

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met Monday, August 23, 2010 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Council President Orrin Lyon, Councilors Ed Chesnut, Sam Hopkins-Hubbard, Jeff Anliker, Brad Humbert and Steve Irving. Mayor Lewis Key was absent.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman and Public Works Superintendent Dave Bradshaw.

Citizens present were: Steven Patten, Tara Patten, Pat Thomson and Manford Anliker.

Press member Melanie Hall of the Valley Herald was present.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of council minutes from the August 9, 2010 meeting and accounts payable from August 5, 2010 through August 18, 2010.

Councilor Humbert motioned to approve the consent calendar items. Councilor Irving seconded the motion which passed unanimously.

OLD BUSINESS:

ORDINANCE NO. 956, AN ORDINANCE AMENDING THE ZONING CODE BY ADDING CHAPTER 15, FLOOD DAMAGE PREVENTION - SECOND READING AND ADOPTION

Councilor Anliker moved that Ordinance #956 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. Councilor Chesnut moved to adopt Ordinance No. 956, an Ordinance Amending the Zoning Code by adding Chapter 15, Flood Damage Prevention. Councilor Anliker seconded the motion. Councilors Humbert, Irving, Anliker, Lyon and Chesnut voted yea. Councilor Hopkins-Hubbard voted nay. The ordinance will take effect September 1, 2010.

BUSINESS ITEMS:

RESOLUTION NO. 2183, AUTHORIZING SIGNATURE TO AMENDMENT NO. 3 OF THE 2008-2010 FUND EXCHANGE AGREEMENT NO. 24057 WITH THE STATE OF OREGON

Public Works Superintendent Dave Bradshaw reported each year the city is allotted funding for roadway improvements from the Federal Government through the State of Oregon. There was a carryover balance from the 2008 original contract and in 2009 there was an amendment to include additional streets. Once those listed projects were completed it has been determined there are additional funds available. Staff is recommending an additional amendment to include paving of as many of the following unimproved streets as possible. The list includes the following streets in no specific order: overlays of SW 9th Ave., SW 10th Ave., Columbia Street (SW 8th to SW 10th), College Street (SW 8th to SW 12th) and pave/overlay the alley between SW 10th and SW 12th. Staff has received a letter from the Oregon Department of Transportation approving the use of the 2010 funding allowance along with the carryover balance. The total

projects will not exceed the available balance of \$74,254.01. Staff is requesting prior approval of the amendment to the contract to expedite the projects.

Manager Hall said she didn't expect anything different with this amendment than others in the past.

Councilor Anliker motioned to adopt Resolution No. 2183, a Resolution Authorizing Signature to Amendment No. 3 of the 2008-2010 Fund Exchange Agreement No. 24057 with the State of Oregon after receipt, review and acceptance by the City Manager. Councilor Irving seconded the motion which passed unanimously with the exception of Councilor Humbert who abstained from the vote due to his direct involvement in the subject matter. He disclosed a financial conflict of interest due to his employment by one of the companies bidding on the contract. At which time he physically removed himself from the council panel and placed himself in the audience seating area. He announced he was not participating in the discussion for the reason he had previously disclosed.

BID AWARD – CONTRACT #223, 2010 FUND EXCHANGE PAVING PROJECT

Public Works Superintendent Dave Bradshaw reported the city had advertised, accepted and received two bids for the paving projects that were discussed in the earlier business item. The two bids were from A & B Asphalt and Humbert Asphalt. The bid from Humbert Asphalt was incomplete and did not include the bid schedule documentation as required by the bid documents. Staff is recommending awarding the bid to A & B Asphalt, as the low bidder.

Councilor Chesnut motioned to award the unit prices as bid on the tabulation sheet for the 2010 Pavement Project, Contract #233 to A & B Asphalt as they were the apparent low bidder with an amount not to exceed \$74,254.01. Councilor Hopkins-Hubbard seconded the motion which passed unanimously with the exception of Councilor Humbert who abstained.

APPROVAL OF REPRESENTATIVE ON MF AREA FOUNDATION BOARD

City Manager Linda Hall presented some background and history of the MF Area Foundation along with how it was formed. She explained Mike Swinnerton became the city's representative when Council President Herb Saager passed away in 2004. Mr. Swinnerton has indicated he is willing to continue to serve as the city's representative.

A discussion ensued regarding the position and who could serve on the board. There was a general consensus to re-evaluate the board position when the term nears expiration in 2014.

Councilor Chesnut motioned to approve Mike Swinnerton as the city's representative on the MF Area Foundation Board. Councilor Hopkins-Hubbard seconded the motion which passed unanimously with the exception of Councilor Anliker who abstained.

MANAGER'S REPORT

Manager Hall stated the Muddy Frogwater Festival was very successful and she was proud to be part of the Milton-Freewater Community. She helped staff the Water Control Board's (WCB) booth and over the three day event there were approximately 700 letters given out that supports house bill HR5114. If the bill passes, it would put a five year moratorium on the requirement for citizens to purchase flood insurance. She commended and applauded the council for their leadership and she expressed she understood how hard of a decision they had to make regarding the flood management ordinance. She has expectations to bring back to council in about five years the action of removing the flood plain designation from Milton-Freewater. She announced the WCB was having a meeting on Tuesday, August 24, 2010 at 7:00 p.m. in the Court Room at

City Hall. The board was going to discuss and establish a bond measure amount for the General Election of November 2, 2010. She encouraged everyone to attend. At the last Oregon Solutions meeting on August 18, 2010, a ceremony was held for signing the Declaration of Cooperation for each entity involved in the levee project. The Declaration of Cooperation is a statement pledged by each entity of what they will contribute to the repair of the levee project.

Councilor Hopkins-Hubbard asked if there was discussion regarding the Nursery Bridge stilling basin.

Manager Hall said there was a lengthy discussion during the morning meeting prior to the Oregon Solutions Team meeting.

Manford Anliker had talked to Dick Townsend who was the Project Manager for the Oregon Solutions Group. Mr. Townsend relayed that he felt there was good progress with the levee project and said he would come back to help anytime. Mr. Anliker said he asked Mr. Townsend to come back in November.

COUNCIL ANNOUNCEMENTS

Councilor Chesnut said he had never worked a booth at the Muddy Frogwater Festival before last weekend. He had a fun three days in the park working at the Water Control District and Wind Energy booths. He reported the faucet in the men's restroom at Yantis Park was not working correctly and the drinking fountain inside the Community Building was not working.

Mr. Bradshaw said he would talk a look at both of those items.

Councilor Chesnut who is also a member of the Blue Mountain Alliance, said one of the members of that group wrote a letter to the Department of Environmental Quality (DEQ) asking why they were re-active instead of pro-active in regards to controlling wind issues from wind turbines on neighboring residences. The reply back from DEQ said their funding had been severely cut and they had been instructed by the Justice Department that it would no longer be legal from them to enforce noise ordinances within the state. This reply suggested to the Blue Mountain Alliance group that if the noise ordinance could not be enforced then it would make sense to enact a physical setback of turbines that would help.

Councilor Anliker attended for the first time, the Ribbit party which is the kickoff for the Muddy Frogwater Festival. He said he had a good time.

Manager Hall reported the Police Department arrested two juveniles for painting graffiti on buildings and walls in town. She said one of the juveniles father called her and he is going to have his child apologize to the business owners.

Councilor Hopkins-Hubbard asked if having the juveniles clean and paint over the graffiti could be part of their court sentence.

Manager Hall said she would pass the request onto Judge Tucker.

Councilor Irving thanked the Elks Club for helping out with the Muddy Frogwater Parade.

Councilor Anliker felt there were businesses that were taking advantage of citizens when it came to purchasing flood insurance.

Councilor Lyon had a concerned citizen approach him about the parties at the Community Building.

Manager Hall reviewed what had transpired at the specific event Councilor Lyon was referring to and reported the party that reserved the Community Building would not be receiving their deposit refund nor would they be able to rent the Community Building in the future. She encouraged Councilor Lyon to inform the citizen they did the right thing and to call the Police Department in the future if there are more concerns.

There being no further business the meeting was adjourned at 7:55 p.m.

Lewis S. Key, Mayor