
CITY OF MILTON-FREEWATER GOVERNING BODY

Verl Pressnall At Large, Position 1
Steve Irving At Large, Position 2
Edwin E. Chesnut At Large, Position 3

Lewis S. Key Mayor
Orrin Lyon (CL President) Ward 1
Bradley J. Humbert Ward 2
Jeff Anliker Ward 3

**CITY OF MILTON-FREEWATER
CITY COUNCIL MINUTES****February 13, 2017**

The Council of the City of Milton-Freewater met Monday, February 13, 2017 at 7:00 p.m. in the Albee Room of the Library, 8 SW 8th Avenue, Milton-Freewater, Oregon.

The following City Council members were present: Mayor Lewis Key, Councilors Steve Irving, Jeff Anliker, Verl Pressnall, Ed Chesnut and Orrin Lyon.

Councilor Brad Humbert was absent.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Police Chief Doug Boedigheimer, Public Works Technician Brian Steadman, City Planner Gina Hartzheim, Electric Superintendent Rick Rambo and Engineering Technician Dustin Earls.

Citizens and Guests present were: Ashleigh Hubbard, Kimberly Cole, Dave Hinojosa, Ann Jolly, Suni Danforth, Charles Danforth, Delores Alden, Emma Drivdahl, Lisa Rogers, Claudia Cantu, Scott Fairley, Sean Cooper, Kandy Pressnall, Chris Zacharias, Paula Chavez Hall, Marv Timmons, Mike Anderson, Lynn Drivdahl, Wes Koklich, Andy Millar and Nancy Shaw.

Representing the news media were Sherrie Widmer and Cindy Timmons of the Valley Herald and Phil Wright of the East Oregonian.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of:

- Council Minutes from January 9, 2017
- Accounts payables from January 5, through January 17, 2017
- Accounts payables from January 18, 2017 through February 6, 2017
- Approval of Liquor License Request from Patty's Mexican Restaurant, 503 N. Main St.
- Approval of Designation of Signature Authority for the Transit Award Management System (TrAMS)

Councilor Anliker motioned to adopt the consent calendar items. Councilor Irving seconded the motion which passed unanimously.

PRESENTATION ITEM:**PIONEER POSSE – INTRODUCTION OF THE 2017 COURT**

Pioneer Posse Court Advisor Delores Alden introduced the 2017 Milton-Freewater Pioneer Posse Court; Queen Emma Drivdahl and Princess Ashleigh Hubbard. Each girl gave some background on themselves and the activities they are involved in. They thanked the council for their past

community support of the court. Mayor Key presented them with some community support funds and thanked them for their representation.

RECOGNITION – EMPLOYEE OF THE MONTH – DUSTIN EARLS – ENGINEERING TECHNICIAN II

Councilor Anliker, stated on behalf of the City Council and staff, it was his pleasure to recognize Dustin Earls as the February employee of the month. Councilor Anliker relayed the nomination. Dustin joined our City team as an engineering technician in November of 2015 and has hit the ground running. His home department is the electric department, and he has already applied his wealth of experience and prior knowledge to several upgrades in the administrative operations of the department. Dustin came to us from a much larger utility where he specialized in technological systems and their management. Some examples of Dustins' work in the short time he has been with the city include: 1) working with the department to update our construction standards 2) developing a tracking system for estimates for customers' projects 3) improvements to our mapping and GIS systems 4) revisions to our forms for daily use such as customer estimate forms and informational handouts. Dustin was nominated by a co-worker who has expressed appreciated for Dustin's contributions to the department, his co-workers and his wonderful customer service skills.

Electric Superintendent Rick Rambo expressed his appreciation of Dustin's hard work and thanked him for taking on the number of projects he has in his short time at the city.

INFORMATION FROM SCOTT FAIRLEY, REGIONAL SOLUTIONS – EASTERN REGION COORDINATOR WHO IS ASKING THE COUNCIL TO RECONSIDER THEIR DECISION ON EXTENDING WATER INFRASTRUCTURE TO LOCUST MOBILE VILLAGE

Scott Fairley, East Oregon Regional Solutions Coordinator works out of the Governors Office. Stated his job primarily consists of working with cities, counties and state agencies and businesses on economic development. He stated he was unsure of all the history of Locust Mobile Village but in the mid 1990's the Oregon Health Authority (OHA) became aware of the fact that water going to Locust Mobile Village was not meeting clean drinking water standards. Last fall a consent decree was issued by OHA to the mobile park owner requiring them to apply for a forgivable loan to put a well in out there. The forgivable loan is Federal funds administered through the State. He explained that OHA's thought was by putting in a new well then that would ensure reliable clean drinking water to Locust Mobile Village. Mr. Fairley contacted Manager Hall since Locust Mobile Village was in the Milton-Freewater's Urban Growth Boundary (UGB) and relayed that this would be a good opportunity to extend infrastructure out into the UGB and it could possibly attract future development. It was explained there was still a lot to figure out like who would apply for the loan and who would administer it.

There was council consensus at the last council meeting that the council was not in favor of extending water infrastructure out to Locust Mobile Village due to a variety of other issues they were concerned with such as health and safety, sewer and electrical issues.

Mr. Fairley asked if the council was willing to share their concerns, either at the meeting or at a future time with regard to extending city water infrastructure to Locust Mobile Village. He also asked for approval to work with the city, county and state agencies to come up with a proposal to extend the water to Locust Mobile Village that he could present at a future meeting.

There was council consensus that they would be open to that.

Mr. Fairley stated that OHA was committed to providing clean drinking water and if the city declines to extend water service then the state will move forward with drilling a new basaltic well. Mr. Fairley stated he believed this was a good opportunity to fund public infrastructure at no cost to the city.

Councilor Chesnut asked if the scope of the project could be expanded to include sewer infrastructure.

Mr. Fairley stated that currently there was only funding for water infrastructure. He said he has asked the Department of Environmental Quality (DEQ) about the sewer and there were some issues in the past that have been addressed but the DEQ has turned over their on-site program to Umatilla County and they don't show any formal complaints issued with them.

Councilor Chesnut made reference to OHA reports for past decades where E-coli has been showing up in the water tests and question why that wouldn't have prompted DEQ to research a possible failing septic system.

Mr. Fairley stated he was a past DEQ employee and the problem with detecting the contaminating source was the cobble stone in this area and it was hard for the regulators to come to that conclusion.

Councilor Chesnut stated it was recently learned that the city may have some role in code enforcement that it was not previously aware of with its Joint Management Agreement with Umatilla County for the UGB. This is being researched to determine the roles.

Mr. Fairley stated there have not been clear jurisdictional authorities in the past and he thought this could be a good opportunity for all agencies to work together to address concerns with Locust Mobile Village. He stated that the property owner, Nancy Shaw, did not ask for this as it was the State moving forward on addressing the water issue. He also stated that a condition could be put on the property in the form of a lien to where no gain was realized in a future sale of the property to that owner.

A discussion ensued regarding the concerns regarding the electrical services as the city is the electric utility provider.

Councilor Pressnall stated there were concerns with emergency vehicles and them not having a clear way through the trailer park in the case of an emergency.

Nancy Shaw, owner of Locust Mobile Village explained she sold the trailer park six (6) years ago but had to take it back and has paid ten-thousand dollars (\$10,000) in back taxes. She stated she did not want help from this city and for the city to stay out of her trailer park. She then referred to an incident where there was a fatality due to a fire in the trailer park.

Manager Hall explained by clarifying the city did not seek out this project. It was recently brought to the city in the form of a Health Hazard Annexation petition and most recently from the state to extend city resources and infrastructure to the park.

Ms. Shaw stated that Mr. Goss (State employee) is the one who asked for the new water infrastructure and the city would be given the money for it.

Paula Hall, a representative from Community Action Program East Central Oregon (CAPECO), explained that CAPECO was dedicated to help and has funds available to help relocate citizens in the trailer park if there was a need for it. She stated CAPECO was just a phone call away.

Suni Danforth, 225 Maple Ave. – stated she was a landlord as well and it was inexcusable to put people in an unsafe environment as there are resources available.

Ms. Shaw stated she resented Ms. Danforth’s remark. She then referred to an incident where one of her tenants was without power in which she provided a generator and an electric blanket as well.

Charles Danforth, 225 Maple Ave. – stated it wasn’t that people didn’t have compassion for the tenants.

A discussion ensued regarding who the owners of the trailers were and what type of water system is currently located at Locust Mobile Village.

Mr. Fairley again asked if the council would be open to a proposal in the future that they would consider.

There was a consensus to have this presented at a future meeting.

OLD BUSINESS ITEMS:

ORDINANCE NO. 982, AN ORDINANCE AMENDING THE TRANSIENT TAX

Councilor Chesnut motioned that the second reading of Ordinance No. 982 be by title only and full reading waived. Councilor Anliker seconded the motion which passed unanimously. The City Manager then read the ordinance by title. Ordinance No. 982, An Ordinance Repealing Ordinance No. 948 and Re-Establishing the Transient Room Tax.

Councilor Chesnut motioned to adopt Ordinance No. 982. Councilor Anliker seconded the motion and a roll call vote was taken: Councilor Irving, yea, Councilor Anliker, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

ORDINANCE NO. 983, AN ORDINANCE AMENDING CITY CODE TITLE 8 – POLICE REGULATIONS, CHAPTER 1, SECTION 7 – PROPERTY NUISANCES, RESTRICTIONS

Councilor Chesnut asked if there had been any written comments received by staff regarding this proposed ordinance.

Manager Hall replied that there were no written comments but there was a request for a copy of the ordinance which was provided to the requesting party.

Councilor Chesnut motioned that the second reading of Ordinance No. 983 be by title only and full reading waived. Councilor Anliker seconded the motion which passed unanimously. The City Manager then read the ordinance by title. Ordinance No. 983, An Ordinance Amending City Code – Title 8 – Police Regulations, Chapter 1, Section 7, Property Nuisances, Restrictions.

Councilor Chesnut motioned to adopt Ordinance No. 983. Councilor Anliker seconded the motion and a roll call vote was taken: Councilor Irving, yea, Councilor Anliker, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

ORDINANCE NO. 984, AN ORDINANCE AMENDING CITY CODE TITLE 6 – HEALTH & SANITATION, CHAPTER 2 – VEGETATION, RUBBISH AND DEBRIS

Councilor Chesnut asked if there had been any written comments received by staff regarding this proposed ordinance.

Manager Hall replied that there were no written comments but there was a request for a copy of the ordinance which was provided to the requesting party.

Councilor Chesnut motioned that the second reading of Ordinance No. 984 be by title only and full reading waived. Councilor Irving seconded the motion which passed unanimously. The City Manager then read the ordinance by title. Ordinance No. 984, An Ordinance Amending City Code – Title 6 – Health & Sanitation, Chapter 2 – Vegetation, Rubbish and Debris.

Councilor Chesnut motioned to adopt Ordinance No. 984. Councilor Anliker seconded the motion and a roll call vote was taken: Councilor Irving, yea, Councilor Anliker, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

ORDINANCE NO. 985, AN ORDINANCE AMENDING CITY CODE TITLE 8 – POLICE REGULATIONS, CHAPTER 11 – IMPOUND AND DISPOSITION OF DISCARDED VEHICLES

Councilor Chesnut motioned that the second reading of Ordinance No. 985 be by title only and full reading waived. Councilor Irving seconded the motion which passed unanimously. The City Manager then read the ordinance by title. Ordinance No. 985, An Ordinance Amending City Code – Title 8 – Police Regulations, Chapter 11 – Impound and Disposition of Discarded Vehicles.

Councilor Chesnut asked if there had been any written comments received by staff regarding this proposed ordinance.

Manager Hall replied that there were no written comments but there was a request for a copy of the ordinance which was provided to the requesting party and she believed that the party was in attendance.

Andy Millar, 920 S. Main – stated he felt this ordinance was infringing on his Constitutional Rights. Mr. Millar expressed his concern of eliminating the need for a warrant to gain access onto private property. He suggested having to obtain an Administrative Warrant.

Manager Hall stated it was important to note that staff has been tasked to ramp up the City Code and this would help address discarded vehicles. The code is complaint driven and the police would not be investigating such if there hadn't been a complaint filed. She explained that at the last meeting there was good discussion regarding this ordinance where the Police Chief explained that the protocol is to knock on the front door first to gain permission to enter the property.

Councilor Anliker asked for a second legal opinion so the city did not get into trouble.

Police Chief Doug Boedigheimer stated he was not familiar with a non-criminal warrant and would have to look into it.

Councilor Chesnut and Councilor Pressnall both stated they had similar concerns.

Councilor Chesnut motioned to adopt Ordinance No. 985. Councilor Irving seconded the motion and a roll call vote was taken: Councilor Irving, yea, Councilor Anliker, nay, Councilor Pressnall, nay, Councilor Chesnut, nay, and Councilor Lyon, nay, the motion failed.

Councilor Chesnut stated his intent to voting no to adopt the ordinance was to gain additional information and hoped that the ordinance would come back to council for consideration at a future meeting.

ORDINANCE NO. 986, AN ORDINANCE AMENDING CITY CODE TITLE 10 – ADDING CHAPTER 16, RECREATIONAL VEHICLE PARKS

City Planner Gina Hartzheim stated in the course of administering a recreational vehicle (RV) park development request several months ago, it became apparent to staff that there was a need for standards addressing RV park development. The Planning Commission has reviewed the proposed standards at two different public hearings and has recommended the proposed standards. Ms. Hartzheim then presented the Findings of Fact and Conclusions of Law which is incorporated in its entirety below.

PLANNING COMMISSION REPORT
January 30, 2017

APPLICANT: City of Milton-Freewater
ISSUE: Public Hearing regarding proposed amendment to Title 10 to add Chapter 16, Recreational Vehicle Parks.
HEARING DATE: February 13, 2017

I. BACKGROUND

Presently, the City does not have any standards specifically addressing the development of Recreational Vehicle Parks. City staff has determined that some standards are needed to give potential developers and property owners some certainty when proposed developments are brought forth.

II. COMPREHENSIVE PLAN/CODE PROVISIONS

City Code Title 10, Chapter 12: Amendments
10-12-1 through 10-12-3

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments have been initiated to update the Zoning Code to add standards where currently none exist.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure, meeting this requirement.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: The proposal conforms with applicable provisions of the Comprehensive Plan, as outlined below.

Goal 1 Citizen Involvement

City Policy 1-A-1: The City will continue to employ its adopted Citizen Involvement Program. Items used will be selected for their applicability to the action and issues being considered.

Findings: The following outreach has occurred: Two prior public hearings have been held before the Planning Commission giving citizens an opportunity to comment. In addition, the Valley Herald published an opinion on the topic, generating more exposure.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: There are no regulations currently existing for the development of recreational vehicle parks. Staff feels there is a need for some standards in order to give some guidance to potential developers and some certainty to neighboring property owners when a proposal for development occurs. Because of this, there is a need that is inadequately addressed in the Code.

IV. GENERAL COMMENT

The proposed amendment will result in new standards that will give developers and property owners within the City certainty with respect to development of recreational vehicle parks.

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends to the City Council adoption of the

proposed amendment to the Zoning Code.

Councilor Chesnut suggested there be a better way to describe or explain the requirement of additional parking per RV space other than “.10 parking spaces”.

Ms. Hartzheim agreed and said she would add additional language that would better describe what is being required.

Councilor Chesnut motioned to adopt the Findings of Fact and Conclusions of Law. Councilor Anliker seconded the motion which passed unanimously.

Manager Hall suggest that staff make the changes to the ordinance as requested and bring it back to the next council meeting to be sure that is what the council wants to adopt. She stated she felt that would be a much cleaner action.

Council agreed and Ordinance 986 will be presented at the next council meeting.

RESOLUTION NO. 2338, A RESOLUTION RECOMMENDING RESTORING RECREATIONAL IMMUNITY RIGHTS

City Recorder Leanne Steadman stated this was a resolution showing support to restore recreational immunity rights to include individual employees responsible for repairing, maintaining, and operating improvements on City-owned recreational land made available to the public for recreational purposes. There was a case, *Johnson v. Gibson*, in 2015 where the “Oregon Supreme Court held that when the Legislature passed the Public Use of Lands Act, it intended to immunize only the landowner, otherwise the Legislative Assembly would have included employees, agents and volunteers in the Act”. As a result of this court case it was decided that individual employees responsible for repairing and maintaining City-owned property during the course of their job duties were not immune from liability and therefore, could potentially be individually name in a suit. She explained the League of Oregon Cities has put a call out for cities to show support of them submitting amended language to the law during the Legislative session to have “employees” specifically named as having immunity in the course of their job duties.

Councilor Anliker motioned to adopt Resolution No. 2338, A Resolution of the City of Milton-Freewater City Council Recommending Restoring Recreational Immunity Rights. Councilor Chesnut second the motion which passed unanimously.

OPPORTUNITY FOR CITIZENS TO APPROACH THE COUNCIL WITH ISSUES NOT ON THE AGENDA

Mike Anderson, 84040 Hwy 11 – stated he was the owner of Out West Motel and he was requesting authorization from the city to put in a double cased well to provide safe water for his business. He is planning to put the business up for sale and wants to have the well in place prior to any sale. He stated the estimated cost to him was forty-thousand dollars (\$40,000).

Ms. Hartzheim stated the authorization Mr. Anderson was referring to was the Land Use Compatibility release.

Manager Hall stated she has made a request that if Locust Mobile Village was to receive water then Out West Motel should be included in that as well, as the properties are located right next to each other.

Mr. Anderson said that was a wonderful idea but he is wanting to get the ball rolling and either have the city commit to providing water to the motel or sign off on him drilling a well. He wants to get the property up for sale as soon as possible.

Councilor Chesnut stated he thought the city and county would have to sign off but whichever agency it took he requested finding out what the proper channel was to satisfy Mr. Anderson's request.

Suni Danforth – 225 Maple Ave. – suggested there be guidelines put into place to regulate marijuana businesses even though there are none allowed now.

Manager Hall explained there was a permanent ban on all marijuana businesses.

Councilor Chesnut stated he had concern with the request since there was a vote of the people to permanently ban marijuana businesses.

MANAGER'S REPORT

Manager Hall reported the city's new website was up and running. Oregon Water Resource Department will be hosting a public hearing on March 22, 2017 at 7:00 p.m. regarding the Rules Advisory Committee's report. She asked the council to please let staff know if they were planning to attend the annual Chamber of Commerce Awards Banquet which is February 24, 2017 so tickets could be reserved.

Councilor Anliker stated the website looked great. He suggested that individual councilors email addresses be listed along with the ward map.

Staff explained the council email addresses were there you just need to click the councils name and it would take you to the email address link. The ward map along with the council goals will be posted on the website soon.

There being no further business the meeting was adjourned at 9:21 p.m.

Lewis S. Key, Mayor