

**CITY OF HUBBARD  
CITY COUNCIL MEETING MINUTES  
MAY 10, 2016**

**CALL TO ORDER:** The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 7:00 p.m. at the Hubbard City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

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

**City Council Present:** Jim Yonally, Barbara Ruiz, Matt Kennedy.

**Excused Absence:** Angie Wheatcroft, Shannon Schmidt.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, MMC; Public Works Superintendent Jaime Estrada; Senior Accounting Specialist Kari Kurtz; Police Chief Dave Dryden; City Attorney Ashley Driscoll, Berry Elsner & Hammond via SKYPE; City Planner Renata Wakeley, MWVCOG.

**PUBLIC HEARING.**

**LA – 2016-01; LEGISLATIVE AMENDMENT OF THE HUBBARD DEVELOPMENT CODE TO ADOPT REASONABLE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA-RELATED USES.** Renata Wakeley, Mid-Willamette Valley Council of Governments (MWVCOG) said she is appearing on City Planner Joseph Shearer's behalf. She added that J. Shearer provided notice to the MWVCOG that he will be resigning. R. Wakeley said the additional information previously requested of legal counsel has been received and provided to the City Council. She said because the hearing was previously opened and closed, there is no need to open the hearing and take comment. However, because it was posted as a hearing, it might be good to open it again. R. Wakeley reviewed the staff report regarding Legislative Amendment 2016-01, which was previously provided at the April Council meeting.

Mayor Jim Yonally opened the public hearing.

Robert Prinslow, 3745 10<sup>th</sup> Street, Hubbard, stated the ultimate benefit will not outweigh the detriment and hardship that comes with the allowance of marijuana retail and manufacturing in the City of Hubbard. He requested the issue go to a vote and let the citizens decide if they want to allow it at all.

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

City Councilor Matt Kennedy addressed R. Prinslow's concerns and said one benefit would be fewer vacant buildings.

City Councilor Barbara Ruiz said she believes it should go to the citizens to vote on.

J. Yonally commented that most people get distressed over marijuana retail uses, and under the current proposed ordinance, they have to be located on Pacific Highway 99E and can't be within 1,000 feet of each other. He asked what the timeline is in order to get something on the ballot.

City Attorney Ashley Driscoll replied everything would have to be in by August. She estimated if that decision was made tonight, she could have the resolution prepared within the next couple of weeks.

R. Wakeley said the current ban expires on August 1, 2016, which would leave staff with a timespan without any direction.

A. Driscoll said the City would need to repeal and revise the previous ordinance.

M. Kennedy commented the issue has gone to the people in a state vote, and it is being regulated by OLCC (Oregon Liquor Control Commission). He said there's a ton of people in Hubbard who are currently using the product whether others like it or not. He said most of the opposition he's heard is regarding retail uses. He added for a few years, one business has been operating without anyone even knowing.

B. Ruiz said she believes citizens should have the right to vote on it.

A. Driscoll said the Council can put regulations together in case the ban fails in the election. She said the City will want regulations ready to be put in place if the ban fails.

M. Kennedy suggested the current proposal is a good template to have in place in case the voted ban fails.

A. Driscoll said the regulations being proposed today can be approved with the caveat that they are only put in place if the ban fails at election time. She said she didn't see any City Council rules precluding the Mayor from making or seconding a motion.

MSA/City Councilor Matt Kennedy/Mayor Jim Yonally moved to direct staff to extend the temporary ban currently in place beyond August 1, 2016, through the election cycle; direct staff to prepare the ballot measure to be submitted to the voters; and approve the regulations in Legislative Amendment 2016-01 only if the vote to ban marijuana uses is unsuccessful. City Councilor Matt Kennedy and Mayor Jim Yonally were in favor. City Councilor Barbara Ruiz was opposed. Motion passed.

**COMMUNITY REPORTS.** There were none.

**APPEARANCE OF INTERESTED CITIZENS.** Scott Stierle, 4459 Locust Street, Hubbard, said if the City is going to have a vote, would the measures be advertised.

Mayor Jim Yonally said advertising would be up to whoever is opposed or in support of the measure. He said he didn't know if the City can advertise.

Director of Administration/City Recorder Vickie Nogle, MMC, said the City Council members can advertise their opinion, but staff members cannot unless it's done on their personal time.

**MAYOR’S PRESENTATIONS, AND/OR COUNCIL’S PRESENTATIONS.** There were none.

**REVIEW DRAFT AMENDMENTS OF BUSINESS LICENSES AND REGULATIONS.**

Director of Administration/City Recorder Vickie Nogle, MMC said she removed “City Manager” and replaced it with “Director of Administration/City Recorder” but the Council can put whichever position they want in there.

Mayor Jim Yonally said he had spoken with some business owners about the matter, but suggested addressing the matter at the July meeting, as the June meeting will be busy with other issues.

City Councilor Matt Kennedy asked what the guidelines for attendance by the City Council are, including what constitutes excused/unexcused absence.

V. Nogle responded there is nothing listed in the Council rules and procedures.

*[V. Nogle followed up after the meeting with Charter Section 19. Vacancies (2)(b) “Absence from the city for 30 days without the council’s consent or from all meetings of the council within a 60-day period.”]*

**STAFF REPORTS.**

**PUBLIC WORKS DEPARTMENT.** Public Works Superintendent Jaime Estrada said he had nothing to add to his report.

Mayor Jim Yonally asked what the G Street project payment was for.

J. Estrada replied it was for the design of the project itself.

J. Yonally asked about the restroom project.

J. Estrada said he has a presentation scheduled in June for the grant.

**ADMINISTRATIVE DEPARTMENT – Director of Administration/City Recorder V. Nogle, MMC.** Director of Administration/City Recorder Vickie Nogle reported there is a correction on her report. She said there will be a Planning Commission meeting on May 17, 2016, and there will be a public hearing regarding the commercial rezone project.

Senior Accounting Specialist Kari Kurtz reported the budget recommendation was approved. She said the new payment system is off to a good start. She added there is more detail now on the check register report.

**POLICE DEPARTMENT – Police Chief Dave Dryden.** Police Chief Dave Dryden said he had nothing to add to his report.

City Councilor Barbara Ruiz asked if he had received applications for the PD Administrative Assistant position.

D. Dryden replied he had received some.

**APPROVAL OF THE APRIL 12, 2016, CITY COUNCIL MINUTES.** MSA/City Councilor Barbara Ruiz/City Councilor Matt Kennedy moved to approve the April 12, 2016, City Council minutes as presented. City Councilor Matt Kennedy, City Councilor Barbara Ruiz, and Mayor Jim Yonally were in favor. Motion passed.

**APPROVAL OF THE APRIL 2016 CHECK REGISTER REPORT.**

MSA/City Councilor Matt Kennedy/Mayor Jim Yonally moved to approve the check register report as presented. City Councilor Matt Kennedy and Mayor Jim Yonally were in favor. 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.

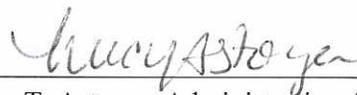
*[No quorum to vote will be placed on the June 14, 2016, City Council Agenda]*

**OTHER CITY BUSINESS.** There was none.

**ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, JUNE 14, 2016, AT 7:00 P.M)** MSA/City Councilor Matt Kennedy/City Councilor Barbara Ruiz moved to adjourn the meeting. City Councilor Matt Kennedy, City Councilor Barbara Ruiz, and Mayor Jim Yonally were in favor. Motion passed. Meeting adjourned at 7:45 p.m.

  
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Mayor Jim Yonally *Council President matt Kennedy*

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

  
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Lucy T. Astorga, Administrative Assistant  
Transcribing