
CITY OF MILTON-FREEWATER GOVERNING BODY

Damien Reino At Large, Position 1
Steve Irving - Council President At Large, Position 2
Wes Koklich At Large, Position 3

Lewis S. Key Mayor
John Lyon Ward 1
Bradley J. Humbert Ward 2
Jose Garcia Ward 3

**CITY OF MILTON-FREEWATER
CITY COUNCIL MINUTES**

June 13, 2022

The Council of the City of Milton-Freewater met in regular session on June 13, 2022 in the Albee Room of the City Library, 8 SW 8th Avenue at 7:05 p.m.

The following members were present: Council President Steve Irving, Councilors Brad Humbert, Damien Reino, Wes Koklich, John Lyon and Mayor Lewis Key arrived at 7:10 p.m.

Councilor Jose Garcia was absent.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Public Work Superintendent Brian Steadman, Electric Superintendent Mike Watkins and Fire Chief Shane Garner.

Guests and citizens present were: Cindy Timmons, Suni Danforth, Merri Ann Huber, Bud Rupe, Kim Munk and Ryan Westman.

Representing the news media were: Sherrie Widmer of the Valley Herald and Max Ericson of the Walla Walla Union Bulletin.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of:

- Council minutes from May 9, 2022
- Accounts Payable May 3, 2022 – May 17, 2022
- Accounts Payable May 18, 2022 – June 7, 2022

Councilor Reino motioned to approve all items on the Consent Calendar. Councilor Lyon seconded the motion which passed unanimously.

PRESENTATION ITEMS:

**REQUEST – MILTON-FREEWATER CHAMBER OF COMMERCE FESTIVAL CHAIRMAN
ASKING FOR AN EXEMPTION TO CITY CODE 8-2-19 TO ALLOW ALCOHOL IN YANTIS
PARK FOR THEIR WEEKEND @ THE BLUES FESTIVAL**

Kim Munk, Festival Chairman and representative of the Milton-Freewater Chamber of Commerce presented their details for their music festival being held July 29-30, 2022 in Yantis Park. This will be run in conjunction with other community events that same weekend. They requested an exemption to City Code 8-2-19 to allow alcohol in Yantis Park for their fundraising event.

Councilor Reino asked how the area where the alcohol would be served would be monitored.

Ms. Munk stated the area will be the north shelter only and will be fenced off and no alcohol would be allowed to leave the fenced area.

Councilor Reino motioned to allow the Milton-Freewater Chamber of Commerce request for an exemption to City Code 8-2-19, allowing them to lawfully sell and consume alcohol in Yantis Park for their Music Festival. Councilor Humbert seconded the motion which passed unanimously.

BUSINESS ITEMS:

APPOINTMENT TO PLANNING COMMISSION

Manager Hall stated an application for the Planning Commission was received from Wendy Harris. Ms. Harris is currently the Operations Manager of the Walla Walla Basin Watershed Council. She has volunteered for Pioneer People and has been staff secretary for Walla Walla's Community Network and Community Corrections board. She would serve out a remaining term through February 1, 2026.

Councilor Irving stated he indorsed Ms. Harris and felt she would be a good fit for the committee.

Councilor Reino asked if staff had any concern with the potential conflict of Ms. Harris and her relationship to the Planning Assistant that she disclosed on her application.

Manager Hall stated she did not have any concern. There are no financial ties, the Planning Assistant takes meeting minutes and does not vote on agenda items.

Councilor Lyon motioned to appoint Wendy Harris to the Planning Commission for the remainder of the four-year term that began February 1, 2022. Councilor Koklich seconded the motion which passed unanimously.

PUBLIC HEARING AND RESOLUTION NO. 2492, RECEIPT OF STATE REVENUE SHARING FUNDS

Mayor Key opened and summarized the rules for a public hearing held for the purpose of gaining citizen input towards the receipt and use of State Revenue Sharing funds in the amount of \$90,000.

No member of the Council declared ex-parte contact and no audience member challenged any Councilor's right to participate in the hearing.

The City Recorder reported the hearing had been published according to law and there were no written comments on file.

Mayor Key opened the floor to citizen comments. There being no citizen comments, the Mayor declared the hearing to be closed. He then opened the floor to the entire Council. There were no Council comments regarding the State Revenue Sharing funds.

Councilor Lyon motioned to adopt Resolution No. 2492, Resolution Electing to Receive State Revenue Sharing Funds for Public Safety Purposes. Councilor Irving seconded the motion which passed unanimously.

PUBLIC HEARING AND RESOLUTION NO. 2493, ADOPT FISCAL YEAR 2023
BUDGET (July 1, 2022 – June 30, 2023)

Mayor Key announced the public hearing rules read earlier would remain in effect. He said the public hearing was being held for the purpose of gaining citizen input towards the proposed city budget for fiscal year 2023.

No member of the Council declared ex-parte contact and no audience member challenged any Councilor's right to participate in the hearing.

The City Recorder reported the hearing had been published according to law and there were no written comments on file.

Mayor Key opened the floor to citizen comments. There being no citizen comments, the Mayor declared the hearing to be closed. He then opened the floor to the entire Council. There were no Council comments regarding the budget.

Councilor Lyon motioned to adopt Resolution No. 2493, Resolution Adopting the budget for the 2022-2023 fiscal year in the sum of \$50,574,789 levy taxes at the rate of \$3.7499 per \$1,000 of assessed value for operations, \$60,000 Local Option Tax for Senior Transportation, \$100,000 Local Option Tax for Parks and Recreation, \$275,000 for General Obligation Bond for new police station and make appropriations as listed on the Resolution. Councilor Irving seconded the motion which passed unanimously.

RESOLUTION NO. 2494, AMEND SOLID WASTE RATES

Public Works Superintendent Brian Steadman stated in the adopted budget there was a 10% rate increase. The increase equates to \$1.47 per month to the base rate for one 96-gallon garbage container serviced weekly. Even with the rate increase, the city rate is still lower than the area average. Not all rates are increasing. For example, the residential recycling fee will remain the same. There is a \$5.00 delivery fee added to a temporary use of a 96 gallon and 300-gallon container. Also, added is a fee for commercial pickup of cardboard. Currently, commercial accounts do not pay for the service of their recycling of cardboard being picked up by staff. They will have a choice to either pay a monthly pickup fee or deliver their cardboard their self to one of the recycling depots.

Councilor Irving asked if customers were being charged for overflow of garbage in their cans.

Mr. Steadman stated the garbage truck driver does report overflow for the customer to be billed.

Manager Hall stated that the garbage truck driver does work with customers. If it appears to be a one-time event there most likely would not be a charge but if a customer is habitual then they would be charged for the overage.

A discussion ensued around what the utility rate would be if the city were to ever lose the ability to use its own landfill for solid waste services and as a result had to truck it to a landfill a good distance away.

Councilor Koklich asked if a 10% increase was enough.

Manager Hall stated staff believed it to be enough at the time of preparing the budget.

A discussion ensued regarding the increase of fuel and goods.

Councilor Lyon stated he knows fuel and food has gone up and asked what the city has done to cut costs. He stated he did not like the addition of the \$5.00 delivery fee for the temporary containers.

A brief discussion ensued.

Manager Hall stated the solid waste utility rate increase was needed two fiscal years ago but staff has been able to stave off an increase until now. Once a utility starts going through its reserve revenues, leaving very little is not a good practice. Repairs are very expensive and it's like operating your own account and running it down along with your savings and leaving you with nothing.

Councilor Irving gave staff credit for looking under rocks for money and saving money everywhere they can. For example, all the savings staff found in regards to the new police station project.

Manager Hall reviewed the survey done of what other neighboring cities are paying for solid waste services.

Councilor Humbert motioned to adopt Resolution No. 2494, Resolution Amending Solid Waste Collection Rates effective July 1, 2022 with the amendment of the \$5.00 delivery fee for the temporary 300-gallon container by removing the \$5.00 fee and increasing the rate to \$25.00. Councilor Lyon seconded the motion which passed unanimously.

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BATESON ENTERPRISES FOR THE BRAEBURN LIFT STATION REPLACEMENT AND IMPROVEMENTS

Public Works Superintendent stated at the last council meeting, council authorized a bid award to Midea Development LLC for the replacement of Braeburn lift station project. There was a staff miscommunication with who should have been named for the contract for the team of Midea Development LLC and Bateson Enterprises who bid on the project as partners. The contract needs to be with Bateson Enterprises as they hold the State of Oregon Construction Contractors license not Midea Development.

A brief discussion ensued.

Councilor Lyon motioned to authorize City Manager Linda Hall to negotiate terms of an agreement with Bateson Enterprises, LLC out of Winston, Oregon for the bidding, construction, commission and closeout of the Braeburn Lift Station Replacement and Improvements up to a maximum amount of \$403,104, and to repeal authorization to negotiate with Midea Development LLC for the same contract. Councilor Reino seconded the motion which passed unanimously.

RESOLUTION NO. 2495, DECLARATION OF SURPLUS TRANSFORMERS

Electric Superintendent Mike Watkins stated the electric department has come up with a list of surplus transformers. A few of the distribution transformers listed are still operational, but are old and mismatched in voltage and physical size. The remaining transformers listed are scrap or non-working units which also include burned-out units as well as units damaged in vehicle accidents. Staff proposed to advertise the surplus equipment and accept sealed bids for the most dollars the current market will allow.

A brief discussion ensued regarding the current market.

Councilor Lyon motioned to adopt Resolution No. 2495, Resolution Declaring Property to be Surplus as outline on Exhibit A. Councilor Irving seconded the motion which passed unanimously.

RESOLUTION NO. 2496, ADOPTION OF WILDFIRE MITIGATION PLAN

Electric Superintendent Mike Watkins stated in March of 2020, Governor Brown issued Executive Order 20-04 which in-part directed the Oregon Public Utility Commission (OPUC) to require electric companies, consumer owned utilities, and operators of electrical distribution systems to develop a Wildfire Mitigation Plan. This plan is to be submitted to the OPUC by June 30, 2022. Stoddard Power System's was contracted to provide the plan for the City and the entire Wildfire Mitigation Plan is available for viewing in the Electric Department at City Hall.

A discussion ensued regarding substitute electrical materials and preventive measures used in the industry.

Councilor Lyon motioned to adopt Resolution No. 2496, Resolution adopting the City of Milton-Freewater's Wildfire Mitigation Plan. Councilor Reino seconded the motion which passed unanimously.

ORDINANCE NO. 995, ADDING SECTION 11, TO CITY CODE TITLE 8, CHAPTER 1 REGARDING FIREWORKS

Fire Chief Shane Garner stated the proposed ordinance sets guidelines and addresses the use and misuse of consumer fireworks within the city. It also allows for the ability to prohibit the use of consumer fireworks during any period in which there is a fire emergency or burn ban declared to be in effect.

Councilor Lyon asked what changed.

Chief Garner stated it sets the period of which legal fireworks are allowed.

A discussion ensued regarding the time period of the sales of fireworks as well as the fine amount that could be imposed.

Manager Hall clarified that the proposed ordinance does not address the time period in which fireworks can be sold as that is set by Oregon State statute. It does address the allowed days and times as well as allowing for a temporary ban on fireworks in the case of extreme fire danger. She stated with the 4th of July being so close she asked the council to consider doing both readings of the ordinance at the current meeting.

Suni Danforth, 225 Maple Ave. – stated that Umatilla County issues a burn ban during extreme conditions and asked what the City did.

Chief Garner stated the City also issues a burn ban during fire season.

A discussion ensued.

Councilor Humbert stated as the ordinance was written it gave all the power to one position, the Fire Chief. He asked if that was a good idea.

Manager Hall presented the council their options for action. They could take no action on the ordinance all together which would kill it, or pass the ordinance with an amendment by adding another title for authority such as Police Chief and/or City Manager.

Councilor Reino suggested passing the ordinance as is now and then look at it again next May.

A brief discussion ensued.

Councilor Irving motioned that Ordinance No. 995 be introduced by title only and full reading waived. Councilor Reino 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. 995, An Ordinance Adding Section 11 to the City Code Title 8, Chapter 1 Regarding Fireworks.

There was a council consensus to move forward with the second reading.

Councilor Reino motioned that the second reading of Ordinance No. 995 be by title only and full reading waived. Councilor Humbert seconded the motion which passed unanimously. The City Manager then read the ordinance by title, Ordinance No. 995, An Ordinance Adding Section 11 to the City Code Title 8, Chapter 1 Regarding Fireworks.

Councilor Reino motioned to adopt Ordinance No. 995, an Ordinance Adding Section 11 to the City Code Title 8, Chapter 1 Regarding Fireworks. Councilor Lyon seconded the motion and roll call was taken, Councilor Irving-yea, Councilor Reino-yea, Councilor Koklich-yea, Councilor Lyon-yea and Councilor Humbert being the dissenting vote, the motion passed by majority.

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

Suni Danforth, 225 Maple Avenue – asked if the RV in the empty lot by the DMV has been reported. She said she didn't want that to become a place where RVs could park.

Manager Hall stated she would follow up with the Police Chief and Code Enforcement Officer.

MANAGER'S REPORT

Manager Hall reported the Police Department and Code Enforcement Officer have caught individuals involved in graffiti in city limits and at Marie Dorian Park. The cost of damages was of the amount and the crime is categorized as a felony. There is some bad news to this as well, the camera that caught the individuals was stolen. The City's insurance, City/County Insurance Service (CIS) has a grant available for security cameras so staff will be ordering more cameras. The police station project is moving along although the bids are about one week out from the original schedule. The Human Resource Officer position will be going out for recruitment. Lastly, she reported that there was a 4th grade tour day for City Hall, Police Department and Library. Usually this is one class this time it was a full day schedule with multiple classes.

COUNCIL ANNOUNCEMENTS

Councilor Irving announced that food truck night was scheduled for June 20, 2022 at Frazier Farmstead.

There being no further business the meeting was adjourned at 8:33 p.m. to an executive session pursuant to 192.660(2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

The City Council meeting was returned to open session at 8:56 p.m.

There being no further business the meeting was adjourned at 8:57 p.m.

Lewis S. Key, Mayor