
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****January 9, 2017****OATH OF OFFICE**

At 6:45 p.m. Lewis S. Key – Mayor, Verl Pressnall – City Councilor At Large Position #1 and Bradley J. Humbert - City Councilor Ward 2, were sworn into their respective offices by Human Resource Officer and Notary Public Teresa V. Dutcher.

The Council of the City of Milton-Freewater met Monday, January 9, 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 Brad Humbert, Steve Irving, Verl Pressnall, Ed Chesnut and Orrin Lyon.

Councilor Jeff Anliker was absent.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Human Resource Officer Teresa Dutcher, Police Chief Doug Boedigheimer, Public Works Technician Brian Steadman, City Planner Gina Hartzheim, Electric Superintendent Rick Rambo, Engineering Technician Tina Kain, Lineman Richard Jolly, Police Sergeant Joe Shurtz and Communication Specialist Megan Hoel.

Citizens and Guests present were: Wes Koklich, Ann Jolly, Suni Danforth, Patty Key, Charles Danforth, Kandy Pressnall, Karri Cooper, Ruth Davis-Schultz, Christine Boedigheimer, Chris Zacharias, Judy Gardner, Mike Onstot, Roger Cosner, Andy Millar, Jeffrey Ellis, Emily Hendricks, Sandra Snook and Judy Witherrite.

Representing the news media was Sherrie Widmer of the Valley Herald.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of:

- Council Minutes from December 12, 2016
- Executive Session Minutes from December 12, 2016
- Accounts payables from December 7, 2016 through December 19, 2016
- Accounts payables from December 20, 2016 through January 4, 2017
- Approval of Mayor/Council Communication Agreement

Councilor Chesnut motioned to adopt the consent calendar items. Councilor Humbert seconded the motion which passed unanimously.

PRESENTATION ITEM:**RECOGNITION**

City Manager Linda Hall gave recognition to City Attorney Doug Hojem for over 36 (thirty-six) years of dedicated service and legal guidance he provided the City of Milton-Freewater. Mr. Hojem was appointed the City Attorney on October 1, 1980 and officially retired December 31, 2016.

OLD BUSINESS ITEMS:

ADOPTION OF FUTURE COUNCIL GOALS

City Manager Linda Hall stated that all current council members plus Councilor-Elect Verl Pressnall participated in a City Council goals work session on November 14, 2016. They came up with a comprehensive list which included every single suggestion from the council. The goals were then presented at the council meeting on December 12, 2016 and council suggested some re-formatting of the goals. They were then brought back for consideration and adoption.

Councilor Chesnut referred to the goal listed as, “Continue to partner/cooperate/collaborate with MFDA/Chamber in exploration of potential merger” he stated with the differing tax exempt status of each organization, that it was not possible to merge them all together so he suggested changing the item to read, “Continue to partner/cooperate/collaborate with MFDA/Chamber”.

Councilor Chesnut motioned to adopt the list of goals with the change to the one item as noted above. Councilor Lyon seconded the motion which passed unanimously.

BUSINESS ITEMS:

ELECTION OF COUNCIL PRESIDENT

Mayor Lewis Key stated that the City’s Charter requires the election of a Council President from their membership at the first council meeting of each odd-numbered year. Councilor Lyon has served the past eight years and has indicated he would be willing to continue to serve in that role.

Councilor Humbert made a motion to nominate Councilor Lyon as Council President. Councilor Irving seconded the motion which passed unanimously with Councilor Lyon abstaining from the vote.

APPOINTMENT TO ADVISORY COMMITTEES; PLANNING COMMISSION, LIBRARY BOARD, BUDGET COMMITTEE AND RECREATION COMMITTEE

Mayor Key reported he had reviewed the applications submitted for the various advisory committees. He suggested appointing the following citizens to the various committees as follows; to the Budget Committee – Lindsay Winsor for a 2 (two) year term, to the Recreation Committee – David Fox for a 4 (four) year term and Jacque Barthel-Fox for a 4 (four) year term, to the Planning Commission – Carlotta Richardson for a 4 (four) year term and Nathan Lyon for a 4 (four) year term and to the Library Board – Judy Piper for a 4 (four) year term.

Councilor Chesnut motioned to approve the recommended appointments to the various committees as suggested by Mayor Key along with a big thank you for those who have stepped up to volunteer. Councilor Humbert seconded the motion which passed unanimously.

APPOINTMENT OF CITY ATTORNEY

Manager Hall stated long tenured City Attorney Doug Hojem was retiring after 36 (thirty-six) years of giving the City legal guidance. Mr. Hojem was appointed by the City Council the City Attorney on October 1, 1980. He gave the City his notice that he was retiring December 31, 2016. Manager Hall said by the power of the City Charter, the City Council was responsible for the direct appointment of three key positions; the City Manager, the Municipal Judge and the City Attorney. She stated when Mr. Hojem was unavailable to assist the City, David Blanc stepped in to assist and she said she has had very good experiences with his service. Manager Hall explained the Council had the option to make a direct appointment of the next City Attorney, or go out for proposals.

Councilor Lyon stated with Mr. Blanc's experience and the benefit of him being in the same office with access to all Mr. Hojem's city files he made a motion to appoint David Blanc of Corey Byler & Rew the City Attorney. Councilor Chesnut seconded the motion which passed unanimously.

Manager Hall suggested inviting Mr. Blanc to a council meeting for a formal introduction when the driving conditions improved.

ORDINANCE NO. 982, AN ORDINANCE AMENDING THE TRANSIENT TAX

City Planner Gina Hartzheim stated in reviewing the original Transient Tax Ordinance that was adopted August 11, 2008, staff determined that some provisions were in need to the ordinance. The first revision was to the definitions section to clarify that transient tax is to be charged for vacation rentals by owner. The next revision deletes a portion of the definition of "transient" to help clarify that tax can be collected on a month to month tenancy situation for the first twenty-nine (29) days of a long term stay. The final revision was an increase to the tax imposed, from seven percent (7%) to eight percent (8%) which is still below the statewide average of a little over nine percent (9%). She noted that the owner is still allowed to collect and retain five percent 5% of the gross tax revenues for their administration and collection efforts.

Councilor Chesnut said he was pleased to see the inclusion of the B & B rentals.

A discussion ensued regarding how the inclusion of B & B's was going to be tracked or monitored.

Manager Hall stated the intent was to charge those who were truly transient travelers and to have included in the definition, Air B & B, vacation rentals by owner (VRBO), etc.

Mike Onstot – 112 NE 2nd, asked if this mainly pertained to recreational vehicle (RV) parks.

Manager Hall stated it encompassed RV parks, bed and breakfast rentals, motel/hotel rentals and vacation rentals by owner.

Councilor Chesnut motioned that Ordinance No. 982 be introduced by title only and full reading waived. Councilor Pressnall seconded the motion which passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance No. 982, An Ordinance Repealing Ordinance No. 948 and Re-Establishing the Transient Room Tax. A roll call vote was taken: Councilor Humbert, yea, Councilor Irving, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

The second reading will be held at the next council meeting on February 13, 2017.

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

Before Chief Boedigheimer gave his staff report, Manager Hall said she wanted to give some explanation as to why there were three amendments to the city code on the agenda. She stated the message was loud and clear received from the citizens to the council to step up city code procedures to clean up the town. She said staff has worked on the proposed ordinances with the rights of citizens in mind.

Chief Boedigheimer stated this was an amendment to the Police Regulations, Property Nuisances and Restrictions. He said more and more, City Code Enforcement and police were having to address the use of recreational vehicles (RV's) and motor homes situated on private residential

property. Citizens in areas where this is occurring are disturbed by the overall unsightly appearance, and at times behaviors of people living in such situations. The new language expands on the fourteen (14) day limit to set specific parameters as to what this means, and also allows for a specific penalty to be enforced against the property owner or the person using the recreational vehicle as a dwelling. It would require a property owner to advise the city of an upcoming temporary use of their property where a RV will be temporarily used as a dwelling, then pay a fee to gain the required permit, which must be displayed on the vehicle.

Manager Hall said code enforcement is complaint driven and staff was not driving around looking for those situations. She stated there was a recent law change where the length of stay in an established, licensed RV park could not be limited.

Councilor Humbert asked for clarification on a scenario, he asked if he had an RV and had family over for a gathering and he allowed them to sleep in the RV, if that qualified him to have to get a permit and pay the fee.

Chief Boedigheimer explained that if it was for only one night then he didn't see a problem with that. He stated the amendment to the ordinance was to help control people from setting up residence in an RV and living in it. He said there are designated RV parks for that.

Councilor Chesnut motioned that Ordinance No. 983 be introduced by title only and full reading waived. Councilor Irving seconded the motion which passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance No. 983, An Ordinance Amending City Code – Title 8 – Police Regulations, Chapter 1, Section 7, Property Nuisances, Restrictions. A roll call vote was taken: Councilor Humbert, yea, Councilor Irving, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

The second reading will be held at the next council meeting on February 13, 2017.

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

Chief Boedigheimer stated this was an amendment to the Health & Sanitation Regulations, Vegetation, Rubbish and Debris. He stated the amendment allows for a person in charge of the property, such as a tenant, to be held accountable as well as the property owner. There was also an amendment which provides a more useful definition of debris and rubbish, and expands the prohibited items to include junk, which is also defined. There is also language added that prohibits accumulations of stagnant, standing water on property, since this becomes a breeding place for insects such as mosquitos.

Susan Fitzpatrick – 906 NE 1st, stated her neighbor's property at 904 NE 1st needs to be looked at for code violations. She said they had a lot of junk.

Emily Hendricks – 612 N. Main, asked if there was a city code that addressed burned out structures.

Manager Hall said that city staff has been working on several properties and there have been three properties cited.

Councilor Chesnut motioned that Ordinance No. 984 be introduced by title only and full reading waived. Councilor Humbert seconded the motion which passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance No.

984, An Ordinance Amending City Code – Title 6 – Health & Sanitation, Chapter 2 – Vegetation, Rubbish and Debris. A roll call vote was taken: Councilor Humbert, yea, Councilor Irving, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

The second reading will be held at the next council meeting on February 13, 2017.

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

Chief Boedigheimer stated this amendment was to the Police Regulations, Impound and Disposition of Discarded Vehicles section. Language has been amended dealing with abandoned/discarded/inoperative vehicles on private property to allow for warrantless entry onto property for inspection of alleged violations, predominately on a complaint driven basis. Chief Boedigheimer stated he consulted with legal counsel who believed a warrant, as a matter of law, was not required in order to enter private property for the sole purpose of determining whether a vehicle qualifies as a violation. He stated as part of the abatement process it requires the information of who the owner of the vehicle is. He stated there are times that you may not be at a vantage point to see the license plate and if there was no license plate then a vehicle inspection number (VIN) would be required. He stated the police officers would always endeavor to gain informed consent before entering private property, but the ability to do so with consent, or a warrant, could save literal days of time in the abatement process.

Judy Gardner – 182 S. Main, asked if they would go up to the door first or just waltz onto the property.

Chief Boedigheimer said the officers would go up to the door to try and make contact first.

Councilor Chesnut stated it was worthy to note that an officer wouldn't be at a residence unless there had been a complaint.

Councilor Humbert shared his experience with some violations he and the Chief have encountered on North Main and stated there were times that it was very difficult to track down the owner of the property to get identification from vehicles, which delays the abatement process. With the proposed amendment it would allow the ability to walk on the property to get the VIN numbers or license plates to track down the owner.

Ruth Davis-Schultz - 706 NE 5th, asked if there were resources for those who were unable to clean their yards due to being senior or not having the ability to haul the stuff away.

There was a question from the audience on whether there was a limit to the number of vehicles allowed on a property.

Emergency Communication Specialist Megan Hoel stated there was a limit.

Councilor Chesnut shared a personal experience with a relative's property that he was tasked with the clean-up of.

Manager Hall thanked everyone for coming to the meeting and said she wanted to send a plea out, for everyone to please talk to their neighbors to see if they need help. If people started by talking to their neighbors it could make a big difference, as opposed to seeking code enforcement as their first option.

Councilor Chesnut motioned that Ordinance No. 985 be introduced by title only and full reading waived. Councilor Humbert seconded the motion which passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance No. 985, An Ordinance Amending City Code – Title 8 – Police Regulations, Chapter 11 – Impound and Disposition of Discarded Vehicles. A roll call vote was taken: Councilor Humbert, yea, Councilor Irving, yea, Councilor Pressnall, yea, Councilor Chesnut, yea, and Councilor Lyon, yea, the motion passed.

The second reading will be held at the next council meeting on February 13, 2017.

CONSIDERATION OF EXTENSION OF CITY WATER SERVICES TO LOCUST MOBILE VILLAGE

Manager Hall stated this agenda item was for consideration of extending city water services to Locust Mobile Village, which is outside city limits but within the Urban Growth Boundary. She reported the City's history with this particular property. In 2014 and 2015 the City was in a legal battle to defend itself and the citizens from having to pay for water and possibly sewer services to this location by a law called, "Forced Health Hazard Annexation". The City was successful in protecting its right and privilege to control when and where it annexed, ultimately due to the passage of Senate Bill 121 during the legislative session of 2015. Reports from State Health Authority officials have indicated that the mobile home park is still struggling with serious water quality issues. The Oregon Health Authority officials approached the Umatilla County Commissioners with a request from them to administer a forgivable grant to pay for water supply solutions for the Locust Mobile Village Trailer Park. The Commissioners voted unanimously to administer the grant. It was recently discovered that the County Commissioners could not administer the grant. It was told to city staff that only the property owner, which in this case is Nancy Shaw, or the provider of the water source, which would be the city, would be eligible to administer the grant. The other option the state is looking at is the drilling of a new well on the privately owned property. Manager Hall stated in light of the recent notification by Water Resources Department that our area is being declared a "special water management area" due to our declining aquifer, it does not seem prudent or responsible to drill yet another well into an already shrinking aquifer. The city does have a rate schedule for supplying water outside the city limit boundaries which is double the current rate.

Mayor Key stated he received a call from Ms. Shaw who indicated she wanted the city to purchase the mobile home park and make it a parking lot.

Councilor Pressnall asked if the city were to provide the water service if the park's water line could handle the pressure.

Manager Hall stated there were more problems and concerns at the park other than just water. There are electric services that are not safe to hook up to the city electric service and energize.

Councilor Chesnut stated he felt if the city provided water then where would it stop, next would be sewer. He compared this to walking through the doors of "Pottery Barn" and once you do then you own it. He said the State and County need to step up and enforce their own codes. He said he was opposed to administering the grant.

Councilor Humbert stated this would be taking tax payer dollars to pay for a private property owner gain. He encouraged everyone to contact their representatives and state legislature.

Councilor Irving stated if the state drilled the private citizen a new well then it should be a community well. Others in that area have had to fix their own problems at their own expense.

Councilor Humbert stated supplying sewer service was more involved.

Mr. Danforth said even though the funds are considered grant money, it's not free money. It's the tax payers that pay.

Ms. Davis-Schultz asked how many people did this affect and if the water was not provided where would the people go.

Councilor Chesnut said the County and State need to enforce their own codes and regulations. The private property owner should also be held responsible. This is not a new situation and has been an issue for decades. He said he didn't feel that the City Council should be the one who takes care of the situation after years and years of problems and issues that have not been addressed by the jurisdiction in which that property lies in.

Councilor Lyon stated he also received a call from Ms. Shaw. He stated she didn't care what the city did she would just drill a well. He was opposed to administering the grant.

Ms. Danforth read a letter which she asked to be entered into the record. The letter is attached and shown as "Exhibit A".

Councilor Lyon said he knows of two children that have died in fires at that location.

Mr. Danforth said he is a retired firefighter and has seen in his career many times deaths due to slip shod work.

Mr. Rambo recommended having representatives from the County and State and have them go out to Locust Mobile Village and look at the situation and answer whether or not that is a good project and good use of tax payer dollars.

Electric Lineman Richard Jolly said the property is a mess. There are spots of open sewage and electrical services that are not safe to energize.

Manager Hall commended Mr. Jolly and said he has done an excellent job out in the field. She said a tour of the sight could be arranged and it would be true to the council that they would be the ones to clean it up.

Councilor Irving stated he felt Ms. Shaw was opposed to annexing into the city limits because she would then be subject to our city codes.

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

Suni Danforth – 225 Maple Avenue, thanked the city and public works staff for blading and putting down gravel in town. She stated she was concerned with those who are in wheelchairs and she said she assumed there was an ordinance on the books that citizens are to shovel their sidewalks. She asked if public works crews could do it and then bill the citizen.

Ms. Hoel stated six hours from when precipitation stops citizens are to shovel their sidewalks. She stated there are people out there willing to help.

Ms. Hendricks stated she lives on Jacquelyn Street and wanted to thank the garbage truck driver for taking a neighbors garbage can back to her house due to the snowy/icy conditions.

Mr. Danforth suggested having Sherrie Widmer with the Valley Herald put something in the newspaper about the city ordinance and people's responsibility of shoveling their sidewalks.

Electric Superintendent Rick Rambo stated the weather has been very cold and the next utility billing cycle was going to be for thirty-five (35) days which is longer than most billing cycles. He said he just wanted to give council a heads up because citizens may complain about their high bills.

Mayor Key asked how the city was getting all the extra power.

Mr. Rambo explained the Bonneville Power Administration Tier 2 rate structure.

MANAGER'S REPORT

Manager Hall thanked Councilor Irving for replacing the clock on the wall.

There being no further business the meeting was adjourned at 8:50 p.m.

Lewis S. Key, Mayor