
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

November 14, 2022

The Council of the City of Milton-Freewater met in regular session on November 14, 2022 in the Albee Room of the City Library, 8 SW 8th Avenue at 7:00 p.m.

The following members were present: Mayor Lewis Key, Councilors Jose Garcia, Damien Reino, Wes Koklich, John Lyon, Steve Irving and Brad Humbert arrived at 7:03 p.m.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Police Chief Doug Boedigheimer, Finance Director Dustin Dougherty, Engineering Technician Tina Kain, Conservation Specialist Ryan Westman, Police Sergeant Joe Shurtz, Police Officers Anthony Martinez, Danny Lackey, Dylan Garcia, Kevin Cuellar, Greg Bunker and Court Clerk Tracy Legore.

Guests and citizens present were: Charles Danforth, Ann Jolly, Tim Bland, Janet Bland, Paul Seaquist, Tammy Seaquist, Sally Babcock, Suni Danforth, Rhianne Carr, Sheila Hagar, Kay West, Brenda Speakman, Rick Speakman, Celie Sturm, Dan Kilmer, Kenny Jenkins, Kasia Loiacono, Gauge Griffins, Gordan Hall, Sharane Scofield, Megan Hoel, Amy Johnson, Gail Beeson and Gerry Seagrave.

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

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of:

- Council minutes from October 10, 2022
- Accounts Payable October 4, 2022 – October 17, 2022
- Accounts Payable October 18, 2022 – November 7, 2022
- Liquor License for Carniceria El Sol Market, located at 11 N. Columbia Street

Councilor Irving motioned to approve all items on the Consent Calendar. Councilor Lyon seconded the motion which passed unanimously. Councilor Humbert was absent from the vote.

PRESENTATION ITEMS:

OATH OF OFFICE – GREG BUNKER – POLICE OFFICER

City Manager Linda Hall administered the oath of office to Greg Bunker who is the newest Police Officer with the department.

BUSINESS ITEMS:

REVIEW OF INVESTMENT POLICY AND INVESTMENT RETURN COMPARISONS

Manager Hall introduced Finance Director Dustin Dougherty who has been with the city a little over a year but this was his first presentation before the City Council.

Finance Director Dustin Dougherty gave a brief overview of the city's investment policy which he was not recommending making any changes to. The council adopted an updated version on September 9, 2019. He then reviewed the investment return comparisons for fiscal year 2022 and fiscal year 2023 to date. Mr. Dougherty highlighted that it was beneficial to have funds invested with Fidelity as for fiscal year 2022 the city realized a difference of approximately \$70,219 than if it were invested with the Oregon Short Term Fund.

DISCUSSION ITEMS:

ROUNDTABLE DISCUSSION - HOMELESSNESS

Manager Hall stated that Councilor Koklich had called her regarding the issue of homelessness and the mandates made by the state and county. She said it is a very complex issue, fraught with political, social and legal pitfalls and ramifications. She stated that Police Chief Doug Boedigheimer has put together a brief presentation of what can and can't be done and what is currently being done according to the city code. She also said that staff will be consulting with the City Attorney on any proposed changes to current practices or policies.

Police Chief Doug Boedigheimer referenced two Oregon Revised Statutes (ORS) that he knows is required under current Oregon Statute regarding homelessness. ORS 203.077 states that municipalities and counties shall develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property and ORS 203.079 gives specific guidelines as to what the policy is to contain. It addresses requirements regarding notice given to homeless individuals before they can be removed from public property and their personal property seized and stored; it outlines the timeline for the length of storage of personal property; it outlines the requirement that social services be notified prior to removal of homeless individuals from public property although it does not mandate that social services even respond to the notification. Chief Boedigheimer then spoke about court rulings from the Ninth Circuit Court (the state of Oregon is in the Ninth Circuit); *Martin v. City of Boise* (2018 ruling) and *Johnson v. Grants Pass* (2021 ruling) both of these cases were regarding homeless and the act of sitting, sleeping, lying, warming on public places. The rulings allow for public entities to make reasonable time, place, and manner restrictions on those who sleep, lie, keep warm, etc., in public places. He then spoke about two legislative house bills. The first was House Bill 2006 (HB 2006) provision for "emergency shelters", said that government entities such as counties and cities must approve submitted applications for development or use of land for emergency shelter under certain criteria. This bill was repealed in July of 2022. The second was House Bill 3115 (HB 3115) the bill requires counties and cities who have, or intend to pass ordinances and laws regulating sleeping, lying, sitting, etc., on public property to apply the "objective reasonableness" standard to such laws. Chief Boedigheimer stated he believed the intent of HB 3115 is to make cities and counties who have current laws regarding "homelessness", or intend to write such laws, comply with the findings of *Martin v. City of Boise*. He said from his research, there is no bill or law that he could find in Oregon that mandates cities and counties pass any laws regarding the issue of homelessness. What was found were bills and laws that say what such laws must say and do if they exist. Chief Boedigheimer explained that his references were in regards to public property and that private property owners have the right to control who does or does not enter their property.

A discussion ensued.

Manager Hall stated that there were some enforcements being utilized according to city code regarding time limits for the public parks.

A discussion ensued regarding the Golf Course property and School District property.

Councilor Reino thanked Chief Boedigheimer for his presentation and asked if it was known what Umatilla County's response to homelessness was.

Manager Hall stated there was a grant written by a non-profit organization called Stepping Stones for a "Navigation Center". This would encompass 2 acres of a 20-acre lot already owned by Umatilla County for a homeless shelter. There have been some objections from the surrounding property owners to this plan. She said the City of Pendleton is converting an old hotel in city limits into a shelter.

A discussion ensued whether the city would partner with the Navigation Center if it were to be built or City of Pendleton and their hotel/homeless shelter.

Chief Boedigheimer stated that Tillie Makepeace with the United Wesley Church and the M-F Ministerial Association has done a great job with providing the warming shelter for those to get out of the cold.

Megan Hoel asked if it was known how many homeless people there were in the community.

Chief Boedigheimer stated he didn't have an exact number.

Councilor Humbert stated that it was his opinion that government has allowed public funds to fund things that they shouldn't. He stated this community has been very generous and willing to help people that need help.

A discussion ensued.

Councilor Irving stated he believed that the City of Portland just passed an ordinance that establishes guidelines on campsites.

Suni Danforth, 225 Maple Ave. – thanked Chief Boedigheimer for his presentation and said it has given her some clarity on the subject matter.

Tammy Seaquist, 684 College – gave praise to Tillie Makepeace and all that she does. She said she herself is a volunteer at the church and there was a need for more volunteers.

Sherane Scofield, 502 Rose #6 – works are Cascade Valley Memory Care which is right by the levee and river and they have had problems with their cars being broken into and gone through. She said some of their residents have been harassed by homeless people.

Councilor Humbert stated he also serves on the Water Control District board which oversees the levee. He has been working with Umatilla County Sheriff's office to help remove homeless camps that have set up by the river which is mostly all private property. They have tried to keep the trash, tarps, carts, plastic pool, etc., out of the river area. He said he has had a good response from Umatilla County and will continue to have them work with the district on this issue.

Charles Danforth, 225 Maple Ave. – spoke about the homelessness in Los Angeles when he was a firefighter there.

Celie Sturm, 53891 E. Ferndale Rd. – said she was speaking for Mary Gallaher that couldn't be at the meeting. She stated there have been buses going in to the Morgan Inn hotel parking lot, people are getting off with backpacks and then they just scatter.

Dan Lackey a Police Officer with the City of Milton-Freewater stated what he has seen has been buses or vans full of immigrant workers that are being let off from work that day.

Councilor Lyon stated there was current litigation with the City of Portland with regards to enabling homeless to camp and block the public sidewalks.

Tim Bland, 85621 Griggs Rd. – asked if the litter left by homeless was a sanitation issue.

Chief Boedigheimer stated depositing litter within 100 feet of a river is a criminal offense.

Councilor Lyon thanked Chief Boedigheimer for his presentation.

Dan Kilmer, 311 SW 6th Ave. – stated there was a person who frequents the area of the church which he lives by often. He said he has talked with her and she appears to have mental issues.

Chief Boedigheimer stated he knew who Mr. Kilmer was referring to and that he was correct in that she does have mental issues and that she did have family in town. He said that he has worked with Community Counseling Solutions which is located in town and they have been very helpful and proactive. He said police officers are not trained on how to help deal with people with mental issues.

A discussion ensued regarding the mental facility in Pendleton.

Councilor Koklich asked what the city's plan was for a diesel shortage.

Manager Hall said the city has some onsite storage and staff has been in contact with the city's bulk fuel supplier and emergency services would have priority over others in the case of an emergency.

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

Gail Beeson, 718 College Street – has noticed that the public works crews have painted over a lot of graffiti and now she has noticed that the park sidewalk and trees are getting tagged. She asked if the concrete wall going up the hill by Yantis Park would be cleaned better.

Manager Hall said it was frustrating for the crews having to continually clean up graffiti. There have been more arrests made for graffiti recently but she has been disappointed in the final outcome of the court cases from these arrests. The city tries to lead by example and cover up the graffiti as soon as possible. Public Works Superintendent Brian Steadman has contacted Bob's Eco Blasting to clean up the graffiti on the concrete wall that Mrs. Beeson was speaking about. She said that Sherwood Trust paid for a soda blaster for the City of Walla Walla which they seem to have good results from. She said she is interested in getting one and has had Mr. Steadman look into it.

Sheila Hagar, 704 College – she thanked Paul and Tammy Seaquist who covered up some graffiti with color matched paint. She asked if the city had cameras or motion lights.

Manager Hall stated the city does have five cameras that were moved around to different locations and attributed an arrest of at least one graffiti artist.

Ryan Westman asked if the city has kept track of the expense of covering up graffiti.

Manager Hall stated that the two cases that went to court, one was approximately \$11,000 and the other was approximately \$8,000 in costs for time and materials to cover the graffiti.

Mrs. Seaquist congratulated Councilor Jose Garcia for making it to State for his soccer team. Jose Garcia is also the soccer coach for the high school soccer team.

Councilor Irving said that Councilor Garcia was an amazing coach and was even more amazing as a mentor.

MANAGER'S REPORT

Manager Hall reported that council recently awarded transformers for the electric department. One transformer is for the new Police and Dispatch Center currently being built and seven transformers are for the south hill housing project. Since the bid award, there has been a hurricane in Florida, known as Hurricane Ian. Not only did the transformers that were ordered for the city all get shipped to Florida due to the state of emergency from the damage of the hurricane, but staff was notified of a price increase of 16 ½% for the transformers. The transformer for the police building was \$33,218 and now \$38,699 and the seven 50 kva transformers for the housing division were \$111,713 are now \$130,144.

A brief discussion ensued regarding one of the transformer vendors being bought out and now have new owners since the time of the bid award.

Councilor Humbert stated he believed that the vendor was under contract with the bid award.

Councilor Lyon stated this happened at his place of employment, Walla Walla County, and they had their city attorney push back.

Tina Kain, Engineering Technician with Electric Department stated that on the bid sheet the vendor disclosed that the prices and lead time could change due to the environment we were in.

Manager Hall stated she could continue to push back on the vendor but there were limited suppliers for transformers right now.

Councilor Irving motioned to approved the increased price of the transformers. Councilor Garcia seconded the motion which passed unanimously.

COUNCIL ANNOUNCEMENTS

Councilor Irving stated beware of prowlers and lock your doors.

There being no further business the meeting was adjourned at 8:37 p.m.



Lewis S. Key, Mayor