogle said at the Planning Commission the Application Applicant requested to continue the meeting to September because there is some information that he would like to gather and present, so this meeting will be opened and then continued to September. She went on to say she has received a couple of written comments, with probably more to come that will be added to the record at the September Meeting.

Director of Administration/City Recorder Vickie Nogle said the Supplemental Budget got postponed because of computer issues, and we are hoping to have it ready in September.

1. Discussion regarding Administration Department.

Director of Administration/City Recorder Vickie Nogle prepared a memo for a request to hire a part-time person to help in the Administrative Department. She stated both her and Administrative Assistant/Court Clerk Julie Hedden have been working trying to keep things running and really need additional help in the office. V. Nogle said we could have utilize a part-time person, and keep them busy, prior to the Finance Director leaving.

Director of Administration/City Recorder Vickie Nogle calculated numbers; she stated there is one-month worth of Salary that was budgeted for a City Administrator position that was not paid due to the vacancy, and possibly a second month. She said using the high end of the Salary Schedule for the part-time person, using the same salary as the Public Works part-time person, the cost would be \$2,998 a month, and deducting that from the Administrator monthly rate, there would still be \$12,290 dollars left, and includes benefits.

Mayor Charles Rostocil said this would be using some of the budgeted money for the City Administrator to fill a part-time position that would then be determined on affordability basis once the City Administrator is hired, or this could be continued or discontinued.

City Councilor Robert Prinslow asked how much training time do you expect it will take to get this person up to speed to be able to do the jobs that need to be done.

Director of Administration/City Recorder Vickie Nogle said training is ongoing, but for them to be able to do the job and not need assistance is at least a couple of months depending on the person, and we will still be available for assistance.

City Councilor James Yonally asked Director of Administration/City Recorder Vickie Nogle if she knew of anyone that would be interested in this position.

Director of Administration/City Recorder Vickie Nogle said she did not but other employees have mentioned some people that might be interested.

City Councilor James Audritsh said this request seems reasonable.

City Councilor Tyler Thomas said we do not have a choice, and the help is needed.

Mayor Charles Rostocil said he has had a chance to talk with Director of Administration/City Recorder Vickie Nogle on this and he knows there are days like court days where the Department is slammed and there is no one able to answer phones because they are so busy.

Consensus of City Council is to have a job description written up and bring it to the next City Council meeting.

PUBLIC WORKS DEPARTMENT-Public Works Superintendent Michael Krebs. Public Works Superintendent Mike Krebs said it has been a busy month for them with having deadlines for many different project, vacations, personal things that have been happening, and the renewal of the DEQ permit. He went on to say he spent most of last week meeting with the engineers and going over a plan to push back a little on a few of the requirements. One of them is they are wanting increased testing frequency on just about everything they do. He also said DEQ wants us to start monitoring creek flows, and monitoring creek flows for Mill Creek is a way they could determine whether or not flows out of the wastewater plant are doing any harm to the environment, but at this point nobody has any correct data for Mill Creek, it is pretty much a glorified drainage ditch, so the information they are using is coming from the Molalla/Pudding River Basin numbers and we feel that using those numbers for the bigger bodies of water do not cover what is happening at Mill Creek. DEQ wants us to start monitoring Mill Creek immediately after the permit is approved but we are asking for a year so we can clean it up and build some monitoring stations. DEQ is also adding a new parameter to us that we have not seen before with is a nitrogen limit, and the nitrogen that we discharge into Mill Creek cannot be any higher on an average basis of 3.2 milligrams per liters per month, so we will need to do some modifications to the wastewater plant to be able to make that benchmark.

Mayor Charles Rostocil asked if there are any opportunities for Grant Funding at the State level to be able to help with this, because this is a pretty big financial burden for a small city. Public Works Administrative Manager Melinda Olinger said there is definitely an opportunity for low interest loans and there is maybe a smaller opportunity for some grant funds. Mayor Charles Rostocil asked Public Works Superintendent Mike Krebs if he had any idea of what this might cost. Public Works Superintendent Mike Krebs said he was not sure, but if he had to guess it will be approximately \$5 - \$6 million.

City Councilor James Audritsh asked if this testing is done manually. Public Works Superintendent Mike Krebs said a majority of the testing is done in house and some is sent to a water lab in Salem. City Councilor James Audritsh asked if there was a process that can be purchased that does some of this more automated, and if that can be used as a bargaining chip to push back on buys us some more time. Public Works Superintendent Mike Krebs said he is looking into that as part of the facility study they are already doing, and as it looks now they are giving us 6 years to get the projects DEQ requires completed.

Public Works Superintendent Mike Krebs said the last time any major upgrades were made to the Wastewater Treatment Plant was in 2005, and we have some issues there that need to be addressed sooner than later, before we start having breakdowns. The pump station is 50 years old and the technology is 1984, which makes parts hard to come by, and the price tag has only gone up because we have been deferring this maintenance. There are also issues with our disinfectant system, a UV system that was put in in 2000 so parts cannot be found anymore for it. He went on to say these issues will all be addressed with the facility studies that are being conducted now.

Mayor Charles Rostocil asked Public Works Superintendent Mike Krebs to please keep the Dashboard up to date with the latest information regarding the DEQ Permitting and the Facility Studies.

Public Works Superintendent Mike Krebs stated last week the Oregon Health Department conducted a Sanitary Sewer Survey for the Water System and we passed with flying colors.

City Councilor James Audritsh asked how the smoke test went. Public Works Superintendent Mike Krebs said there were a lot of people that were concerned because even though we did our best to get the word out, not everyone received the information. He went on to say that he has not seen the data from it yet, and probably won't until we get the facilities plan, and homeowners will be notified if there are any issues.

Mayor Charles Rostocil thanked Public Works Superintendent Mike Krebs for getting a list of items together that need to go on his standard, which will help in starting to build a policy document on procedures.

City Councilor James Audritsh said he was asked by a citizen about titles at the Fountain. Public Works Superintendent Mike Krebs said Larry Kriegshauser bought us some bricks, but we have to go out and find someone to do the engraving.

Mayor Charles Rostocil thanked Public Works Superintendent Mike Krebs for working on the fountain and getting the water to shoot up high right in time for the Hop Festival. Public Works Superintendent Mike Krebs went on to say they have received the new pump and will be installing it in May of 2023 before it is turned on for next year. Mayor Charles Rostocil said to make sure to include that information on the Dashboard.

CONSENT AGENDA.

- A) Item B is removed from the Consent Agenda because the Check Register that was included in the Meeting Packet is from June 2022 instead of July 2022 by mistake. [***B) Approval of the July 2022 Check Register Report***]
- B) [***REMOVED***]
- C) **Approval of May 31, 2022, Budget Committee meeting minutes.**
- D) **Approval of the State of Oregon, Office of Emergency Management, Infrastructure Contract 4599-DR-OR, Amendment I increasing the Federal share from 75% to 90% funding for PA under DR-4599-OR (2021 February Ice Storm), and authorize the Mayor to sign. (Refer to Public Works Administrative Manager report)**
- E) **Approval of Flora Hovenden Park Use application for the 50th N. Marion Reunion on Saturday, August 5, 2023, at Rivenes Park, from 10:00 a.m. – 6:00 p.m. contingent upon receipt of the required insurance documentation. (Refer to Public Works Administrative Manager report)**
- F) **Authorize North Marion Services Team (Serenity Coulombe) to use the City Hall Council Chambers to meet every 4th Wednesday of the month from 10:00 a.m. – 11:30 a.m. starting September 28, 2022.**

MSA/City Councilor James Audritsh /City Councilor James Yonally motioned to approve Consent Agenda as amended removing Item B removed. City Councilor Robert Prinslow, City Councilor James Yonally, City Councilor James Audritsh, City Councilor Tyler Thomas and Mayor Charles Rostocil were in favor. Motion passed unanimously.

OTHER CITY BUSINESS. Mayor Charles Rostocil said he was approached by a citizen asking about the Business Registration process. He said the current Business Registration process requires an application fee in a land use review, and the individual that approached him stressed those working from home now, have a home office that don't see clients, those that don't do a service in the home might not need to go through this whole land use process.

Director of Administration/City Recorder Vickie Nogle said if you are operating a business in the City of Hubbard you have to register, and if you are operating a business in your home you have to go through a Home Occupation Application which is required through the Development Code. She said the cost for the application is a \$1000 deposit for processing a staff review because it goes through our City Planner, notices to surrounding properties have to be notified, etc. This is

typically a staff review only, even if you have an office in your home. If City Council wanted to change that, you would need to change the Development Code.

Mayor Charles Rostocil asked if individuals that sell Tupperware, Pamper Chef, Scentsy, etc., would be required to go through the Home Occupation process.

Director of Administration/City Recorder Vickie Nogle said it depends on how much money they make annually. She went on to say if you go to the Home Occupation section of the Development Code, it tells you everything you have to comply with in order to go through the Home Occupation process.

Mayor Charles Rostocil stated his concern is that we want everyone who has a business to be registered, but he can see the concerns of the individual they have no real commercial enterprise happening in someone's home.


Director of Administration/City Recorder Vickie Nogle said this was discussed during the Development Code review update. Portions of this section of the Code were changed to make it easier for a Home Occupation business to have it reviewed by Staff instead of the Planning Commission but allowing the Planning Commission to be the appellant body from Staff.

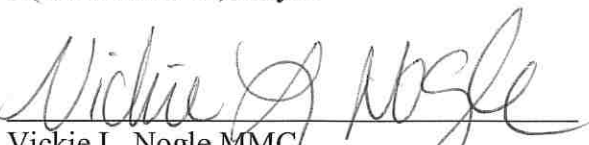
Mayor Charles Rostocil asked if this topic could be added to the October Meeting, or get more information on this.

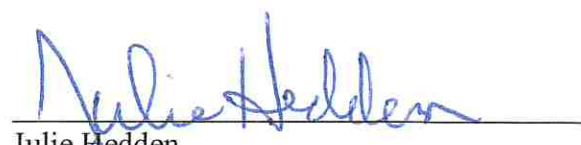
Director of Administration/City Recorder Vickie Nogle said she can provide a copy of the Home Occupation section of the Development Code. She also said City Council is planning to look at the Development Code for changing the aesthetics so that might be a good time to take a look at the Home Occupation part of the Code also.

ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS SEPTEMBER 13, 2022, AT 7:00 P.M.) MSA/City Councilor James Audritsh /City Councilor Robert Prinslow motioned to adjourn the meeting. City Councilor Robert Prinslow, City Councilor James Yonally, City Councilor James Audritsh, City Councilor Tyler Thomas and Mayor Charles Rostocil were in favor. Meeting adjourned at 8:19 p.m.

ATTEST:


Charles Rostocil, Mayor


Vickie L. Nogle MMC
Director of Administration / City Recorder
Recording


Julie Hedden
Administrative Assistant / Court Clerk
Transcribing