CITY OF HUBBARD
CITY COUNCIL MEETING MINUTES
APRIL 12, 2016

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 6:45 p.m. at the Hubbard City Hall, 3720 2nd Street, Hubbard.

FLAG SALUTE: Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

City Council Present: Jim Yonally, Barbara Ruiz, Angie Wheatcroft, Matt Kennedy, Shannon Schmidt.

Staff Present: Director of Administration/City Recorder Vickie Nogle, MMC; Public Works Superintendent Jaime Estrada; Senior Accounting Specialist Kari Kurtz; City Planner Joseph Shearer; City Attorney Ashley Driscoll by way of SKYPE.

EXECUTIVE SESSION.
COUNCIL RECESS PUBLIC (OPEN) MEETING AND CONVENE EXECUTIVE (CLOSED) SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS ORS 192.660(2)(D). PURSUANT TO ORS 192.660(4) COUNCIL SPECIFICALLY REQUEST THAT MEMBERS OF THE MEDIA AND OTHER ATTENDEES NOT DISCLOSE MATTERS DISCUSSED IN EXECUTIVE SESSION.
Mayor Jim Yonally declared the ORS for the executive session and opened the closed executive session meeting.

COUNCIL CLOSE EXECUTIVE (CLOSED) SESSION AND RECONVENE PUBLIC (OPEN) MEETING. Mayor Jim Yonally closed the Executive Session meeting at 7:03 p.m.

DISCUSSION REGARDING EMPLOYEE COMPENSATION LEVELS. City Attorney Ashley Driscoll said they looked at where the City of Hubbard compares to other cities. She said some of Hubbard's positions are substantially below the market, while some are above or just at the market. She said some of the options discussed are doing a market adjustment, which would bring the positions below market to at-market. The City could also do a partial market adjustment, which would partially bring the positions up to market. Other options include looking at the positions on a case-by-case basis; doing a COLA increase for all employees; or nothing at all. She pointed out that if a market adjustment for the positions below the market is done, the positions above or at-market would not receive an increase this year.

Mayor Jim Yonally asked what the ending fund balances are.

Senior Accounting Specialist Kari Kurtz reported the estimated ending fund balance for this year is $305,000.

A. Driscoll told the Council staff is looking for direction on how they would like to move forward, keeping in mind the budget is being formed.

EXECUTIVE SESSION.
COUNCIL RECESS PUBLIC (OPEN) MEETING AND CONVENE EXECUTIVE (CLOSED) SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS ORS 192.660(2)(D). PURSUANT TO ORS 192.660(4) COUNCIL SPECIFICALLY REQUEST THAT MEMBERS OF THE MEDIA AND OTHER ATTENDEES NOT DISCLOSE MATTERS DISCUSSED IN EXECUTIVE SESSION.

COUNCIL CLOSE EXECUTIVE (CLOSED) SESSION AND RECONVENE PUBLIC (OPEN) MEETING. Mayor Jim Yonally declared the ORS for the executive session and opened the closed executive session meeting at 7:16 p.m.

COUNCIL CLOSE EXECUTIVE (CLOSED) SESSION AND RECONVENE PUBLIC (OPEN) MEETING. Mayor Jim Yonally closed the Executive Session meeting at 7:28 p.m. and reconvened the open public meeting at 7:28 p.m.

J. Yonally noted Councilors Angie Wheatcroft and Matt Kennedy mentioned having employees fill out a survey or questionnaire.

The Consensus of the Council was to review positions on a case by case basis and have an employee survey done. The Council also wants to schedule department head evaluations/reviews.

PUBLIC HEARING.
LA – 2016-01; LEGISLATIVE AMENDMENT OF THE HUBBARD DEVELOPMENT CODE TO ADOPT REASONABLE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA-RELATED USES. Mayor Jim Yonally opened the public hearing and asked if there were any declarations of conflict of interest, bias, or ex-parte contact. There were none.

City Planner Joseph Shearer read the legislative hearing statement.

J. Shearer went over the staff report and reminded the Council of the temporary ban they had put in place, with a sunset clause of August 1, 2016. He reported the Planning Commission had reviewed an application for an industrial type use, but it was denied due to the temporary ban. J. Shearer went over the regulations and restrictions developed by the Planning Commission. He mentioned that one of the restrictions is marijuana related retail uses have to have property frontage along Pacific Highway 99E, and be located in a commercial zone.

J. Yonally opened the meeting to proponents. There were none.

J. Yonally opened the meeting to opponents. There were none.

Dan Estes, 2862 Walnut Court, Planning Commission Chairman, identified himself and said he was present to answer questions on behalf of the Planning Commission.

J. Yonally closed the public comment portion of the meeting.

City Councilor Angie Wheatcroft asked for clarification about legal issues if voters approve a ban.

City Attorney Ashley Driscoll stated if Hubbard's citizens vote to not allow marijuana uses in Hubbard, the City should have no further legal issues. She said House Bill 3400 is very clear what cities can and cannot do. She said medical marijuana related uses cannot be banned, but the other six of the seven uses can be. She added if the City wants to do any type of marijuana tax, they cannot ban any of the seven uses.

J. Shearer told the Council staff would like a continuance on the marijuana related discussion, to allow for more time to research and get clarification, and allow the Council an opportunity to provide additional direction to staff.

MSA/City Councilor Matt Kennedy/City Councilor Barbara Ruiz moved to continue discussion on Legislative Amendment 2016-01 to the May City Council meeting. City Councilor Barbara Ruiz, City Councilor Shannon Schmidt, City Councilor Angie Wheatcroft, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

COMMUNITY REPORTS. Dan Estes, 2862 Walnut Court, Hubbard, Hubbard Parks Improvement Committee (HPIC), announced the BINGO fundraiser event raised over $1700. He reported the backstop was installed at Barendse Park on March 19, 2016.

APPEARANCE OF INTERESTED CITIZENS. There were none.

MAYOR'S PRESENTATIONS, AND/OR COUNCIL'S PRESENTATIONS. Director of Administration/City Recorder Vickie Nogle, reminded the Council she had provided them with an email and reported there would be an increased cost for weekly recycle pick-up.

City Councilor Matt Kennedy suggested putting something in the City's newsletter.

STAFF REPORTS.
ADMINISTRATIVE DEPARTMENT – Director of Administration/City Recorder V. Nogle, MMC. Director of Administration/City Recorder Vickie Nogle stated she had nothing to add to her report.

Senior Accounting Specialist Kari Kurtz reported online billing and payments is up and running.

POLICE DEPARTMENT – Police Chief Dave Dryden. Police Chief Dave Dryden was not present.

City Councilor Angie Wheatcroft asked if there was any more information regarding the suspected marijuana business on 3rd Street.

Officer Glen Bentley stated his understanding is there was mold in the building which prevented them from doing business, and they had a grower's card. He said they moved out.

Dan Estes, Planning Commission Chairman, offered to be a liaison between the City and SEDCOR.

The Consensus of the Council is to direct Planning Commission Chairman Dan Estes to be a liaison with SEDCOR.

PUBLIC WORKS DEPARTMENT. Public Works Superintendent Jaime Estrada reported the accrued time overages for Melinda Olinger stemming from the boil water incident in November

2015 hadn't been brought down yet and are requesting pay out which is on the Consent Agenda. J. Estrada also pointed out Item #4 in his report recommended rejecting all Schedule A bids and awarding Schedule B to North Santiam Paving, which is also on the consent agenda.

CONSENT AGENDA.

A. **APPROVAL OF MARCH 8, 2016, CITY COUNCIL MINUTES.**

B. **RESOLUTION NO. 605-2016. A RESOLUTION TRANSFERRING APPROPRIATIONS WITH THE FY 2015-16 BUDGET.** *(Refer to Public Works report)*

C. **APPROVAL FOR GERTRUDE HEPLER TO USE RIVENES PARK ON SEPTEMBER 11, 2016, FROM 9:00 AM TO 8:00 PM FOR A FAMILY REUNION.** *(Refer to Public Works report)*

D. **AUTHORIZE 19.13 HOURS OF COMPENSATORY TIME AND 15 HOURS OF HOLIDAY PAID FROM THE WATER FUND TO THE PUBLIC WORKS ADMINISTRATIVE ASSISTANT MELINDA OLINGER.** *(Refer to Public Works report)*

E. **ACCEPT NORTH SANTIAM PAVING COMPANY'S BID IN THE AMOUNT OF $23,700 FOR SCHEDULE B ("G" & 2ND STREETS PAVEMENT MAINTENANCE & IMPROVEMENTS PROJECT, CONSISTING OF AN OVERLAY ON 2ND STREET BETWEEN "F" & "D" STREETS), AND REJECT ALL SCHEDULE A BIDS, AND AUTHORIZE PUBLIC WORKS SUPERINTENDENT JAIME ESTRADA TO SIGN.** *(Refer to Public Works report)*

MSA/City Councilor Angie Wheatcroft/City Councilor Shannon Schmidt moved to approve the Consent Agenda as presented. City Councilor Barbara Ruiz, City Councilor Shannon Schmidt, City Councilor Angie Wheatcroft, City Councilor Matt Kennedy, and Mayor Jim Yonally were in favor. Motion passed.

APPROVAL OF THE MARCH 2016 CHECK REGISTER REPORT.

MSA/City Councilor Matt Kennedy/City Councilor Angie Wheatcroft moved to approve the check register report as presented. City Councilor Matt Kennedy, City Councilor Shannon Schmidt, City Councilor Angie Wheatcroft, and Mayor Jim Yonally were in favor. Motion passed. City Councilor Barbara Ruiz abstained from voting due to a conflict of interest as her father is the owner of the Shell gas station that she is employed.

OTHER CITY BUSINESS. There was none.

ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, MAY 10, 2016, AT 7:00 P.M) MSA/City Councilor Angie Wheatcroft/City Councilor Barbara Ruiz moved to adjourn the meeting. City Councilor Angie Wheatcroft, City Councilor Shannon Schmidt, City Councilor Matt Kennedy, City Councilor Barbara Ruiz, and Mayor Jim Yonally were in favor. Motion passed. Meeting adjourned at 8:45 p.m.

Mayor Jim Yonally

ATTEST:

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

Lucy T. Astorga, Administrative Assistant
Transcribing