

**CITY OF HUBBARD
CITY COUNCIL MEETING MINUTES
JUNE 9, 2020**

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Charles Rostocil at 7:00 p.m. virtually through ZOOM because of COVID-19.

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

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

EXCUSED: City Councilor Michelle Dodge.

STAFF PRESENT: Director of Administration/City Recorder Vickie Nogle, Finance Director Judy Smith, Public Works Superintendent Michael Krebs, Police Chief Dave Rash, Public Works Administrative Manager Melinda Olinger, Administrative Assistant / Court Clerk Julie Hedden, City Attorney Chad Jacobs-Berry Elsner, City Engineer Matt Wadlington-Civil West Engineering.

OTHER ATTENDEES: Marty Sobo, Bethany Zito, Mark Grenz, Scott Stierle, Andrew Sprauer, Gus Wettstein, Peter Kooiman, Helen Kooiman, Matt Fryauf, James Halbirt "Ricky," and 2 unidentified members of the public.

PUBLIC HEARING.

- A) Continued from May 12, 2020 - Review proposed adoption of the 2019 Hubbard Water Master Plan (WMP), as an addendum to the Hubbard Comprehensive Plan (LA #2020-01).**

Mayor Charles Rostocil opened the Public Hearing at 7:07 p.m.

Mayor Charles Rostocil read the legislative hearing statement.

Director of Administration/City Recorder Vickie Nogle read the criteria standard script.

Mayor Charles Rostocil asked for any declarations of ex parte contact, bias, or conflict of interest.

Citizen James Halbirt said he objected to the notice that was published because the proposed Resolution was not with the letter for the Reimbursement District.

Mayor Charles Rostocil explained this is the review for the 2019 Hubbard Water Master Plan and not the Reimbursement District, that it is the next agenda item.

Mayor Charles Rostocil said that a written Staff Report from the City Planner which included Goal 11 finding was submitted in the meeting agenda packet.

Public Works Staff presented the Water Master Plan. Public Works Superintendent Mike Krebs said this is the same information presented to the Planning Commission at their meeting last month. He said this is updating the original plan that was done in 1996. M. Krebs said it is required by the Oregon Administrative rules and it is a 20 year plan that takes us out to 2039. He stated it also covers the water system goals, the future demands the City may need, and it includes a seismic risk assessment.

Public Works Superintendent Mike Krebs summarized the Water System Master Plan that was put together by Murraysmith, and was included in the agenda packet: Section 1 is the Introduction to the Existing Water System and why we did it, Section 2 is the projected growth and water requirements, Section 3 is the planning and analysis criteria, Section 4 is the water system analysis, Section 5 is the seismic resilience evaluation, Section 6 deals with operation and maintenance, and Section 7 is the recommendations and capital improvement program. M. Krebs said essentially this is a 20 year road map of where we want to go with the water district.

Mayor Charles Rostocil asked if there were any questions of staff from the City Council before we continue and accept public testimony.

Mayor Charles Rostocil accepted public testimony regarding this case. He asked if there is anyone who would like to speak in support of the plan adoption.

Planning Commissioner Scott Stierle said as a member of the Planning Commission he backs the passage of the 2019 Hubbard Water Master Plan.

Mayor Charles Rostocil asked if there was anyone that would like to speak in opposition of the plan adoption. There was none.

Mayor Charles Rostocil asked if there was anyone that would like to speak neither for nor against the plan adoption. There was none.

Mayor Charles Rostocil asked if the City Council would like Staff to address any of the testimony.

Mayor Charles Rostocil said before he closed or continued the public hearing are there any additional questions from the City Council of staff or anyone. There was none.

Mayor Charles Rostocil closed the public hearing at 7:20 p.m. and said he entertain discussion on the amendments and / or a motion.

MSA/City Councilor James Audritsh/City Councilor Tyler Thomas moved to adopt the findings outlined in the staff report and approve the 2019 Hubbard Water Master Plan (WMP) by adopting it as an addendum to the Hubbard Comprehensive Plan as presented, and direct staff to prepare and enacting ordinance. Mayor Charles Rostocil, City Councilor Robert Prinslow, City

Councilor Tyler Thomas, and City Councilor James Audritsh were in favor. Motion carried unanimously.

B) City of Hubbard – Sewer Reimbursement District (Kooiman Estates Subdivision) – Matt Wadlington, Civil West Engineering. (*Refer to Resolution No. 693-2020 in the Consent Agenda*)

1. Resolution No. 693-2020. A Resolution approving a Reimbursement District.

Mayor Charles Rostocil opened the public hearing at 7:23 p.m.

Mayor Charles Rostocil asked for any declarations of ex parte contact, bias, or conflict of interest.

Mayor Charles Rostocil acknowledged that James “Ricky” Halbirt had an objection to the noticed that was published because it was not published with the proposed resolution. Mayor Rostocil asked Director of Administration/City Recorder Vickie Nogle if we typically include the actual ordinance when we publish the notice.

Director of Administration/City Recorder Vickie Nogle said it is a resolution and what was included in the mail was the notice of the hearing and also the sewer reimbursement information from Civil West Engineering, however everything was posted online last week, including the Resolution, the Civil West Study, and the application from the applicant.

City Attorney Chad Jacobs said the public hearing notice is governed by Section 3.07050 of the Cities Code and that only requires the City provide notice of a public hearing and the purpose there of, there is no legal requirement to include the resolution itself within the notice.

Mayor Charles Rostocil asked James “Ricky” Halbirt, regarding the ordinance not being readily available on the publication, did he feel that provided him insufficient time to have the opportunity to review this ordinance prior to this open discussion.

James “Ricky” Halbirt responded he did not have prior notice to review the proposed resolution and he is concerned they have already come up with a resolution before there was even a public hearing.

Mayor Charles Rostocil said this discussion has been brought into Council 6 or 8 months ago.

Director of Administration/City Recorder Vickie Nogle said it was approximately two months ago when the applicant addressed the Council about the reimbursement district. She said the City Council had to approve the report at a previous meeting, and now holding the public hearing in regards to this report.

James “Ricky” Halbirt, once again said his concern was that it was not published.

Director of Administration/City Recorder Vickie Nogle said the discussion about the application, accepting the application, and adopting an ordinance for them to file an application is not a public hearing requirement.

Mayor Charles Rostocil said he is going to note the objection and it is in the minutes. He went on to ask for declarations of ex parte contact, bias, or conflict of interest. There was none.

Matt Wadlington with Civil West Engineering summarized the written staff report he submitted in the meeting agenda packet. He said in February the applicant presented a plan for a sewer reimbursement district and the initial application showed there was a cost of \$341,000 for the sewer improvements. M. Wadlington said it proposed the allocation of those costs was pro-rated based on a percentage of the total frontage of the property associated with that improvement. He stated after reviewing the improvements and the application they made the determination that it was more reasonable to allocate those cost based on a percentage of the total developable area within that district boundary. He stated methodology presented in the report is based on acreage and includes an administration fee payable to the City to handle this cost.

Mayor Charles Rostocil asked if there were any questions of staff from the City Council before continuing to accept public testimony.

City Councilor James Audritsh said he remembers when this came to the City Council meeting. He stated they could put in larger lines to assist future needs, but they would pay their share, just the difference would be in what it would cost between a regular pipe and a larger pipe for sewer. J. Audritsh stated rather than having a second or third developer go back and rip up old pipe to put in bigger pipe, we thought that would be the best use of the developer's funds.

Matt Wadlington of Civil West Engineering said he is not aware of that discussion. He stated was purposed was a reimbursement for the full cost of the sewer. M. Wadlington said the subdivision that did the initial construction is include in that district, and their share of the cost is taken out of the total, but the total does include the full cost of the sewer, not just an oversized cost.

City Councilor James Audritsh responded at the time those of us Councilors said that it sounds like a good idea, bigger pipe and as long as they pay their fair share when the time comes, he can collect some of that money back, the difference between the larger pipe and the smaller pipe. He went on to say that he just wanted to make sure this is correct and that the \$340,000 is the difference between the \$1,000,000 it cost to put it in and the larger pipe.

Matt Wadlington of Civil West Engineering said no, the \$341,000 is the total cost of the sewer, there was not a breakdown provided in the application of the cost difference to upgrade the pipe, so it is based on the total cost of the sewer, not an upgrade cost.

City Councilor James Audritsh asked that of the breakdown of the \$341,000, what the share is of the current subdivision that is there.

Matt Wadlington of Civil West Engineering said the subdivision share is approximately \$65,000 of the \$341,000 total cost.

Mayor Charles Rostocil said his original belief when they talked about the reimbursement district was that it would be reimbursed based off of those making connections into this line. He said based off of that he was under the impression the greater burden of the connections would be pursuant to those that are developing the latest annexation into the city, but it now looks like it is based off of street frontage. C/ Rostocil stated his concern is the equity that he sees on the distribution in terms of linear footage as opposed to acreage, or developmental opportunities within that acreage.

Matt Wadlington of Civil West Engineering said he wanted to correct himself, he was wrong in his layout of how that is funded, the cost he presented was what was presented in the original application. He stated they have reallocated based on acreage not on frontage. M. Wadlington said the Kooiman subdivision would be allocated \$25,000 of the \$340,000 cost.

Mayor Charles Rostocil said that his understanding of this is that if Tax Lots 701, 2700, 100, etc. was to develop their land, then their costs would be in alignment with the purposed reimbursement, but then they would have to increase that sewer pipe.

Public Works Superintendent said yes, what would have happened, when they developed the Kooiman Estates they would have been required to put in a minimum 6” sewer line, so if anyone else came along and was to develop, they would have had to rip out the entire sewer line and upgrade to an 8” sewer line. He stated instead of doing twice the work at twice the cost there was the agreement with I & E Construction to upgrade the line to begin with. M. Krebs said the thought was that if anyone else was to connect to that line, then that developer gets to offset I & E Constructions cost with their fare share of the bill.

Mayor Charles Rostocil asked for clarification on what is defined as development. He said he was under the impression that development in this case would be anytime a new connection was made to the sewer. He wanted to know what is going to trigger the reimbursement fee?

City Attorney Chad Jacobs said the allocation to pay the reimbursement district fee comes into play once you have received approval of permits, which is outlined in Section 3.07.100 of the code, this would include a building permit for a new building, a building permit for any additions of buildings, a development permit as defined by the code (defined by 3.07.010 of the code), or a permit issued for connection to a public improvement which in this case is the sewer.

Public Works Superintendent said all those things would trigger this if they are in the City Limits. He stated there is a section in the Ordinance that states the City cannot provide water or sewer service to anyone that is outside of the City Limits, they would have to be annexed into the City before any of these things could take place.

Mayor Charles Rostocil asked what tax lots that would truly impact.

Public Works Superintendent said it would be Tax Lots 100 and 701, Tax Lots 2700 and 2800 are not applicable because they are not in the City Limits.

City Attorney Chad Jacobs said to be clear, if they annex into the City within the time period that the reimbursement district is in place, which could be a minimum of 10 up to 15 years, it still could apply at that point.

Mayor Charles Rostocil said his only contention still is that if he is the individual on Tax Lot 701, and wants to put in a driveway, will they be hit with a \$10,000 water connection fee.

Public Works Superintendent said that Tax Lot 701 has already been annexed in and have already paid their fees and they do have an oversized pipe that is already in the sewer main for possible future development. He said in his opinion when they do decide to develop, they will only have to pay SDC charges for the 2 lots that they are proposing in the future.

Mayor Rostocil asked Matt Wadlington of Civil West Engineering how that will figure into the reimbursement proposal.

Matt Wadlington of Civil West Engineering said if lot 701 is no longer considered as part of the reimbursement district, then that money that they would owe, \$6689, would be redistributed to the other tax lots.

City Attorney Chad Jacobs said that on page 2 of Matt Wadlington's report, there is double ** by Tax Lot 701, and that note says what Public Works Superintendent Mike Krebs has been outlining.

City Councilor Robert Prinslow said on Section 3 of the Resolution there is a 3% interest rate, and he wanted to know how that gets paid.

City Attorney Chad Jacobs said under the Code the City is allowed to include an interest rate to take into account the economic loss the developer has over a period of time in which the money isn't paid, so what was purposed was 3%, but that can be any amount of no amount if the Council so chooses.

Mayor Charles Rostocil accepted public testimony regarding this case. He asked if there is anyone who would like to speak in support of the plan adoption.

Mark Grenz with Multi-Tech Engineering said they came before the Council in February and their application to have a reimbursement district established was approved to move forward, and as was pointed out then. He stated the purpose of the reimbursement ordinance that the City adopted was to make way for developments or anyone that has to extend services of a facility in excess of their frontage in order to get service. M. Grenz said the other properties along that route that would benefit in the future would pay their fair share. He stated they worked with the City Engineer at the time they were setting this up and they were the ones that suggested how they set this up as a means for assessment. M. Grenz said the way that Civil West is presenting it is a more conventional methodology for sanitary sewer. He stated the Kooiman subdivision only

represents about 7.4% of the total acreage that has the potential to benefit from this facility and Multi-Tech is willing to participate with our share of that but we ask those properties that someday, within the life of the reimbursement district, that connect will pay for their proportion share so they do not receive an unjust enrichment at the expense of another piece of property. M. Grena stated we ask that the Council will proceed to approve the reimbursement district for 15 years, so we have the opportunity to get a reasonable share of the money back in the future.

Mayor Charles Rostocil asked if there was anyone that would like to speak in opposition of the plan adoption.

Andrew Sprauer with Churchill Leonard Lawyers, representing James and Becky Halbirt (Tax Lot 2700), said he submitted a letter with objections which was answered by City Attorney Chad Jacobs earlier today. He said the City Council has already answered one question that he was going to ask and that was based on the fact that Mr. Halbirt's property is outside of the City Limits, so it is subject to the Marion County, not City rules. A. Sprauer said it would take an annexation for them to be applicable under this reimbursement district, but as a property with only one homesite, not connected to City sewer or water, and not in the City Limits, being asked to contribute a significant amount of money for an improvement they are not hooked in to, seems very burdensome. He went on to say in addition we have concerns that if his clients were annexed into the City, that any application to adjust a driveway, repair damage to house of more than 25%, or an application to replace a dwelling for a destroyed home site is a land use decision that would trigger this reimbursement whether connected to the improvements or not. A. Sprauer said we were asking the properties outside of the City Limits be excluded, but if for some reason they were to be included the area reimbursement is more reasonable than frontage. He stated for tax lot 2700, the Halbirt property, there are wetlands portions that are not going to be developable under Oregon's Land Use rules, so the actual developable portion of that property is approximately 50%, so there are other consideration of equity that are not fully being considered yet. He said he has extra concerns about Commissioner Audritsh's comments that if Kooiman Estates had installed the pipe they were supposed to install, then there would be no reimbursement at all, there was an agreement for them to install a larger pipe at an increased cost, but the proposal before the Council in Mr. Wadlington's report would reimburse the entire fee to the developers or Kooiman Estates, not the difference as Commissioner Audritsh suggested was previously discussed and potentially agreed to.

James Halbirt "Ricky" said he talked to Matt Wadlington and he was unaware of the height of his property versus where the lift station is, which is about 20ft, so there is no way to hook to the sewer line toward 4th Street. He stated Little Bear Creek runs through the middle of his property. J. Halbirt said this has been going on since 2017 and they have put up with all of their machinery and noise for the last 4 years, and now to come in and say they want some money out of us when that whole thing was put in specifically for that addition. J. Halbirt stated we went to all the City Council meetings and Planning Commission meetings for this and there was never any mention of a reimbursement district in any of those meetings.

Helen Kooiman owner of Tax Lot 701 said they submitted written comments, but also wanted to add it was her understanding that development costs are normally distributed among purchasers of newly constructed homes, so that homes in Kooiman Estates were sold with recouping those

costs in mind. She said Public Works Superintendent Michael Krebs said they did pay Carl for the lot services for lots 19-21 and also 701, as part of the real estate transaction in which he purchased the land, and also paid for sewer and water development when Tax Lot 701 was developed to allow for future partitioning. H. Kooiman stated she does not feel the applicant is owed anything by them and the applicant stands to further profit from developing Tax Lot 100, whether improvements already made to infrastructure benefit others in the community or not, the improvements were not done as a tax payer approved, city generated proposal, but rather as a private, for profit one, which again will be repaid by the sales of the homes he develops. She said they would like clarification on something that Public Works Superintendent Mike Krebs touched on; the last line states if further development occurs on tax lot 701 the fee will be applied. She wanted to know what the decision will be on that because they did pay to have some larger lines placed and some fees involved with that.

Mayor Charles Rostocil asked if there was anyone that would like to speak neither for nor against the plan adoption. There were no comments.

Mayor Charles Rostocil asked if the City Council would like Staff to address any of the testimony.

Mayor Charles Rostocil asked if there was any consideration taken into account on the full area that is developable.

Matt Wadlington of Civil West Engineering said there was no consideration about the area of the tax lot that could be developable.

Mayor Charles Rostocil asked is the reimbursement that is currently being sought, what is the actual difference between what would have been required by Kooiman Estates if they would have put in the basic requirement versus what was actually installed.

Public Works Superintendent Mike Krebs said that he believes \$290,000 was the approximate number.

City Councilor James Audritsh said back when it was discussed having a little bit of payback for putting in a larger diameter sewer line, it was never thought it was going to be \$340,000 at the time, it was thought to just be a small difference in price and that he could recoup a little bit.

Public Works Superintendent Mike Krebs said the cost for the 10" Sanitary Sewer is \$138,000, he does not have the amount for a 6" pipe, but the 8" is what they used to run through the subdivision and the cost is \$82,000 and that takes into account 599 linear feet.

City Councilor James Audritsh said that is more along the lines of the amount he was led to believe when it was originally discussed having a district to help reimburse the cost of it. He said he agrees that anyone else that is going to hook up to it should pay something, but \$340,000 seems like a lot of money for a 10" pipe.

Public Works Superintendent Mike Krebs said it was 8” pipe from the edge of the subdivision 600 ft south, they upgraded it to a 10” pipe at the City request, and put in 879 ft. of 10” pipe. He stated he believes it loops completely around Lydia.

City Councilor James Audritsh asked if there was any other way to connect into that other than the end of 4th Street.

Public Works Superintendent Mike Krebs said they could have gone to north on 4th to J Street, which would have been considerably less of a distance.

City Councilor James Audritsh said the reimbursement should come from 4th Street to J Street because the rest of it needed to be in there anyway for the subdivision to happen.

Mayor Charles Rostocil clarified that what James is saying is the shared reimbursement should only be for the cost associated with them putting in the pipe between 4th and J, and not the one that goes through the subdivision.

Public Works Superintendent Mike Krebs said he wanted to clarify, so whatever it would have cost initially to go from the edge of S. Lydia Loop to J Street, where the other closest sewer main would be located, is what they should end up having to be charged for.

Mayor Charles Rostocil said that is what should be in the reimbursement district.

Public Works Superintendent said the reimbursement district goes from the edge of S. Lydia Loop down 4th Street to Front Street, and then back over to the lift station which was put in in 1984 when they developed the industrial park.

City Councilor James Audritsh said whoever has to hook up to this new line should have to pay the difference between what Kooiman was going to do anyway, and the difference to enlarge it. He said he does not believe there should be \$340,000 going back to be considered.

Mayor Charles Rostocil concurred.

Mayor Charles Rostocil asked Matt Wadlington, Civil West Engineering, what the cost difference is between a 6” pipe and an 8” pipe.

Matt Wadlington, Civil West Engineering, said they provided the cost for an 8” pipe and a 10” pipe and the difference between the 8” pipe and 10” pipe is about \$20 a linear foot, so he assumes the difference between a 6” pipe and an 8” pipe would be similar. He went on to say as a basis a 6’ pipe would be \$115 a linear foot, 8” pipe would be \$135 a linear foot and a 10” pipe would be \$ 155 a linear foot.

Mayor Charles Rostocil said that difference in the cost of the pipe seems more like \$24,000 when doing the calculations, so where does the \$340,000 come in.

Public Works Superintendent Mike Krebs said the \$340,000 is the entire cost of the project.

City Councilor James Audritsh said it was never discussed before Council to reimburse the entire cost of the project. He said that he feels it should be divided amongst the difference in price.

Mayor Charles Rostocil, City Councilor Robert Prinslow, and City Councilor Tyler Thomas concurred that it should be the difference, not the total cost of the project.

Mayor Charles Rostocil addressed Helen Kooiman's earlier question about her cost. Mayor Charles Rostocil said that her current development is grandfathered in and there is no impact on her whatever the reimbursement may be, it would only be if there were any future development was to move forward.

Public Works Superintendent said that is what is stated in the reimbursement district and he said his opinion was that they have already paid the price to put those lines in prior to the reimbursement district going in, so there should be no extra cost; Tax Lot 701 should be exempt.

Mayor Charles Rostocil said before he closed or continued the public hearing are there any additional questions from the City Council of staff or anyone.

James Halbirt "Ricky" asked for clarification, he said for Tax Lot 2700 if there is reimbursement district and he applies for a permit with the County to fix his driveway or something similar, will this be charged to him.

Mayor Charles Rostocil responded he does not incur the cost because he is currently outside the City Limits, so Tax Lot 2700 and Tax Lot 2800 are not in the City Limits, nor are they annexed in, at this point any building would go through Marion County and not the City so they would not be subject to any charges.

James Halbirt "Ricky" asked if this reimbursement district is passed and his property is charged \$10,246.28, if there were a reimbursement is there a 3% charge on that per year during that time.

Mayor Rostocil said that is a 3% charge period, not per year, it would be assessed at one point and that is when you pay it; it is not a compounding thing year after year.

James Halbirt "Ricky" stated again it is his understanding that the only way he would get charged is if he were to attach to the City sewer.

Mayor Charles Rostocil said the only way he could be assessed of the current proposed fee is that first the property would have to be annexed into the City, after that you would have to apply for a building permit, and after the land planning process started at that point is when you would be assessed that fee.

Public Works Superintendent Mike Krebs said in the event that he annexes into the City, because that is a land use decision, it is at that point he would be assessed the fee, but he would have to annex into the City.

Mark Grenz of Civil West Engineering asked if the record could be kept open so they would have a chance to work with City Staff and the Engineering Staff to provide clarification on the different costs and alleviate confusion on what the costs are, so when Council does move forward they have accurate and real information.

Mayor Charles Rostocil concurs.

City Attorney Chad Jacobs said that if the Mayor wants to move forward and have Staff do some more work on this, then he recommends entertaining a motion to continue the hearing to the next City Council meeting so then you do not have to notice a whole new public hearing.

James Halbirt “Ricky” asked if they will be notified again about this if it is continued.

Mayor Charles Rostocil said this discussion will be continued at the next Council meeting and he said he would be more than happy to chat with him personally between then and now, and he would like to sit with him and get his opinion. Mayor Charles Rostocil stated he would like to sit down and speak with Mr. and Mrs. Kooiman as well.

Mayor Charles Rostocil said they would like the reimbursement district to go back and revisit their current proposed reimbursement district guidelines, and we would like it to take into account the actual reimbursement should be the cost difference between the 10” versus 8” versus 6” pipe that was put in. He stated the developer should be able to recoup those costs on the larger sewer. He also said they are asking to revisit and make the distribution between those tax lots based off of land that is developable, as opposed to land that cannot be developed.

MSA\City Councilor Tyler Thomas\City Councilor Robert Prinslow moved to continue the discussion on Resolution No. 693-2020 approving a Reimbursement District to the next City Council Meeting, July 14, 2020, at 7:00 p.m. City Council Meeting. Mayor Charles Rostocil, City Councilor Robert Prinslow, and City Councilor Tyler Thomas were in favor. City Councilor James Audritish lost connection from the meeting. Motion carried unanimously.

C) State Shared Revenue. *(Refer to Resolution No. 695-2020 & 696-2020 in the Consent Agenda)*

Mayor Charles Rostocil opened the Public Hearing at 8:29 p.m.

Budget Officer Judy Smith gave the State Shared Revenue Presentation. She said the only thing she has to add is the State Shared Revenue is to establish our reimbursement from the Oregon Department of Revenue for State Funds regarding our services that we provide to our community.

Mayor Charles Rostocil asked the public if there are any comments or questions. There were none.

Mayor Charles Rostocil closed the Public Hearing at 8:31 p.m.

D) Budget for Fiscal year 2020-2021. (*Refer to Resolution No. 697-2020 in the Consent Agenda*)

Mayor Charles Rostocil opened the Public Hearing at 8:31 p.m.

Budget Officer Judy Smith gave the 2020-2021 Budget Presentation. Budget Officer Judy Smith added that during the last budget committee meeting on page 1 of the Budget Message, paragraph 2, the permanent tax levy needed to be correct to 3.9772.

Mayor Charles Rostocil asked what it was before the change.

Budget Officer Judy Smith responded it was 3.9921 and that number came from the consultants prior to her and since she found this error, she has deleted that information from the spreadsheets and replaced it with our permanent tax levy amount of 3.9772.

MSA/City Councilor Tyler Thomas/City Councilor Robert Prinslow moved to amend the charge as stated by Budget Officer Judy Smith to correct the permanent tax levy to 3.9772. Mayor Charles Rostocil, City Councilor Robert Prinslow, and City Councilor Tyler Thomas were in favor. City Councilor James Audritish lost connection from the meeting. Motion carried unanimously.

Mayor Charles Rostocil asked the public if there are any comments or questions. There were none.

Mayor Charles Rostocil closed the Public Hearing at 8:33 p.m.

CALENDAR OF ORDINANCES.

A) Ordinance No. 368-2020. An Ordinance adopting the City of Hubbard Water Master Plan as an attachment to the City of Hubbard's Comprehensive Plan and declaring an emergency.

Mayor Charles Rostocil asked why we are declaring this and emergency.

Public Works Superintendent Mike Krebs said because it needs to be put in the Comprehensive plan as quickly as possible because of the duration of time since our last one.

MSA/City Councilor Tyler Thomas/City Councilor Robert Prinslow moved to read Ordinance No. 368-2020 by title only for the first reading. Mayor Charles Rostocil, City Councilor Robert Prinslow, and City Councilor Tyler Thomas were in favor. City Councilor James Audritish lost connection from the meeting. Motion carried unanimously.

Mayor Charles Rostocil read Ordinance No. 368-2020 by title only for the first reading.

MSA/City Councilor Robert Prinslow/City Councilor Tyler Thomas moved to read Ordinance No. 368-2020 by title only for the second reading. Mayor Charles Rostocil, City Councilor

Robert Prinslow, and City Councilor Tyler Thomas were in favor. City Councilor James Audritish lost connection from the meeting. Motion carried unanimously.

Mayor Charles Rostocil read Ordinance No. 368-2020 by title only for the second reading.

MSA/City Councilor Robert Prinslow/City Councilor Tyler Thomas moved to adopt Ordinance No. 368-2020 adopting the City of Hubbard Water Master Plan as an attachment to the City of Hubbard's Comprehensive Plan and declaring an Emergency. Mayor Charles Rostocil, City Councilor Tyler Thomas, and City Councilor Robert Prinslow were in favor. City Councilor James Audritish lost connection from the meeting. Motion carried unanimously.

B) Ordinance No. 369-2020. An Ordinance repealing and replacing Chapter 5.05 to prohibit Door-To-Door Solicitation at residences with posted "No Soliciting" signs; regulating hours; providing for procedures and penalties; and declaring an emergency. (Refer to Police Chief's Report)

Mayor Charles Rostocil said that he has a question on this so he will probably not be doing a read by motion on this now.

Mayor Charles Rostocil said he talked to Police Chief Dave Rash on this last week and although he said he understands the reasoning behind it, he is hesitant to repeal the current Ordinance as is, because he believes it has benefited our City greatly in keeping away potential scam artists and unfavorable door to door salesmen. He stated personally he has approached 2 different door to door sales people over the last year and when he has asked them to check in with City Hall to validate their business license and why they are here, they got in their van and left. C. Rostocil said he does not see why any legitimate business person would find that as bad, and also Home Owners Associations as well as gated communities have similar type Ordinances and plans as well, so he would like to see us retain our current Ordinance unless we are being sued.

City Councilor Tyler Thomas said he agrees with what Mayor Charles Rostocil says that it keeps potential thieves and scam artists out of the community. He went on to say that he does not think it is a burden on them as a business person to pay a small fee to have the license to go door to door, and unless someone is actively pursuing us over this Ordinance, there is no reason to change it at this time.

City Councilor Robert Prinslow said it is his understanding the reason that we are looking into changing it is because this type of Ordinance has been found to be improper and not meet current State or Federal standards. He stated he does not know that as a City we can or should have a City Ordinance that does not meet standards because that sets the City up for potential bad issues. R. Prinslow said that although he does respect both Mayor Charles Rostocil and City Councilor Tyler Thomas positions, he said he whole-heartily disagrees and we need to update this so it does meet the standards of the State.

Mayor Charles Rostocil said that suggests pushing this Ordinance discussion to the next Council meeting since there are 2 City Councilors missing from this meeting.

Director of Administration/City Recorder Vickie Nogle said this can be held over to the next City Council meeting, but suggested since the City Attorney is on the line, to inquiry with him any questions they may have. She also stated it might be a good idea to address him regarding that if the City does get sued, what it would mean for the City as far as being covered since it is their recommendation to update the Code.

City Attorney Chad Jacobs said they do not like to give legal advice of this nature at a public meeting but can provide written advice to give Council a better context of what is going on here in advance of the next meeting. C. Jacobs said the liability issue is that anytime you have a law that raises Constitutional concerns, if some successfully sues the City for violation of their Constitutional Rights it does create liability to the City generally through a 1983 action which is done in Federal Court. He stated that means you would have to pay damages and attorney fees on the other side, those types of lawsuits however are covered by the City's insurance through CIS, so from a monetary perspective the City would have to pay the deductible and CIS would cover the rest.

Mayor Charles Rostocil asked to push this to the next meeting and City Attorney Chad Jacobs can address any concerns. Mayor Rostocil said he will touch bases with him as well, and maybe we can get some clarifications off-line as well.

DISC GOLF PRESENTATION – Matt Fryauf. Matt Fryauf said he had submitted his proposal for a Disc Golf Course at Jan LaFayette Park and hoped everyone had a chance to review those documents, he will answer any questions.

Mayor Charles Rostocil said he is well versed on this proposal because he has chatted with Matt Fryauf a lot about this and has also been in conversations with Matt Fryauf and Public Works Superintendent Mike Krebs and Public Works Administrative Manager Melinda Olinger regarding this proposal as well. He stated the summarization he can take away from this for those not familiar with it is: the initial funding for this entire initiative is going to be through fund raising, the City expenses would be sustainment, Public Works Administrative Manager Melinda Olinger has already validated with the current namesake that they would like to see this because it would encourage more visitors to the park. C. Rostocil said multiple phases are broken out (short-term vision which would encompass the current park and long-term vision expanding it through the wetlands), and also the concerns of how to deal with errant discs flying into neighbors yards. C. Rostocil stated he agrees with the assessment from Public Works that this is a great opportunity to add an amenity to the community, to increase traffic to an under-utilized park, and it also allows another opportunity for younger citizens to enjoy.

City Councilor Robert Prinslow said the one thing he sees that has not been addressed is parking, since this park is at a dead-end road where will people park.

Matt Fryauf said for the short term vision there will only be 5 total holes, and that would be about 10 cars max at one time playing, so he believes the street parking there, and the street parking on the blocks surrounding the park is sufficient right now. M. Fryauf stated he does not think it would be an issue if people needed to walk a couple of blocks to play.

City Councilor Robert Prinslow said this is a dead-end street and there are 2 duplexes and a house, each of those duplexes has 1 or more cars and he sees them park on the street quite often, so his concern is there are 2 to 3 cars that come to play disc golf, that will take away 2 spots for the residents that live there normally use which could cause some unhappy residents.

Mayor Charles Rostocil said that when he went down there last week to walk the course, there was no one parked on that street.

Director of Administration/City Recorder Vickie Nogle said there might be some development code issues when you are developing the park and part of that would be parking, so it might need to be discussed with the City Planner.

Mayor Charles Rostocil said for what purpose, at the end of the day he can see Robert's concern if we expand this thing out, but we have a park and we have someone who is willing to fund raise and put in an amenity that would be no different than an exercise court at Barandse Park. He stated we have an opportunity to do something and so why would we put so much red tape up on something as simple as a few baskets for people to play at a park, because it will incur City time and costs if we bring in the Planner.

Director of Administration/City Recorder Vickie Nogle said that it was merely a suggestion.

Mayor Charles Rostocil said his concern is that we bring in the City Planner, so now we have to do a land use planning fee of about \$1000, it just seems a little silly in a small town. Furthermore, he said he is not trying to discount City Councilor Robert Prinslow's concern regarding the parking, but if we are only putting in 4 or 5 little baskets in a Park for people to throw discs in he would hate to say that 200 square feet would have to be ripped up to put in a couple parking spaces when in the long term vision of our overall State we want to see less cars and more biking.

City Councilor Tyler Thomas said he read through Matt Fryauf's proposal and he likes the idea. He said it's not really going to cost the City a lot of money since he is willing to fundraise the entire project, but his only concern is about parking as well, but since it is broken down into a short-term and long-term vision, and the short-term vision is such a small course that he does not think it will get the traffic that might be expected out of a full size course. T. Thomas said he is all for the short-term version without any question as soon as possible and then reassess the long term and if we are seeing any issues with parking, we can make changes at that time.

Mayor Charles Rostocil asked if we could put up a sign that says there are only 2 spaces available and any overflow parking would have to go to Barandse Park.

City Councilor Tyler Thomas said he thought that was a good idea.

City Councilor Robert Prinslow said he thought that was something that could be looked into, but he does think that parking needs to be addressed however we choose to do that.

Matt Fryauf said that a possible thing that could be done is if there was an issue with a complaint

from one of the residents on that road, a paint on the curb could be done making it a resident preferred spot during certain hours so they would have access to the parking spot during hours of the day where they would be home.

MSA/Mayor Charles Rostocil/ City Councilor Tyler Thomas made a motion to move forward with Phase 1 with the understanding that we will look into limiting parking at the location, with the recommendation the overflow parking will go up to Barandse Park. Mayor Charles Rostocil, City Councilor Tyler Thomas, and City Councilor Robert Prinslow were in favor. City Councilor James Audritish lost connection from the meeting. Motion passed unanimously.

Mayor Charles Rostocil said he will try and touch base with Public Works Superintendent Mike Krebs and Public Works Administrative Manager Melinda Olinger in the coming week to brainstorm on the parking concern.

FARMERS MARKET UPDATE – Bethany Zito. Bethany Zito left the meeting and asked Director of Administration/City Recorder Vickie Nogle to read her email: “As of now the committee is waiting on phase 2 to decide on whether we will open for the season or not. We know that phase 2 will allow for the size crowds that the market expects. We don’t know at what point our County will enter that phase, we will discuss at our next meeting our steps moving forward. We decided “no” on the Facebook farmer’s market group as the turnout and workload would not be worth it. The garden is growing super great, thank you so much to Public Works for helping us keep it up! Serenity has said that it would be ok if we decided to not proceed with a market this year. I also brought up that I would be stepping back come the end of June, I will continue organizing and participating in meetings as well as all the other duties I take part in, but I will be severely limiting my involvement due to my future business necessities. There has been no one who has stepped forward.”

Mayor Charles Rostocil asked Marty Sobo, who was present, if there is anyone that will pick up when Bethany steps back as the Chairperson.

Marty Sobo said it has been discussed but have not come to a decision as to what they are going to do, but right now Jessica is the Co-Chair with Bethany and she said she would be willing to continue to Co-Chair if there would be someone to step up and Co-Chair with her, she does not want to do it alone. M. Sobo said they have not put a lot of conversation into it yet because they do not know if and how they are going to move forward due to State Regulations on what will be allowed and what rules will be in place if they open.

Mayor Charles Rostocil said he will take an action item to circle back around with him and brainstorm some ideas. He said he does know that he is confused with a lot of the guidelines coming from the State on the reopening.

Marty Sobo said some of the Farmers Markets are privately run and do not have to go by the City regulation like the Hubbard Farmers Market does, so it is a different situation than most of the other markets.

Mayor Charles Rostocil said he will touch base with Marty Sobo in the coming weeks and also

with Bethany Zito to get more information.

MAYOR’S AND/OR COUNCIL’S PRESENTATIONS. Mayor Charles Rostocil asked Public Works Superintendent Mike Krebs there is an ETA on when the Parks and Playgrounds will be able to get back open.

Public Works Superintendent Mike Krebs said going into Phase 2, they have made the decision to not open playgrounds or basketball courts.

Mayor Charles Rostocil said he read Phase 2 differently than Public Works Superintendent Mike Krebs did. He stated he will touch base with him and Public Works Administrative Manager Melinda Olinger regarding this off-line.

City Councilor Tyler Thomas said other Cities in the same County as us seemed to have the playgrounds open, and if the tape and those barricades disappeared he does not think anyone would be too worried about it.

STAFF REPORTS:

PUBLIC WORKS DEPARTMENT-Public Works Superintendent Michael Krebs. Public Works Superintendent Mike Krebs said he does not have anything to add at this time.

Mayor Charles Rostocil said he had a question on item numbers 5 & 6 on the Public Works Departments report that was included in the packet. He asked if the probation of an additional 6 months is it up to 6 months or as soon as they can get in and take the test would end their probation.

Public Works Superintendent Mike Krebs said as soon as they pass the test they would be taken off of probation.

Director of Administration/City Recorder Vickie Nogle asked how often the tests are available for each one of them to take.

Public Works Superintendent Mike Krebs said up until the beginning of this month there was not any place that would be giving the test because of COVID-19. He said Aaron is scheduled for next Thursday to take his test, and Juan is scheduled for Monday to take one test, and then he will need to be scheduled to take the other test. M. Krebs stated if they pass they are done, but if not they will need to be rescheduled for a second test.

Director of Administration/City Recorder Vickie Nogle asked before the COVID happened, how often were the tests being held for the certifications for Juan.

Public Works Superintendent Mike Krebs said he had to make application with the Health Department, and they don't process applications from November to the first of March, so when they were due to start processing the applications' they were shut down due to COVID.

Mayor Charles Rostocil thanked Public Works Superintendent Mike Krebs for both he and Public Works Administrative Manager for looking at getting their comp time down.

HUBBARD FIRE DISTRICT – Chief Joseph Budge. Chief Joseph Budge was not in attendance. No report given.

POLICE DEPARTMENT- Police Chief Dave Rash. Police Chief Dave Rash said Officer Holliman has been released to be on his own, so they now have 24/7 coverage. He said he sent an email out after the incident in Minnesota and held a meeting with the officers regarding this issue. D. Rash said he had them watch the video and had them identify what they thought was wrong in that video. He stated all of them had great responses and how things should have been handled in that situation, covered their duty to intercede, and went over the use of force policy.

Mayor Charles Rostocil said he responded to the inquiry that was sent to him addressing the concerns about the Police Department.

Police Chief Dave Rash said they will be sending out a letter in the June newsletter to citizens giving them 90 days to correct any violation of the Right-away Code. He stated they will have until October 1, and after that they will take enforcement actions.

Mayor Charles Rostocil thanked the Police Department and specifically Officer Bentley for their assistance and professionalism in how they handled the family tragedy that happened last month.

ADMINISTRATION DEPARTMENT – Director of Administration/City Recorder Vickie Nogle. Director of Administration/City Recorder Vickie Nogle informed the City Council the filing the upcoming election is now open. She stated the filing deadline is August 25. V. Nogle stated the Strategic Goal Planning Session is scheduled for June 17, 2020 at 3:00 pm., and adhering to social distancing, we have marked out approximately 13 spots in the City Council Chambers, which is enough room for Staff and City Council. She said her concern would be if there is public that wants to attend there may not be room to keep that amount of spacing. V. Nogle said she could contact the Fire Department to see if the Fire Hall would be available, but it is up to the Council on how they would like to proceed.

The City Council gave consensus to move to the Fire Department if they allow usage.

The Director of Administration/City Recorder Vickie Nogle said she will contact the Fire Department and will get back to the City Council to let them know if it is available.

FINANCE DEPARTMENT – Finance Director Judy Smith. Finance Director Judy Smith said this is the 2nd cycle we have not done a shut off day for utilities and that she is working with the Administrative Assistant to keep track of who is calling in to make payment arrangements and that is going pretty good. She stated we have a few customers that are struggling but they understand they need to make their payment and the balance will be carried over to the next cycle.

Finance Director Judy Smith said she took the initiative well in advance of COVID-19 to get us signed up for Federal Funds through the CARES ACT. She said there is a breakdown by departments of the amount that was requested. J. Smith addressed her comp-time, it was supposed to be used up in March, but because of the pandemic it was carried over, and her goal is to have it below the 60 hours by the end of July. She stated the Auditors have confirmed the dates of August 25 & August 26 for the audit.

Mayor Charles Rostocil said he appreciates that Finance Director Judy Smith took the initiative on the COVID-19 reimbursement.

Director of Administration/City Recorder Vickie Nogle had questions about Utility fees and non-payment. She asked the City Council when they want to start assessing shut off fees and turning off water for non-payment. Her other question or concern is the way the Ordinance reads, the property owner is responsible for the water and when they did payment arrangements in the past there was authorization from the property owner to allow the tenant the extended time to pay their bill. She stated there are some people on the list that have not been in contact with us and they are not responding, so what would City Council like Staff to do at this point.

Mayor Charles Rostocil said on those few properties, please reach out to the property owners and let them know of the current situation and concern, so they can get in touch with their tenants.

Finance Director Judy Smith said we have given 3 strikes your out, if we cannot get a hold of them we put door hangers on their doors, we continue to try and get a hold of them, and in those cases we do contact the owners of the property and they let us know if they will pay the bill or take care of it. J. Smith said there are regulations put in place to contact these, but it has not gotten to that point, and she knows of 2 accounts out that will probably go to the next level of contacting the property owners.

Mayor Charles Rostocil said to reach out to the property owner one more time and if we cannot get contact with the individuals to arrange a payment plan or there is no payment plan in place, bring those into City Council next month and we will move forward with shutting those properties off.

City Councilor Tyler Thomas and City Councilor Robert Prinslow concur.

Consensus of Council is to start shut offs, and charging late and shut off fees, in the next billing cycle if individuals are not reaching out to us for payment options or at least contacting the City.

Mayor Charles Rostocil asked if the City Hall was back open yet.

Director of Administration/City Recorder Vickie Nogle said no, that she is waiting for Phase 2. She stated Public Works installed plexiglass for the windows and marked spots on the aisle way. V. Nogle said there will be signage about COVID policies when the City Hall is open.

PUBLIC COMMENT.

- A) Resolution No. 698-2020. A Resolution amending Water Rates for the City of Hubbard and repealing Resolution No. 671-2019.

There was none.

- B) Resolution No. 699-2020. A Resolution amending Sewer Rates for the City of Hubbard and repealing Resolution No. 672-2019.

There was none.

CONSENT AGENDA.

- A) Approval of Minutes.

1. May 5, 2020, Budget Committee
2. May 12, 2020, City Council

- B) Resolution No. 701-2020. A Resolution extending the City of Hubbard's Workers' Compensation coverage to volunteers of the City of Hubbard, and repealing Resolution No. 670-2019.

- C) Resolution No. 695-2020. A Resolution declaring the City of Hubbard's election to receive State Revenues pursuant to ORS 221.770.

- D) Resolution No. 696-2020. A Resolution certifying that the City of Hubbard provides four or more municipal services in order to be eligible to receive State-Shared Revenues.

- E) Resolution No. 697-2020. A Resolution adopting the 2020-2021 Fiscal Year Budget, appropriating funds and levying property taxes for the fiscal year 2020-2021.

- F) Resolution No. 694-2020. A Resolution amending compensation ranges for classified employees and repealing Resolution No. 676-2019.

- G) Approval of the May Check Register Report.

- H) Authorize an additional 6 month probation period, and an exception to the minimum qualification for the Utility Worker II job description, to allow Juan Hernandez to achieve the Water Treatment 1 Certification, and the Water Distribution 1 Certification (*Previously granted June 11, 2019*). (*Refer to Public Works Report*)

- I) Authorize an additional 6 month probation period, and an exception to the minimum qualifications for the Utility Worker I job description, to allow Aaron Caballero to achieve the Certified Public Applicator License for Pesticides. (*Refer to Public Works Report*)

- J) Approval of the agreement between the Mid-Willamette Valley Council of Governments and the City of Hubbard for Land Use Planning Services July 1, 2020, through June 30, 2021, and authorizing the Mayor and/or Council President to sign.
- K) Approval for a 4% Incentive Pay Increase to Molly Schwartz (Administrative Assistant to Chief of Police) for obtaining a Certified Property and Evidence Specialist Certificate, and 600 hours for DPSST Training, effective June 1, 2020.
- L) Approve the Contract for services between Grove, Mueller & Swank, P.C., and the City of Hubbard.
- M) Accept the engagement letter from Grove, Mueller & Swank, P.C. for audit services year ending June 30, 2020, and authorize the Mayor and/or Council President to sign.

MSA/City Councilor Tyler Thomas/City Councilor Robert Prinslow motioned to approve the Consent Agenda as written. City Councilor Robert Prinslow, Mayor Charles Rostocil, City Councilor Tyler Thomas were in favor. City Councilor James Audritish lost connection from the meeting. Motion passed unanimously.

APPEARANCE OF INTERESTED CITIZENS. None.

OTHER CITY BUSINESS. None.

ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS JULY 14, 2020, AT 7:00 P.M.) MSA/Mayor Charles Rostocil/City Councilor Tyler Thomas motioned to adjourn the meeting. City Councilor Robert Prinslow, City Councilor Tyler Thomas, Mayor Charles Rostocil, were in favor. City Councilor James Audritish lost connection from the meeting. Meeting adjourned at 9:31 p.m.

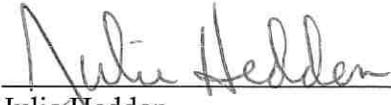
ATTEST:



Charles Rostocil, Mayor



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



Julie Hedden
Administrative Assistant / Court Clerk
Transcribing