

**CITY OF HUBBARD  
CITY COUNCIL MEETING MINUTES  
NOVEMBER 8, 2022**

**CALL TO ORDER:** The Hubbard City Council meeting was called to order by Mayor Charles Rostocil at 6:30 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 Audritsh, City Councilor Tyler Thomas, City Councilor James Yonally.

**EXCUSED:** City Councilor Robert Prinslow.

**STAFF PRESENT:** Director of Administration/City Recorder Vickie Nogle, Public Works Superintendent Michael Krebs, Police Chief Dave Rash, Public Works Administrative Manager Melinda Olinger, City Planner Holly Byram, MWVCOG.

**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 6:31 p.m. to go into the Executive Session.

**COUNCIL CLOSE EXECUTIVE (CLOSED) SESSION AND RECONVENE PUBLIC (OPEN) MEETING.** Mayor Charles Rostocil closed the Executive Session at 7:02 p.m. and reconvened the public open meeting at 7:11 p.m.

**APPEARANCE OF INTERESTED CITIZENS.** Rocky Sherwood, 2622 Nina Place, Hubbard, said he has 3 events set for December. He stated they are partnering with the City of Gervais for their second annual drive through on December 14, 2022, and on December 9, 2022. R. Sherwood said he is having a Christmas toy drive and parade in Hubbard and has gotten many sponsors.

Mayor Charles Rostocil asked Rocky Sherwood if he has coordinated with Police Chief Dave Rash about the event and the parade. Chief Dave Rash said he has it posted that he is having a holiday event but has not heard about the parade. Chief Dave Rash said we do not have the resources to close roads, we do it once a year for the Hop Festival and solicit help from other police agencies. Furthermore, he only has two officers on duty that day, so we will not be able to handle the security needed for a parade.

Rocky Sherwood stated he said the Hop Festival was shut down during the pandemic, but he started his group and built it to put on events and carried the community through some rough waters, and all he is asking for is one parade a year during Christmas time.

Police Chief Dave Rash said the Hop Festival has been a City Celebration for many years and is coordinated with many law enforcement agencies to help close the streets. He went on to say he does not have the resources to close the streets for every parade.

Rocky Sherwood said he is ok with not having law enforcement, they will do a drive-thru parade like he did for the Harvest Festival.

Police Chief Dave Rash said technically it is breaking the law to stop traffic.

Mayor Charles Rostocil said Chief Rash is correct, we do not have the resources to close the streets for multiple parades. Mayor Rostocil said he is not trying to rain on the Christmas spirit, but we are down an officer and he recognizes the strain this would put on the Police Department.

Rocky Sherwood said when everything was taken away, he started this parade in 2019 and if we start taking this away from our citizens there will be backlash, especially after elections because they are used to having this parade. He went on to say he can do a drive-thru for the Harvest Festival but he cannot really budge on a full parade for Christmas.

City Councilor James Audritsh said if we have a citizen that has a problem with this parade, what are we supposed to tell them, to talk to Rocky or are they supposed to call the Police Department. Councilor Audritsh said he had a couple of complaints from people about the Harvest Festival parade/drive thru doing burn outs in front of their business's. He asked Rocky Sherwood if he recalled people doing burn outs.

Rocky replied "yeah."

City Councilor James Audritsh stated some people in town were not happy about the burn outs and it was dangerous to do burn outs in the middle of the street with people around. Furthermore, he said he is not trying to rain on the parade but is trying to come up with some safety standards.

City Councilor Tyler Thomas says he would have to agree with Councilor Audritsh that the drive-thru parade wasn't safe.

Rocky Sherwood said they will do an organized drive-thru and he is a taxpayer and if he cannot get any support, he will do it on his own. He went on to say he is a taxpayer, pays his bills, watched people's kids for hours and hours, and has cleaned up the parks and when he asks for support, he can't get it.

Mayor Rostocil said that is not the case and there were some complaints from citizens about the drive-thru, and when we ask individuals to put in paperwork, coordinate with law enforcement, public works, and the City, it is to make sure everything is done properly so no one gets hurt and it is safe.

City Councilor James Yonally said the Council needs to make sure things are done properly and safely. He went on to say we do not have the staff and it cost money to bring in more staff from

other Departments, and we did not budget for a parade in December. Furthermore, he said the Hop Festival is planned for every year and we know ahead of time so that can be budgeted for.

Mayor Charles Rostocil asked Rocky Sherwood if he was going to apply for a 501c3.

Rocky Sherwood said “no” and why does that matter.

Mayor Rostocil said the Hop Festival is and the City cannot give money to do something that is not accountable for taxes. Furthermore, he told Rocky Sherwood he was very sorry he feels the way he does, but we also must take into consideration the staff, and recommendations from them.

**DISCUSSION REGARDING HUBBARD DEVELOPMENT CODE SECTION 2.303, HOME OCCUPATION. – City Planner Holly Byram, MWVCOG.** *(Refer to Memo dated November 1, 2022)* City Planner Holly Byram, MWVCOG, said Director of Administration/City Recorder Vickie Nogle let her know the City Council had a discussion about the home occupation standards that are included in the Hubbard Development Code, and she is here to provide to Staff and Council a basic overview of what the Code says and how it has been used in the past. She went on to say the procedure section of the Code is not clear for very simple Home Occupation applications, there is a misalignment between the Home Occupation procedure section and the application types, and she agrees there is some confusion and it can be improved. Furthermore, she stated staff is willing to help her through this process and she would like to hear from Council what the concerns and end goal is. She reminded the Council that most of the residential zones are intended to be primarily residential, but they all allow a home owner to have a home occupation as long as they follow the standards and the reason we have those standards are to protect their neighbor’s rights for their own enjoyment of their property.

City Planner Holly Byram, MWVCOG said the procedures for home occupations have been an individual would make an application to the City, the planner would do a quick review and write a one-page letter detailing what type of business is being proposed so it is documented how it is going to operate, and if there is too much growth or the business becomes larger in which it should move to a commercial or industrial zone this allows the City to be able to say the business is no longer compatible with the neighborhood. After the review we rely on business owners to self-report that they are in compliance with the home occupation standards and then rely on the Police Department to do code enforcement when we get complaints from neighbors.

Mayor Charles Rostocil said the original question from a few months ago was regarding the \$1500 fee required with the home occupation application. He said the concern from one citizen was that they are a small construction company that does not do any work out of their house, and they were wondering why they had to pay \$1500 to be able to have their business. He went on to say his concern was if someone sold Tupperware, candles, or sold things off of EBAY, they will not be having customers come in and are not affecting traffic, so do they really need to pay the \$1500 fee, when they may only make \$3000 a year. Furthermore, are we making it difficult for people to want to self-report if they see a \$1500 fee or is it easier to have the Staff review the business first to see if the business needs to have to go to through the Home Occupation Review.

City Planner Holly Byram, MWVCOG, said she would be curious going back the past few years, if most of the review are \$300 staff review applications that we are seeing, because she did not find very many that went to a Planning Commission level to review.

Director of Administration/City Recorder Vickie Nogle said that is correct, most did not go to the Planning Commission level, but we still have to pay for the City Planner to review and last time we reviewed this, most were going over the \$1000 deposit, so it was raised to \$1500. Director of Administration/City Recorder Vickie Nogle went on to say maybe City Council might want to consider increasing the \$2500 income level in the Hubbard Municipal Code, which is what the income is that you must register their business and that is what triggers the home occupation process.

Mayor Charles Rostocil said the conversation a few months ago at the last City Council meeting it was mentioned to possibly raise the \$2500 income.

Mayor Charles Rostocil made a recommendation, if someone comes in to register their business, they pay their registration fee, and check a box regarding their income, staff will look at it, and if their income crosses into the threshold of income allowed, then we would move them into the \$300 deposit to do a more in-depth study of what they are doing.

Mayor Charles Rostocil asked what it would take to increase the income level from \$2500.

Director of Administration/City Recorder Vickie Nogle said it would be an Ordinance to change the current Ordinance.

Director of Administration/City Recorder Vickie Nogle asked City Planner Holly Byram, MWVCOG, what other communities are doing, if they are handling home occupations similarly.

City Planner Holly Byram, MWVCOG said she looked into this and most cities are all pretty consistent, they are doing a Type 1 which is a simple Staff review. She went on to say one of them does do it at the counter at City Hall, with a \$70 fee, then they contact the City Planner if they have any questions.

Director of Administration/City Recorder Vickie Nogle said maybe City Planner Holly Byram, MWVCOG, could work on a checklist, like other cities might be using, and see how that works, and if it looks like the applicant might need to be reviewed, we can go to the next level.

City Council asked City Planner Holly Byram, MWVCOG, to work on a check list to use and review at the City Hall counter, and they also requested Director of Administration/City Recorder Vickie Nogle draft an Ordinance to revise the current profit of \$2500 for a Home Occupation to \$10,000, to be reviewed and discussed at a future City Council meeting.

**MAYOR'S AND/OR COUNCIL'S PRESENTATIONS.** Mayor Charles Rostocil asked the City Councilors to please check their email once a day.

City Councilor James Audritsh said Love Santa has started accepting application for Holiday assistance and the next time they will be taking application is this Thursday from 6:00 – 8:00 at the Woodburn Public Library.

**STAFF REPORTS:**

**POLICE DEPARTMENT- Police Chief Dave Rash.** Police Chief Dave Rash stated Officer Chris Davis submitted his resignation letter on October 31, 2022, and his last day will November 13, 2022. He went on to say the job opening is posted on the website and hopefully we will get some applications.

Police Chief Dave Rash said he has been working with non-profits, Love Inc., Bricks for North Marion, and Love Santa, regarding the ARPA funds and the approval for those Grant Agreements are on the Consent Agenda, and he is still working on the agreements for the Marion E. Carl Veterans Memorial Park and Liberty House, which he is hoping to have ready in December. He went on to say the last allocation for the ARPA funds is security of City Hall, and he will work on it after he gets the other non-profits done.

Police Chief Dave Rash said there was \$10,000 in ARPA funds dedicated to the food pantry, and said we could come up with a proposal of where to allocate that money since the pantry is closing, or we could hold the money and wait and see how much is being used for utility billing assistance, and use it there if needed.

Mayor Charles Rostocil asked Police Chief Dave Rash when he hopes to hold his first interviews for the Police Officer position.

Police Chief Dave Rash said the position is open until December 8, 2022, and it is usually 2 weeks after that we set up a written test, and then 2 weeks after that interviews are set up with the applicants that have passed, so we are looking at the end of December for interviews.

Police Chief Dave Rash said he was asked by City Councilor James Yonally to put an article in the newsletter about traffic laws, and he missed the deadline for the newsletter that just went out, but he has one crafted for the next newsletter.

**HUBBARD FIRE DISTRICT – Interim Fire Chief Michael Kahrmann.** None.

**ADMINISTRATION DEPARTMENT – Director of Administration/City Recorder Vickie Nogle.** Director of Administration/City Recorder Vickie Nogle said an email will be coming out to everyone to get an estimated head count for the Annual Holiday Award Banquet.

Director of Administration/City Recorder Vickie Nogle asked for authorization from the Council to move forward with hiring the top candidate for the part-time Administrative Support Assistant.

MSA/Mayor Charles Rostocil /City Councilor Tyler Thomas motioned to authorize Director of Administration/City Recorder Vickie Nogle to hire the top candidate for the part-time Administrative Support Assistant subject to passing the background check. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas were in favor. Motion passed unanimously.



City Councilor James Audritsh asked if the problems with the HVAC system has been taken care of.

Public Works Superintendent Mike Krebs said he has someone coming out Friday morning to look at it.

**PUBLIC WORKS DEPARTMENT-Public Works Superintendent Mike Krebs.** Public Works Superintendent Mike Krebs said there is one change on the Public Works report which is item # 3. He said as of Friday of last week he has completed all 15 training sections of the course he took through Iowa State University.

Mayor Charles Rostocil asked if in the future there is a way to put a notification on the City website or page that there may be some discoloration of the water, or inconsistent flow when a water line breaks, like it did last month.

Public Works Superintendent Mike Krebs said he did not think there would be a problem with this break, but he will absolutely put notifications on the website in the future.

Mayor Charles Rostocil said he has noticed sidewalks being replaced and asked if it was because of the \$1500 incentive to citizens to repair their sidewalk, or if it was because of the notices sent out to citizens that needed to replace/repair their sidewalk.

Public Works Superintendent Mike Krebs said it was because of the notifications that were sent out.

Mayor Charles Rostocil asked if there was an update on the Union Pacific crossing.

Public Works Superintendent Mike Krebs said no, we are still working through it and legal is looking still at it.

City Councilor James Audritsh inquired about some fire hydrant issues.

Public Works Superintendent Mike Krebs said the person at Ferguson he was working with had a family emergency last week and so he will be out Friday afternoon to take a look at the hydrants and get the parts ordered.

City Councilor James Audritsh asked if they could get the library books off of the top of the restrooms.

Public Works Superintendent Mike Krebs said it seems to be reoccurring, and they will get them off tomorrow.

Mayor Charles Rostocil said he noticed there was a lot of moss build up on the south side of the restroom roof at Rivenes Park and asked if we can spray some moss removal on it before we have to replace it.

Public Works Superintendent Mike Krebs said yes, it is something that is done periodically, and he will get someone up there to do that soon.

**DISCUSSION REGARDING PFAS (Per-and Polyfluoroalkyl Substances) COST RECOVER PROGRAM – Public Works Administrative Manager Melinda Olinger.** *(Refer to Public Works Administrative Manager report).* Public Works Superintendent Mike Krebs said Polyfluoroalkyl Substance is a substance the EPA has decided they want to look at because it is a substance that can contaminate drinking water. As of now there is a voluntary testing program, and the State is paying for the tests after they are done which is about \$2,500 per test. He said what this Recovery Program states is because the State is thinking this is going to be a mandate, they are trying to get some assistance through the manufactures of these chemicals, such as Dupont. The chemicals are found in products such as Scotch-guard, Teflon, metal plating, and stain resistant fabrics. He went on to say what we have found in the past when they have passed these things with the EPA is if it is in your system, removal is very expensive, so what the Oregon Association of Water Utilities is doing is trying to get ahead of it by filing a lawsuit towards these manufactures to try and hold them responsible for at least part of the cost of removal from the drinking water.

Public Works Superintendent Mike Krebs said he is asking for authorization from City Council to participate in the PFAS Cost Recovery Program. He went on to say he has a letter from legal that states we do not really have anything to lose by being a part of this program.

Mayor Charles Rostocil asked Public Works Superintendent Mike Krebs if he thinks we have a case that will show harm.

Public Works Superintendent Mike Krebs said not at this time, we tested non-detect, but there is always a possibility in the future. Public Works Superintendent Mike Krebs went on to say the limit they are testing for is extremely small, 4 parts per quadrillion.

City Councilor James Yonally said these substances are in a lot of everyday products, and people dump water with cleaning solutions outside, down the toilet, or sink, and if we are not detecting it now, we probably will sometime in the future, so he is in favor of entering in to this program.

City Councilor Tyler Thomas and City Councilor James Audritsh agreed.

MSA/Mayor Charles Rostocil /City Councilor James Audritsh motioned for The City of Hubbard join in The PFAS Cost Recovery Program. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas were in favor. Motion passed unanimously.

**CONSENT AGENDA.**

**A) Approval of City Council meeting minutes.**

- 1. September 13, 2022, regular meeting.**
- 2. September 21, 2022, special meeting.**

**B) Approval of October 2022 Check Register Reports.**

- C) Approval of application for North Marion Fellowship to use Centennial Park, December 2, 2022, for a Christmas Tree Lighting Ceremony, and authorization for City to pay for the lighting costs. *(Refer to Public Works Administrative Manager report)*
- D) Approval of ARPA Funded Social Services Grant Agreement between the City of Hubbard and the Bricks for North Marion, Inc., and authorize the Mayor to sign. *(Refer to the Police Chief's report)*
- E) Approval of ARPA Funded Social Services Grant Agreement between the City of Hubbard and Love Santa, Inc., and authorize the Mayor to sign. *(Refer to the Police Chief's report)*
- F) Approval of ARPA Funded Social Services Grant Agreement between the City of Hubbard and the Love Inc. of North Marion County, and authorize the Mayor to sign. *(Refer to Police Chief's report)*
- G) Approval of 2% Incentive Pay Increase for Vickie Nogle (Director of Administration/City Recorder) for obtaining the Local Government Management Certification (LGMC), effective November 1, 2022. *(Refer to Director of Administration/City Recorder report)*

MSA/City Councilor Tyler Thomas /City Councilor James Audtrish motioned to approve Consent Agenda as read. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas were in favor. Motion passed unanimously.

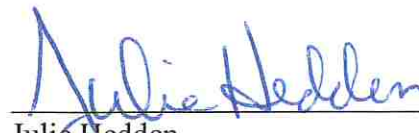
**OTHER CITY BUSINESS.** City Councilor James Audritsh said he was contacted by Love Inc., and they have put together a suicide prevention training module and wanted to know if the City of Hubbard was interested in having Love Inc., come in and present it at a City Council meeting.

Police Chief Dave Rash will be meeting with them about the ARPA funds and will get more information.

**ADJOURNMENT - NEXT REGULAR CITY COUNCIL MEETING IS DECEMBER 13, 2022, AT 7:00 P.M.** MSA/City Councilor James Audritsh /City Councilor Tyler Thomas motioned to adjourn the meeting. City Councilor James Audritsh City Councilor James Yonally, City Councilor Tyler Thomas and Mayor Charles Rostocil were in favor. Meeting adjourned at 8:17 p.m.

  
Charles Rostocil, Mayor

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

  
Julie Hedden  
Administrative Assistant / Court Clerk  
Transcribing