

**CITY OF HUBBARD
CITY COUNCIL MEETING MINUTES
OCTOBER 11, 2022**

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Charles Rostocil at 6:43 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 Robert Prinslow, City Councilor Tyler Thomas, City Councilor James Yonally.

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, Interim Fire Chief Michael Karhmann.

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 6:44 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 6:55 p.m. and reconvened the public open meeting at p.m.

MSA/Mayor Charles Rostocil /City Councilor James Audritsh motioned to terminate the contract with Prothman, and authorize Director of Administration/City Recorder Vickie Nogle to negotiate a contract with WBC for recruitment of a City Administrator. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. Motion passed unanimously.

APPOINT PLANNING COMMISSION MEMBER – 1 position available.

(Terms are January 1, 2022 – December 31, 2024)

A) Patrick Marnell

MSA/City Councilor James Audritsh /City Councilor Robert Prinslow motioned to appoint Patrick Marnell to the Planning Commission for the term January 1, 2022 – December 31, 2024. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. Motion passed unanimously.

APPEARANCE OF INTERESTED CITIZENS. None.

DISCUSSION REGARDING HUBBARD DEVELOPMENT CODE SECTION 2.303, HOME OCCUPATION. Mayor Charles Rostocil said a month ago there was a brief discussion regarding citizens running businesses out of their homes, such as Pampered Chef, or Scentsy, and the fees that had to be paid for the Home Occupation process to bring the home business into compliance with the Development Code. Mayor Charles Rostocil asked Director of Administration/City Recorder Vickie Nogle what the fees were.

Director of Administration/City Recorder stated the deposit amount for Staff review is \$1,000 and if it has to go before the Planning Commission it is \$1,500.

Mayor Charles Rostocil said he read through the information provided in the packet and it states persons whose gross receipts from business are exempt if they total less than \$2,500 a year, and he suggests changing it to something more reasonable such as \$10,000 a year.

Director of Administration/City Recorder Vickie Nogle said the Development Code lines out the standards for Home Occupations. V. Nogle said the \$2,500 a year amount is a gross revenue amount that is stated in the Hubbard Municipal Code that requires to register a business. She said she has emailed the City Planner, and is waiting to hear back, in regard to possibly streamlining the process, and if the City Planner really needs to review the application.

It was decided to table this discussion until the next City Council meeting, to give Director of Administration/City Recorder Vickie Nogle time to hear back from the City Planner.

MAYOR'S AND/OR COUNCIL'S PRESENTATIONS. City Councilor James Yonally asked that Item C on the Consent Agenda be pulled out for discussion.

City Councilor James Audritsh stated in the upcoming edition of the Woodburn Independent there will be an article about a local citizen who is getting recognized by the Pamplin Media Group for their contributions to Veteran's. He is a Vietnam Veteran, who retired 20 plus years ago, is well-known in the City, and has been selected as a large award recipient. City Councilor James Audritsh went on to say he was interviewed for this article because he knows him personally, and it was a real honor to be able to be a part of this.

Mayor Charles Rostocil said he was contacted by a non-profit that wanted to sell donuts to raise money for the Senior Class Party at the Harvest Festival. The Code states they have to get a vendor's license and insurance, which is about the cost of what they may actually make. He went on to say they obtained insurance and the license, but this took on the topic of how can we help students and non-profits with their fundraisers without hindering them with getting liability insurance. He went on to say with the Hop Festival we relinquish control to them and the event organizers are responsible and liability comes under their event insurance, but with the Harvest Festival event we kept control to make sure everyone got permitted. He went on to say in the future we should take a harder look at how the event organizer will handle non-profits and can we allow them to go under their umbrella since they have to have event insurance.

City Councilor Robert Prinslow said he is a proponent for non-profits and would like to help them if possible.

City Councilor James Yonally asked if the City can cover non-profits under their insurance for certain organizations, ones with a smaller staff or expected receipts not over a certain dollar amount.

Director of Administration/City Recorder Vickie Nogle said the City requires the event organizer to have insurance, and if the City says we are not going to require insurance and something happens when they are at the event, an example would be tripping over a table and is injured, they would go after the event organizers insurance. A person would only be covered under the City's insurance, if it was a group under the umbrella of the City.

City Councilor Tyler Thomas stated he agrees with his fellow City Councilors, if there is anything we can do to help we should, it is a great opportunity for kids to learn.

City Councilor James Audritsh said his only concern is the event organizer could allow a non-profit to do a car smash, or something similar, that could have a lot of liability versus selling donuts.

Mayor Charles Rostocil said he brought up this topic for City Council to consider for future events, how they organizers will handle non-profits.

STAFF REPORTS:

POLICE DEPARTMENT- Police Chief Dave Rash. Police Chief Dave Rash said Officer Chris Davis received a commendation from an elderly citizen whose car had broken down and she was not familiar with the area. She called and was extremely grateful that Officer Davis stayed with her until a tow arrived. Officer Bentley received one a few days ago for a similar incident. A girl's car broke down on her birthday and Officer Bentley got a hold of Hubbard Chevrolet and worked it out so her car could be towed there, and he stayed with her until they got her on her way.

Police Chief Dave Rash said Coffee with a Cop was October 5, 2022, at Le Petite, and they had a couple of people show up in the morning and about five people in the afternoon, so every Officer was able to interact with someone. He said he spoke with the owner, Ann, and they are going to try to do another one on the weekend sometime in April.

Police Chief Dave Rash said three dispatchers received awards in Bend at the Oregon APCO State Conference for their performance during the unfortunate incident of the St. Paul fire in which a firefighter was lost. He went on to say one dispatcher also received an award for her Volunteer work.

Police Chief Dave Rash said the Police Policy Manual has been updated. The section regarding Investigation and Prosecution update was mandated by the Oregon Legislature in 2021 concerning Interviewing children as a witness to a crime. The other section has to do with the Wellness Program and the changes will make it hard on the smaller agencies, such as having a Wellness Coordinator. Officer Bentley has taken the lead on this and we are talking with Woodburn and other agencies about a peer support team, hoping that will meet the mandates that are in the policy.

City Councilor James Yonally had a couple of question regarding towing on page 5, Section 502.8.2 (d) of the PD Policy Manual. It states the vehicle, and its contents, are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority. Councilor Yonally said it is kind of vague and wanted to know what the time frame was 60 or 90 days.

Police Chief Dave Rash said it was 30 days and he believes it is on the notice that is sent to the owner, and he thinks it is an Oregon Administrative rule or Oregon law.

City Councilor James Yonally said on Page 5, Section 502.9 of the PD Policy Manual states “member shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed”. He asked if we already have a rotation set up.

Police Chief Dave Rash responded that we do not, we have one tow company we use and that was established long before he got here. He did say if someone has gotten into an accident they always ask the vehicle owner if they have a preferred tow company they would like to use, and if they have no preference they default to Hubbard towing. Police Chief Dave Rash said that line probably needs to be taken out from the Policy.

Mayor Charles Rostocil asked if the approval for the Policy should be taken off the Consent agenda or if the last line of section 502.9 should be omitted and amended when approving the consent agenda. Consensus of City Council agreed to omitting the line when approving the Consent agenda.

City Councilor James Yonally said he has noticed that 4-way stops seem to confuse drivers and asked Police Chief Dave Rash if he could put an article in the newsletter reminding drivers of traffic rules, such as how to handle 4-way stops, pedestrian crossings, etc.

Police Chief Dave Rash will be at a Chief’s conference and then off until next Tuesday, but Sergeant Anderson will be available in his absence.

HUBBARD FIRE DISTRICT – Interim Fire Chief Michael Kahrmann. Interim Fire Chief Michael Kahrmann stated the Dorm project is moving forward and they are finalizing a contract now with Emerick Construction and the work on the remodel should get started at the end of the 1st quarter next year. He also said they had their rescue truck converted to a brush truck, the rescue body sold to Winchester, Kentucky and they drove 47 hours to pick it up and that will help fund the new brush.

Interim Fire Chief Michael Kahrmann said they went out to other parts of the State to help with the large wildfires which meant about 900 hours of manpower. He went on to say the Hubbard Fire District had 93 calls for service in September, 43 of those were in Hubbard and the other 50 were mutual aid to Woodburn and other surrounding fire agencies.

Interim Fire Chief Michael Kahrmann said they raised \$8,600 in the fill the boot campaign for Muscular Dystrophy last month.

Interim Fire Chief Michael Kahrmann said the Hubbard Fire District had a Cardiac arrest save on October 7, 2022. They responded to a call in Woodburn, and worked with Woodburn Fire District and Woodburn Ambulance, and were able to get a pulses back on scene and the patient was transported.

ADMINISTRATION DEPARTMENT – Director of Administration/City Recorder Vickie Nogle. Director of Administration/City Recorder Vickie Nogle gave an update on the status of the PUD hearing that was continued from the September 2022 Planning Meeting. She said the seller and buyer are negotiating at this time so the hearing may end up being held over to a future Planning Commission meeting.

Director of Administration/City Recorder Vickie Nogle said in regard to the Comprehensive Plan/UGB Expansion, if the City is interested in pursuing the Grant that was mentioned in her report, she can check back with the COG to see if they have capacity for assistance. She went on to say we do have some funds budgeted for this project, but if we are eligible for a grant, it would be nice to not have to spend all of that money.

There was a Consensus of City Council to have Director of Administration/City Recorder Vickie Nogle check back with the COG in January 2024 about the possibility of obtaining a Grant.

Director of Administration/City Recorder Vickie Nogle said she has finished her management certification through the League of Oregon Cities, but unfortunately the person that provides the certificate has not been available to do so yet. She will put it on the agenda and bring it before City Council as soon as she gets it.

Director of Administration/City Recorder Vickie Nogle said she was notified by Columbia Bank they had a security breach and they said the information that was breached was only our name and address. They provided complimentary credit monitoring with Experian, but after trying numerous times to get a hold of Experian to receive the free monitoring she was told they do not provide it for business, it is only provided for individuals.

Director of Administration/City Recorder Vickie Nogle contacted Glenn Holum about holding the Annual Holiday Award Banquet at his venue, Ferrier Creek Nursery on January 14, 2023. Glenn Holum said the venue is available, and it would be the same arrangement as before with a slight increase in cost.

The Consensus of City Council is to have the awards banquet and have Director of Administration/City Recorder Vickie Nogle make the arrangements with Glenn Holum.

Director of Administration/City Recorder Vickie Nogle informed City Council of Oregon Paid Leave that was enacted by the Oregon Legislature and will go into effect on January 1, 2023. She said what this means is that every employee will be required to have money taken out of their paycheck to fund this. If a business has less than 25 employees, then only employees will have to

contribute, if over 25 employees, both employees and employers must contribute. The cost for each employee is 1% of their gross salary and then times that 1% by 60%, for those that are under 25 employees, so as an example if an employee who has a gross salary of \$4,000 a month, then they would pay \$24 a month, or \$288 a year into a program they may or may not use but have to contribute to. Director Nogle said our software company has been contacted and will be working with her to get this set up in the system and ready to go by January 1, 2023.

PUBLIC WORKS DEPARTMENT-Public Works Superintendent Mike Krebs. Public Works Superintendent Mike Krebs had a couple of additions to the Public Works report. He said at the 1st of the month they were issued a new permit through Oregon DEQ, and while there are somethings that we knew were going to cause the City some expenses, but had wins on some of the items we pushed back on. One of the new requirements is excess thermal load, which is the temperature of the water that we discharge into the creek. They are giving us a limit of 1.3 million kcals per day, but unfortunately during the months they want us to monitor this, which is June 1 through September 30, we will not be able to make the standard, because we run around 3.2 million kcals per day, so we will need to make some modifications. He went on to say other issues is the testing of E Coli, we test that once a week and they are requiring it two times a week, monitoring ammonia levels, and more monitoring of Milk Creek for several different parameters, which means there will need to be some construction happening such as a flume and a platform to be able to gauge the flow and height of the creek, and also to be able to do the actual testing from. Public Works Superintendent Mike Krebs did say because of the infrastructure that will have to be done we were able to negotiate with DEQ so we do not have to start testing for a year.

Public Works Superintendent Mike Krebs said we have 20 days to ask for a review of the DEQ permit, but he does not think we could do any better if we ask for a review, so the permit will be done November, 1, 2022. He went on to say the last permit they issued us was in 2005, and because of this we had one of the guys from the Medford office inspect the plant last week and we passed with flying colors.

Public Works Superintendent Mike Krebs gave an update on his training. He said he just finished the 5th module out of the 15, and he is hoping to get through them by the last part of November. He also stated he has been working from home for this training and it was brought to his attention that he needed to ask City Council if this is acceptable.

Director of Administration/City Recorder Vickie Nogle said she is the one who brought it to his attention because telecommuting policy states that you have to have approval from the Council if you want to telecommute, and he if he plans on doing it in the future, we need to make sure we are being consistent.

Public Works Superintendent Mike Krebs said he plans on spending about 4 hours a week at home doing the training, and about two hours a day doing it here at work.

Consensus of City Council is to approve Public Works Superintendent Mike Krebs to telecommute 4 hours a week until November 30, 2022 or termination of the class.

DISCUSSION REGARDING INTERGRATOR OF RECORD – Public Works Administrative Manager Melinda Olinger. *(Refer to Public Works Administrative Manager report).*

Public Works Superintendent Mike Krebs said we are in the process of starting up the engineering for the water treatment facility and it has been suggested to us that we hire a single firm that can deal with the design, installation, and also support and maintenance afterwards, but the City would not lose the ability to use services from other providers on a case-by-case basis if necessary. He went on to say essentially we would contract out and hire a SCADA company that can do the whole project for us.

Mayor Charles Rostocil asked Public Works Superintendent Mike Krebs what the long term impact to have this service will be. Public Works Superintendent Mike Krebs said that is something we will need to negotiate with them, and he does not have that number right now because he has not actually gone out for a bid yet.

MSA/Mayor Charles Rostocil/City Councilor Tyler Thomas motioned to authorize Public Works Superintendent Mike Krebs to move forward with a Request for Qualifications with the end goal to bring a request to Council to award a contract at the December 13, 2022 council meeting. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. Motion passed unanimously.

Mayor Charles Rostocil asked if there was ever any follow up or finish on the sidewalk issue on 3rd Street. Public Works Administrative Manager Melinda Olinger said she was able to get a hold of the residents and she is working with them to get it taken care of and there are several others that are in the works. She went on to say that Council had requested the monthly dashboard be kept up to date, and she is not including what she puts on the Public Works report because it would just be a duplication and takes more time.

CONSENT AGENDA.

A) Approval of City Council meeting minutes.

- 1. June 27, 2022, special meeting.**
- 2. July 12, 2022, special meeting.**
- 3. August 9, 2022, regular meeting.**
- 4. September 19, 2022, special meeting.**

B) Approval of September 2022 Check Register Reports.

C) Resolution 742-2022 A Resolution amending Resolution 665-2019, 682-2019, 668-2020, 702-2020, 721-2021, 731-2022 Police Personnel Policies and Procedures for the City of Hubbard. *(Refer to Chief of Police report)*

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

CONTINUED DISCUSSION REGARDING COMPENSATION FOR NON-REPRESENTED EMPLOYEES.

(Refer to Director of Administration/City Recorder Memo dated August 24, 2022) City Councilor James Yonally said now that he has the numbers in front of him as to the cost, he is in favor of the 1.37% increase COLA for non-represented employees and retro back to July 2021.

City Councilor Robert Prinslow stated he is not in favor of giving the 1.37% COLA to the non-represented employees, that it should not be changed at this time.

City Councilor Tyler Thomas said it is roughly \$10,000 and is in favor of it based on the market conditions, it is well overdue, and I think staff is overworked and underpaid.

City Councilor James Audritsh said he is torn, we offer a lot of other incentives, but we have negotiated with the Police Union, and the inflation rate has hit us pretty hard. He went on to say \$10,000 isn't as big of a hit as he thought it was going to be.

Mayor Charles Rostocil agreed we do offer a lot of great incentives, but he does agree with Councilor Thomas, the inflation has been absolutely crazy, and he was pleasantly happy with the numbers, he thought it would be a lot more. He went on to say he would vote in favor of the increase at this point because inflation is bad and he would like to see us retain our employees.

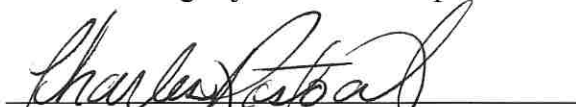
MSA/Mayor Charles Rostocil/City Councilor Tyler Thomas motioned to adopt a Resolution No. 743-2022, entitled "A resolution for Compensation Ranges for represented employees and amending non-represented employees", and repeal Resolution No. 740-2022, with the non-represented employees Exhibit "A" as presented and authorize the Mayor to sign. Mayor Charles Rostocil, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas and City Councilor Robert Prinslow were in favor. Motion passed unanimously.

OTHER CITY BUSINESS. City Councilor James Audritsh said Love Santa is gearing up and he will have an article ready for the next newsletter.

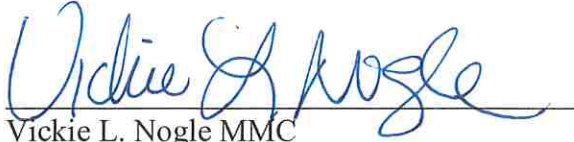
Mayor Charles Rostocil said if anyone has a chance, stop by Rocky Sherwood's Harvest Festival Saturday at Barendse Park.

Police Chief Dave Rash said he is working with non-profits, Love Inc., Love Santa, and North Marion Bricks to get the ARPA funds money dispersed, and may have the agreements with them ready to bring before Council next month.


ADJOURNMENT - NEXT REGULAR CITY COUNCIL MEETING IS NOVEMBER 8, 2022, AT 7:00 P.M. MSA/City Councilor James Audritsh /City Councilor Tyler Thomas motioned to adjourn the meeting. City Councilor Robert Prinslow, City Councilor James Audritsh, City Councilor James Yonally, City Councilor Tyler Thomas and Mayor Charles Rostocil were in favor. Meeting adjourned at 8:05 p.m.


Charles Rostocil, Mayor

ATTEST:

A handwritten signature in blue ink, reading "Vickie L. Nogle", written over a horizontal line.

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

A handwritten signature in blue ink, reading "Julie Hedden", written over a horizontal line.

Julie Hedden
Administrative Assistant / Court Clerk
Transcribing