



**Willamina City Council
Special Meeting and Public Hearings
Meeting Minutes
Tuesday, June 20, 2023 at 6:00 PM**

Minutes taken by Deputy City Recorder Krystal Stevens

Location of Meeting:

West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

Present at Meeting:

Mayor Ila Skyberg
Council President Rita Baller
Councilor Vickie Hernandez
Councilor Karl Klym
City Manager Bridget Meneley
Deputy City Recorder Krystal Stevens

Absent from Meeting:

Councilor Craig Johnson
Councilor Barry Wilson
Councilor Jennifer Pederson
Public Works Director Jeff Brown excused absence

Guests not Limited to:

Patty Mulvihill League of Oregon Cities Executive Director
Public Works Jeff Rosenberry

Mayor Skyberg called the meeting of the City of Willamina City Council to order at 6:16PM on June 20, 2023.

Deputy City Recorder Stevens took the roll and a quorum was present.

Flag Salute

Agenda additions, deletions, and corrections: None

CORRESPONDENCE – None.

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PRESENTATIONS – None

PUBLIC HEARING

Mayor Skyberg opened the public hearing at 6:19PM

The public hearing was held to receive comments from the general public and questions from the Council regarding Supplemental Budget. The Budget Officer has submitted proposed revisions to the existing Fiscal Year 2022-2023 City of Willamina budget document that includes revisions to revenue and expenses in the General Fund, Water Fund, Wastewater Fund, Street Fund, Street SDC Fund, Parks SDC Fund and Stormwater SDC Fund.

There were no comments from the public. There were no questions from the Council.

Mayor Skyberg closed the public hearing at 6:21PM

WORK SESSION

Mayor Skyberg opened the work session at 6:22PM.

1. League of Oregon Cities Executive Director Patty Mulvihill regarding State of Oregon House Bill 3115 – Oregon Right to Rest Act.

Patty explained to the Council what Oregon House Bill 3115 means.

Patty began by asking if the City currently has any ordinances in place that regulate someone sitting, sleeping, lying, keeping warm and dry, or taking precaution from the elements on city property. City Manager Meneley answered that the City does not and Patty confirmed that means the City is in compliance with this House Bill and Federal Law. There has been a strong misconception that cities have to enact an ordinance addressing these actions by July 1, 2023. What the House Bill does say, is that if a city does have any ordinances in place that restrict someone from doing any of these five things, then the ordinance is required to have objectively reasonable time, place, and manner restrictions in place. Meaning it can only regulate the time, place and manner of those five things. This only applies to public property such as parks, streets, sidewalks, alleys etc.

Taking precaution from the elements means reasonable protection from the elements. The attorneys Patty has collaborated with believe this to mean a tarp or tent, sleeping bag, etc.- rudimentary precautions from the elements. Strictly so people don't freeze to death and they can keep out of the rain.

Establishing time, place and manner can take many different shapes. It could be

something like regulating times people are permitted to be in a space, it could be designating a space for them to be permitted to rest or camp, it could be establishing only where it is prohibited. It is important to note, if we send someone to a specific location, the City will be liable for any safety problems, injuries or deaths that occur.

There was lots of discussion about many topics including people camping in RVs and cars, parking those on public streets, camping in parks and on public property, the City's ability or inability to ask those people to move, the process of moving campsites and storage of belongings. There are stringent stipulations on the moving of campsites. There was also much discussion about the political and legal actions that are happening on city levels, in the 9th Circuit Court, all the way up to the United States Supreme Court.

Patty encouraged the City and the Council to have thoughtful community discussions that include community resource people, the local food bank, churches, the county mental health director, law enforcement officers, community members who have experienced homelessness, fire department, emergency response workers - as versatile of a group that they can gather. Amongst that group of people they need to have several conversations regarding this topic in our community- determine what we need as a city to regulate our public spaces. CIS has an attorney on call who will help cities draft their ordinance for free and we can work with the CIS attorney to make sure the ordinance is legal. It is important to be thorough, empathetic, and very thoughtful in making these ordinances and show the work we put in to establishing these ordinances. This is essential because it will make it possible for the City to be confidently defended when sued.

Patty recommended that we look at the processes and ordinances of the City of Medford and the City of the Dalles to use as good examples and guides to follow the steps they took.

Mayor Skyberg closed the work session at 7:09PM.

REGULAR AGENDA

1. Resolution 22-23-012, A Resolution authorizing appropriations, amending the Fiscal Year 2022-2023 Budget and reallocating funds between and within Funds for Fiscal Year 2022-2023.

City Manager Meneley explained the purpose and meaning of the supplemental budget and Council read through it silently. Short discussion interpreting items on supplemental budget.

MOTION: Councilor Hernandez moved to adopt Resolution 22-23-012 with amendments. Councilor Klym seconded the motion. Motion carried with a unanimous vote.

City Manager read the resolution aloud.

2. Follow up about Backflow Discussion

City Manager Meneley read aloud from the staff report. She discussed the current process of handling required backflow device testing from residents and presented the proposed backflow letter and Test Option Form drafted by the City attorneys. DEQ is asking the City to streamline their process of requiring this backflow testing. According to the City Charter, failure to provide proof of having a backflow tested will result in a resident's water being shut off.

Currently, the City will send residents who are required to have their backflow device tested a series of three letters indicating this requirement and requiring them to provide proof to the City that it was done. If they do not comply after the three letters, their water will be shut off.

The proposed change would be to send residents one letter with the option of signing a waiver to allow the City to send a licensed backflow tester out to test their backflow device at their expense. If there is no response after the first letter, the City will then hang a door hanger giving them an additional fifteen days. If they do not comply at that point their water will be shut off.

Discussion between councilors was held prior to a motion being made.

MOTION: Councilor Klym moved to table this decision until the next City Council meeting. There were two nay's. Motion declined.

MOTION: Councilor Hernandez moved to authorize the City Staff to move forward to modify the backflow device communication in order to gather all the information that the City Council would like to know about the processes. Council President Baller seconded the motion. Motion carried with a unanimous vote.

3. Asset Management follow up discussion.

Mayor read aloud from staff report provided.

MOTION: Councilor Hernandez moved to authorize the City Manager to coordinate and sign appropriate documentation to secure Aktivov Asset Management services on behalf of the City of Willamina. Council President Baller seconded the motion.

There was discussion concerning the resolution of the concerns with the contract brought to attention by the City attorney and the cost and contracts of the service.

Motion carries with a unanimous vote.

INFORMATIONAL REPORTS – All dismissed for this session.

1. Chamber Liaison – Mayor Skyberg
2. Yamhill County Transit Authority Board Member – Councilor Johnson
3. Library Board Liaison – Councilor Hernandez

MAYOR'S REPORT

INFORMATIONAL REPORTS FROM CITY OFFICERS

1. **City Manager** – City Manager Meneley expressed her appreciation to the Council for walking alongside of the City staff as we are learning and taking time to read the paperwork provided to them.
2. **Public Works Director** – excused absence

COUNCIL COMMENTS

Councilor Klym presented a question about beginning work on an ordinance addressing the House Bill 3115. There was discussion and it was decided that topic can be added to the next agenda.

ADJOURN

MOTION: Councilor Hernandez moved to adjourn the meeting at 7:51PM. Councilor Klym seconded the motion. Motion carried with a unanimous vote.

The meeting was adjourned at 7:51PM by Mayor Ila Skyberg.

Time and Date of Next Meeting

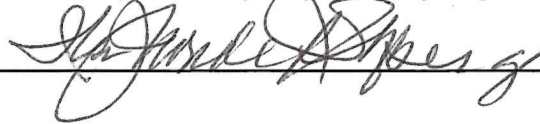
The next City Council Regular Meeting will be held on July 11, 2023 at 6:00 PM
West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

Community members are invited to join via Zoom - access information can be found on the City of Willamina website at <https://www.willamina.oregon.gov>

Minutes submitted by Deputy City Recorder Krystal Stevens



Minutes approved by Mayor Ila Skyberg



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