
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**August 12, 2024****CITY COUNCIL MINUTES**

The Council of the City of Milton-Freewater met in regular session on August 12, 2024 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 John Lyon, Wes Koklich, Steve Irving and Brad Humbert.

Councilors Damien Reino and Jose Garcia were absent.

Staff members present were: City Manager Chad Morris, Assistant City Manager/City Recorder Leanne Steadman, Public Works Superintendent Brian Steadman and Public Works Technician Steven Patten.

Guests and citizens present were: Kandy Pressnal, Dave Prock, Tara Lewis, Avery Lewis, Ann Jolly, Suni Danforth, Arlen Calley, Donna Sheridan, Krista Gannon, Mike Charlo, Greg Key, Mike Odman, Wyatt Patten, Kenneth Jenkins, Randy Reese, Steven Patten, Richard Jolly, Joe Shurtz, Laurie Bubar, Ryan Westman, Lili Schmidt, Shane Garner, Jason Schaffner and Tina Kain.

Representing the news media were: Sherrie Widmer of the Valley Herald and Sheila Hagar of the East Oregonian.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of:

- Council minutes from July 8, 2024
- Accounts Payable July 3rd – July 16, 2024
- Accounts Payable July 17th – August 2, 2024

Councilor Humbert motion to approve all items on the Consent Calendar with the exception of accounts payables for July 17th through August 2, 2024 which he requested be pulled from the consent calendar for further discussion. Councilor Lyon seconded the motion which passed unanimously.

Councilor Humbert referred to the accounts payable register dated July 17th through August 2, 2024 which included a payment for the YMCA of Walla Walla in the amount of \$51,189.24. The City has contracted with the YMCA for the aquatic center services for the summer. He asked if that amount was the contract amount or for one month.

Manager Morris stated it was for one month, and he indicated that he has not reviewed the contract yet, but it was on his list to do.

Councilor Humbert requested to see an itemized bill for that amount.

Manager Morris stated he assumed it was a lump sum billing in accordance with their contract.

Councilor Humbert shared that he has heard complaints of people being turned away due to capacity limits and that the concession stand was not open on the park side for the general public.

Manager Morris stated the capacity limit is based on life guards on site. He also shared that the YMCA bill has been paid and sent out.

Councilor Humbert stated he would like to see what the city was getting for their money and requested to see the billing statement.

Manager Morris stated he will be looking at the contract and will also be addressing more of the aquatic center in his managers report.

Councilor Humbert motioned to approve the accounts payable register for July 17th through August 2, 2024 with the city manager getting back to council on the YMCA contract. Councilor Lyon seconded the motion which passed unanimously.

BUSINESS ITEMS:

APPROVAL OF PROPOSALS FROM TALOS ENGINEERING, INC FOR SCADA SYSTEM UPGRADES – PHASE B & C

Manager Morris shared that the Public Works SCADA system upgrade was assessed and divided into three sections or phases based on the current configurations. The assessment was done by Talos Engineering who was the selected engineering consultant after an RFQ was published. The first phase, Phase A, included new hardware being installed at the south reservoir and well 9 which was installed April of this year and included purchasing the hardware parts for Phase B. The request was for installing Phase B and Phase C which was budgeted for in the current budget to install already purchased equipment and design, purchase and install Phase C equipment. This would allow the upgrades to be completed in two years instead of three. Manager Morris stated he was seeking approval for the whole project at the cost \$463,800, but may back off and not do Phase C in order to have funds available to do some design work for the water system improvement project. He stated if the project was postponed then labor may be more expensive when it is done. He said he would keep the council informed.

Councilor Humbert asked if the SCADA was going to be accessible on-line. He gave an example of the City of Pendleton where he can select from a map a specific manhole and it gives the details of it.

Manager Morris stated that sounded more like a GIS system and not a SCADA system.

A brief discussion ensued regarding the different aspects of a GIS and SCADA system.

Councilor Humbert motioned to approve proposal Q2024-007 Telemetry System Updates Phases B and C and Q2004-008 Ignition System Upgrades from Talos Engineering, Inc. of Richland, WA in the amount of \$463,800. Councilor Irving seconded the motion which passed unanimously.

RESOLUTION NO. 2546 – AUTHORIZING SIGNATURE TO COOPERATIVE IMPROVEMENTS AGREEMENT FOR RAPID FLASHING BEACON INSTALLATION WITH THE STATE OF OREGON ACTING THROUGH ITS DEPARTMENT OF TRANSPORTATION

Manager Morris recommended entering into an agreement with the State of Oregon through their Department of Transportation (ODOT) for a Rapid Flashing Beacon installed at S. Main and S. 8th Avenue. The State will perform the maintenance and invoice the city for up to \$2,500 per year, unless otherwise agreed upon. This flashing beacon is the third one so it brings the annual cost share to \$7,500 per year for maintenance.

Councilor Humbert shared his recollection of the ODOT project on S. Main which included the three-lane narrowing and flashing beacon installations.

Councilor Koklich stated he has noticed that the flashing beacons don't work correctly at times.

Public Works Superintendent shared that ODOT just updated the equipment at the other two flashing beacon locations, S. Main and S. 4th Avenue and S. Main and S. 12th Avenue which cost \$17,000 for the upgrades.

Manager Morris said if anyone notices the beacons not performing correctly to please let him know.

Councilor Lyon motioned to adopt Resolution No. 2546, Resolution Authorizing Signature to Cooperative Improvement Agreement No. 73000-0021764 Rectangular Rapid Flashing Beacon Installation with the State of Oregon acting through its Department of Transportation.

Councilor Irving seconded the motion, Councilors Koklich and Humbert voted no, Councilors Lyon and Irving voted yes, the motion passed with Mayor Key breaking the tie with a yes vote.

AUTHORIZATION TO PURCHASE ONE NEW 2024 CHEVROLET SILVERADO 2500HD 4WD PICKUP FOR THE PUBLIC WORKS DEPARTMENT AS BUDGETED

Manager Morris requested approval to purchase one new Chevrolet Silverado 2500HD 4WD pickup for the Public Works Department as budgeted. Staff has located a vehicle that fits the departments needs on the lot at McCurley in Pasco, WA for \$63,997.66. Staff has checked Oregon State bid pricing and this vehicle as outfitted is less than their pricing.

Councilor Humbert asked what the reason was to purchase a 4-door.

Manager Morris stated it's what's available on the lot.

Mr. Steadman added that it also gave a little more room when staff is carpooling for a training and it's a 4-door but not a crew cab.

Councilor Humbert said he understood and that he misunderstood and thought it was a crew cab truck.

Councilor Lyon asked what the State bid pricing was.

Manager Morris replied, the State bid price was through Sourcewell in the amount of \$64,753.48.

Councilor Humbert motioned to approve the purchase of one new 2024 2500 HD 4WD Double Cab Pickup with service body and pipe rack from McCurley Integrity Dealerships LLC. Councilor Irving seconded the motion which passed unanimously.

RECOMMENDATION TO UNFREEZE DEPARTMENT HEAD COST OF LIVING INCREASES

Manager Morris stated he sent out an email to the council that contained a legal opinion from a labor law attorney he is working with in regards to council's action of freezing department head wages. The attorney recommended from a legal stand point, the department head salaries should not be frozen. He stated he was bringing this matter to the council due to the council freezing the wages during the budget process and felt he needed action from the council in regards to his recommendation.

Councilor Humbert said he and Manager Morris has spoken about the department head contract and he assumes they both agree that the way that contract is tied to other bargaining agreements was not the proper way to do that. Councilor Humbert asked if Manager Morris was going to bring that contract back up for negotiating and re-negotiate it immediately.

Manager Morris stated he intends to do that within the next year.

Councilor Humbert stated, to untie that little loop hole.

Manager Morris replied, possibly. He stated since he and Councilor Humbert had spoken, he has thought of some other things and some other ways to do things. He was not sure that would be the direction that he is looking at, he said whatever is done will be well in advance of the fiscal year so he has time to report to the council on what he is considering and recommending.

Councilor Humbert asked Manager Morris if the attorney knew that for the last 24 years the council has approved every bargaining unit's contract.

Manager Morris replied, yes. The attorney is aware of that and there were several other things that he could spend a lot of time digging into that might modify his opinion a little bit. The attorney relayed that in his profession opinion the city would not be in a good position if it went to a legal battle regarding the department head wage freeze.

Councilor Koklich shared his thoughts regarding the cost of living and stated he believed that all employees should get the same percentage of increase.

Manager Morris stated he believes over the years, which is similar to Niceville, the cost of living was combined with merit increases. All the contract percentage of increases were negotiated by the individual bargaining units. He stated during his negotiating, his goal is to get the cost of living increases more locked into a cost-of-living index and something that was more standard year-to-year, this will be dependent on what comes out of the bargaining unit negotiations.

Councilor Koklich again, stated he believed it should be even across the board.

Manager Morris stated that is what he will be working towards with negotiations.

Mayor Key stated in the meantime there is a contract.

Councilor Lyon asked if the labor law attorney thought it was ethically acceptable under Oregon State rules for the city manager to dictate their own cost of living raise.

Manager Morris stated he was going to bring the issue up under manager's report as he believed his cost-of-living increase should not be tied to the department head increase.

Councilor Lyon stated that was Manager Morris's opinion, but what was the labor law's opinion.

Manager Morris stated that the attorney had never seen that.

Councilor Lyon asked if it was ethically accepted under the State of Oregon.

Manager Morris stated it wasn't ethical, but it was legal.

Councilor Lyon asked which one over weighed the other, legality or ethically.

Manager Morris stated there wouldn't be an ethical issue until something has been done that is unethical. He said the simple fact of having them connected is not an ethical concern and not a legal concern. It could be done contractually. The ethical issue would come in when he was negotiating with one of the other groups and he negotiated higher so he could increase his salary.

Councilor Lyon stated that is what happened, but there was no way to prove it or dis-prove it.

Manager Morris stated he would prefer to go into his first negotiation without his salary tied to his negotiations. He would like for that portion of his contract to be changed to reflect his cost-of-living increase be tied to his evaluation by the council.

Councilor Irving stated his evaluation was that council needed to take the legal advice and that he supported Manager Morris's recommendation.

Councilor Irving motioned to unfreeze the department head wages. Councilor Lyon seconded the motion which passed unanimously.

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

Avery Lewis stated she was the daughter of Ricky and Tara Lewis and she was going into her senior year at Mac-Hi. Last year she spent in Italy as a Rotary Exchange Student and her love and passion is tennis. She shared that the tennis courts are in desperate need of fixing up. They are getting in bad shape and have caused some accidents with her teammates in the past couple of years. She asked for consideration of resurfacing the tennis courts and to add some lighting so they could play safer and longer through the evenings.

A brief discussion ensued regarding the current condition of the tennis courts.

Manager Morris stated he and School Superintendent Aaron Duff have had conversations regarding recreation facilities and the tennis courts have been part of that conversation on what can be done to try and fix them.

MANAGER'S REPORT

Manager Morris followed up with the earlier conversation regarding his contract terms of his salary increase being separated from any other contracts in the city. He said he believed his increase should be independent on his annual review and based on his performance. He stated he wished he would have looked at his contract a little closer to catch that. He asked the council to be thinking of some different options for that.

Councilor Humbert made a motion to schedule an executive session at the next council meeting to discuss Manager Morris's contract. Councilor Irving seconded the motion which passed unanimously.

Manager Morris carried on with his manager's report, next item was an engagement agreement for legal services with Miller Nash, LLP. This is the labor law firm that was contacted in regards to the department head wage freeze and they may be used in the future for contract negotiations. He stated he was informing the council of the agreement, but didn't anticipate going over the dollar amount he is authorized to sign for. He stated if for some reason he did get close to that amount, he would bring this back to council. Next item was information about a strategic planning meeting facilitated by SGR (Strategic Government Resources). He stated he was scheduling this sometime during the week of September 16th through the 20th. There would be a community meeting a day or so previous to a work session with the council. Manager Morris asked for the council to check their schedules and let him know what day that week works best for them. The League of Oregon Cities (LOC) is asking cities to review and rate legislative recommendations. Manager Morris provided the council with a voter guide booklet and asked that the council bring their top five ranking choices to the September council meeting and he would be the one that will consolidate the results and report that back to LOC. There were six applications received for the Charter Review Committee. The applications will be sent to the Mayor for his recommendations and this will be placed on the September council agenda for committee appointments. Manager Morris introduced the new electric superintendent, Richard Jolly. Mr. Jolly's first day was August 5, 2024. Next item he reported on was the aquatic center. He stated there has been a lot of controversy and he will be looking now for options for next year. He said he wasn't saying one way or the other if signing with the YMCA is good or bad. The YMCA has a lot of resources and benefits for them to provide the service. He understands the YMCA's issues with finding labor and certified lifeguards. He reported that the renovations at Yantis Park are done and renovations and improvements will begin soon at Freewater Park. He reported he had a meeting scheduled for August 20th regarding the police department building with the general contractor, architect and owner representative to discuss the final remaining punch list items. Linda Hall has notified him that her work as project manager on the police building was finished. A ribbon cutting will be scheduled soon and he reported that the state requires an independent financial audit on the project once the project is closed out. Another item reported on was the proposed new recycling program known as the Recycling Modernization Act. The information known at this point, which could change, would require weekly curbside pickup, which would require two to three more staff, one more truck and another location for recyclables. Staff continues to seek information from the state on this new requirement with a proposed effective date of July 1, 2025.

Suni Danforth asked if the requirement was population based.

Manager Morris stated yes, population of 4,000 and over.

Manager Morris reported that staff has had meetings with the property owner at 115 N. Main and he hoped there will be progress made of more cleaning up at this location. He said he will have more

information at the September council meeting. Last item was in regards to an uptick in graffiti. He and Chief Shurtz have had conversation about this and Chief Shurtz has authorized additional patrols at night.

There being no further business the meeting was adjourned at 8:05 p.m.

Lewis S. Key, Mayor