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**CITY OF MILTON-FREEWATER GOVERNING BODY**

Verl Pressnall At Large, Position 1  
Steve Irving At Large, Position 2  
Edwin E. Chesnut (CL President) At Large, Position 3

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

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**CITY OF MILTON-FREEWATER  
CITY COUNCIL MINUTES****January 13, 2020**

The Council of the City of Milton-Freewater met Monday, January 13, 2020 at 7:00 p.m. in the Albee Room of the Library, 8 SW 8<sup>th</sup> Avenue, Milton-Freewater, Oregon.

The following City Council members were present: Mayor Lewis Key, Councilors Ed Chesnut, Verl Pressnall, Jose Garcia, Steve Irving and Brad Humbert.

Ward 1 council seat is vacant.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Police Chief Doug Boedigheimer, Public Works Superintendent Brian Steadman, Fire Chief Shane Garner, Electric Superintendent Mike Watkins, City Planner Laurel Sweeney, Conservation Specialist Pat Didion, Engineering Technician Ryan Westman, Court Clerk Pam Hays, Police Detective Morgan Dunlap, Police Officers Jesse Myer, James Farr, Scott Hays, Dylan Garcia, Anthony Martinez and Emergency Communication Specialist Tracey LeGore.

Citizens and Guests present were: Jerrod Propeck, Gary Goodwin, Jo Goodwin, Bob White, Christine Boedigheimer, Cassidy Hays, Molly Hasenbank, Jason Gruening, James Gilchrist, Carolyn Stone, Tina Beyer, David Boyer, Roger Cosner, Steve Timmons, Cindy Timmons, Kandy Pressnall, Lucinda Harlow, J. Harlow, Heather Oleson, Susan Karlson, Cody Beckman, Larry Oliver, Steve MacPherson, Mike Garton, Art Stubbs, Richard Webb, Manny Ramiro, Wes Kocklich, Myra Sherwin, Peggy Johnston, Frank Millar, Shirley Giarde, Holly Jo Beers, Kira Hopkins, Daniel Hopkins, Greg Olsen, Kasey Brooks, Megan Hoel, Tom Bland, Katrina Rodriguez, Sheryl Brewer and Anthony Cooksley.

Representing the news media were Sherrie Widmer of the Valley Herald and Chloe LeValley of the Walla Walla Union Bulletin

**CONSENT CALENDAR ITEMS:**

The consent calendar items consisted of:

- Council Minutes from December 9, 2019
- Accounts payables from December 4, 2019 through December 17, 2019
- Accounts payables from December 18, 2019 through January 6, 2020

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

**PRESENTATION ITEMS:****RECOGNITION OF BOB WHITE FOR TIME SERVED ON THE FIRE DEPARTMENT  
AND PLANNING COMMISSION**

Fire Chief Shane Garner gave recognition to Bob White for his time served as a long tenured volunteer firefighter as well as a volunteer on the Planning Commission.

**REVIEW OF THE AUDIT RESULTS AND THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDING JUNE 30, 2019**

City Manager Linda Hall stated the Comprehensive Annual Financial Report also referred to as the CAFR, was an even better document than the annual budget for information about the city. The CAFR shows a true reflection of the City's financial health and it gives some history of the largest tax payers in the city as well as other statistical data. The document is public record and is available for public inspection through the Library or Finance Department. She reported the City received another clean audit for fiscal year ending June 30, 2019. She gave praise to all the department heads but especially the Finance Director Dave Richmond and Accounting Supervisor Luke Billings who work very hard in preparing the reports for the auditors. She stated even though the audit came back clean, there was a "comment" from the auditors. The comment was regarding two parcels of land that the city declared surplus and have sold after obtaining the best comparable true values as possible for the type of property they were. The auditors comment was that the city should have had historical cost records for the properties. Manager Hall stated the properties were purchased in the 1990's. She then referred to the CAFR, Fund-based Financial Statements page and said that most people think that the City of Milton-Freewater is funded similar to other city's which is by property taxes. Although, property taxes are a major revenue source for the General Fund, which the funds are the Police, Dispatch, Fire, Parks, Recreation, Planning, Library, Finance, and Administration departments. Property tax revenues make up 40% of the budget. The city took in \$1,131,208 last fiscal year in property taxes and for an example of how challenging it is to balance the budget she stated that the public safety budget, which is police and dispatch, was \$2,493,437. Next she referred to the Enterprise Funds, which are the electric, water, sewer, solid waste and golf course. She stated all the major funds came through the year respectively but she was watching one major fund very closely, the electric fund. Bonneville Power Administration (BPA) is one of the major energy suppliers for the city and they had indicated there was not going to be a rate increase passed onto the city. BPA's budget cycle runs from October to September each year and when the October billing showed up there was an approximately 15% increase passed onto the city. Not only was there an increase, the city has lost some billing credits; one was called the lookback credit. Manager Hall stated there will likely be a rate increase in the near future to help offset both those hits. In closing she stated that the city had approximately 40 million dollars in assets. She welcomed any questions or to send her an email if anyone had any questions regarding the CAFR.

**UPDATE – ELECTRIC DEPARTMENT STATUS UPDATE**

Electric Superintendent Mike Watkins started his presentation out by saying the electric department has seen a lot of change in the last year and a half. With retirements and new employees in the department, the department has lost approximately 100 years of experience. There are still a few long tenured employees but his point being there has been a lot of change. He stated it has been challenging to recruit journeyman lineman due to the need in California from the devastating fires but that he does have two linemen coming on board. One just started this week and the other lineman will be here the end of the month. The apprentice lineman Tyson Murphy will be taking his journeyman lineman test at the end of the month as well. He stated it will be nice to have a full linecrew again. Mr. Watkins reviewed some of the challenges the department is facing such as aging infrastructure, rising cost of equipment, meters, loss of revenue due to empty buildings like Sykes, crypto-currency is at 1/12<sup>th</sup> of original projected growth, loss of billing credits and rate increases from BPA. He listed some of the department projects as being replacing some underground service at Mac-Hi School, working with a contract to replace service to Orchard Homes, LED street light project has been a success and they will continue with the program, working with BPA and Columbia REA on a mutual aid agreement to help reduce the length of outage time when it involves the electric feed from the Walla Walla substation.

There was a brief discussion regarding the rise in cost for electric equipment and extended delivery time for new bucket trucks.

Mr. Watkins stated it was due to supply and demand and that California was essentially rebuilding their electric service areas due to the fires so there is a massive amount of supplies going to that state. In closing he thanked Manager Hall, the department heads and his staff.

### **BUSINESS ITEMS:**

#### **PRESENTATION/PROJECT APPROVAL – SPLASH PAD PROJECT ORGANIZED AND SPONSORED BY THE MILTON-FREEWATER ROTARY CLUB**

Milton-Freewater Rotary Club President Molly Hasenbank presented an idea of a Splash Pad. She stated she has spoken with Manager Hall and Public Works Superintendent Brian Steadman about the project. She said she was appreciative that the city was willing to consider teaming up with the Rotary Club. She stated the estimate for installing the splash pad was \$75,000. The Rotary Club would look at fund raising and grants for the initial installation and then turn it over to the city for annual maintenance. The proposed location of the splash pad would be Freewater Park. She explained the reason behind this location was to offer recreation in different parts of town. The benefits of a splash pad were that there is no standing water, no lifeguard is required, low to no risk of drowning, no cost to the user and it was accessible to all abilities and disabilities. She stated she has heard concerns of vandalism and she stated typically splash pads were utilized by smaller children who would likely have a parent or supervisor with them so there would be more adult's presence which would hopefully detour unwanted activity. She passed out a packet of estimates for the project and said it was still in the preliminary stages of planning. One of the features of the splash pad would be that it could be set up with timers and sensors for the water run time and it could also have a timer for start and stop times for each day. Depending on the weather it could be operational from May through September.

Mike Garton asked if the water would be recycled.

Ms. Hasenbank stated the proposal was to go with a fresh water system.

Mayor Key asked if the water could be used for irrigation.

Ms. Hasenbank stated that option was looked into and it was estimated to have a 30-40 year payback time for the cost so they opted to go with the fresh water.

Councilor Chesnut stated it essentially would be used for irrigation since the water would eventually go to the sewer plant then out to the farm for irrigation.

Manager Hall thanked Ms. Hasenbank for coming to the city prior to the project for input and that the staff approves of the project.

James Gilchrist spoke in favor of the project.

A discussion ensued regarding the amount of water the project would use each day.

Councilor Chesnut stated he assumed the project would have its own meter and could be monitored on how much water was being used. He asked if the liability insurance would be similar to the swimming pool.

Manager Hall stated it would be a lower risk than the swimming pool.

Councilor Chesnut made a motion to support the Splash Pad project presented by the Rotary President. Councilor Irving seconded the motion which passed unanimously.

**PUBLIC HEARING / FINDINGS OF FACT AND CONCLUSIONS OF LAW /  
ORDINANCE NO. 990 AMENDING THE COMPREHENSIVE PLAN MAP**

Mayor Key opened and summarized the rules for a public hearing held for the purpose of amending the Comprehensive Plan Map from Residential to Commercial on property located at 629 S. Main Street. He then explained that the testimony given in this hearing should be centered around the criteria for the amendment of the Comprehensive Plan Map. He also explained failure to raise an issue with sufficient directness to afford the decision maker and the parties an opportunity to respond to the issue will prohibit an appeal to LUBA on that issue.

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

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

The Mayor then asked City Planner Laurel Sweeney to please present her staff report.

At which time Ms. Sweeney presented the staff report which is incorporated below.

APPLICANT: Ankit Mungra (Fast Mart)

ISSUE: Comprehensive Plan Map amendment from Residential to Commercial and Zoning Map amendment from Main Street Residential (MSR) to Commercial (C-1) on approximately 4,400 square feet of property located at 629 S. Main St (Umatilla County Assessor's Map 5N3512BA Tax Lot 09900).

HEARING DATE: December 2, 2019

**I. BACKGROUND**

The subject site has a building on it that historically has been used for commercial purposes. According to the applicant, in 1954 the building was designed and operated as a retail storefront for Les Schwab Tires. The last retail use of the building was by Les Schwab Tires over 20 years ago. Since that time it has been used as a warehouse. The site fronts on Hwy 11. The applicant, Ankit Mungra wishes to change both the Comprehensive Map designation and zoning on the property so that the existing building can be remodeled for a convenience store.

The applicant is Ankit Mungra, representing Fast Mart, a family owned chain of convenience stores. Currently, they have 7 locations in Oregon and are in the process of opening another location. They are interested in purchasing the subject site and investing \$500,000 in the building renovations. The outside will be updated, parking area re-paved and inside of the store completely remodeled.

## II. SITE DESCRIPTION

The subject property consists of approximately 9,250 square feet and is bordered by Hwy 11 on the west, SE 7<sup>th</sup> Ave to the south, an alley to the east and a single family home to the north. It is presently used as a warehouse. The site is entirely surrounded by Main Street Residential (MSR) zoning. It is presently mapped Residential by the Milton-Freewater Comprehensive Plan and MSR by the Milton-Freewater Zoning Map.

## III. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

**Goal 9 Economy:** Goal 1: To actively pursue economic development and growth that will diversify and strengthen the mix of economic activity in the local marketplace and provide employment opportunities for local residents.

Policy 2-2: The City of Milton-Freewater recognizes that the expansion and/or redevelopment of existing employment sites is often more challenging than the development of vacant sites and shall consider ways to encourage the expansion and/or redevelopment of existing employment sites.

Discussion, Conclusion and Findings: The applicant is proposing a new business (convenience store) within the City limits. The applicant is proposing to reuse an existing building that has been underutilized or vacant for many years and was historically used for commercial purposes. The proposed use of a convenience store will provide new employment opportunities. When considering these three facts, the request is in support and will further Goal 1, Policy 2-2 of the Comprehensive Plan.

## IV. APPLICABLE CODE PROVISIONS

Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments were initiated by the applicant, who is a citizen.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure in accordance with this chapter.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: As discussed above, the proposal conforms with applicable provisions of the Comprehensive Plan.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: Based on the fact that the building has been in existence for 65 years, allowing continued commercial use is more appropriate than changing to another designation. The structure will be renovated and updated and will provide a retail use for the community, thus supporting redevelopment goals.

The site is located on a heavily used transportation corridor, Highway 11. The noise that is generated as a result of the vehicles on the road make the site a bit less desirable for a residence.

10-12-4: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

IV. GENERAL COMMENT

The Commercial designation is an appropriate designation for this property based on the applicant's development intentions for redevelopment/reuse of the site.

V. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the amendments.

Ms. Sweeney stated there was a typo on the ordinance that was discovered after the packets were sent out that has since been corrected for the signature copy.

Mayor Key then invited the applicant to speak.

The applicant was not present.

Mayor Key then opened the floor to citizen comments of those in favor of the amendment.

Mike Garton, 160 SE 8<sup>th</sup> – asked if there were going to be gas pumps at the location.

Ms. Sweeney replied no.

Wes Koklich, 2088 S. Walnut Street – spoke in favor of the amendment.

Gary Goodwin, 311 SE 15<sup>th</sup> – stated the location used to be a video store many years ago.

Lucinda Harlow, 709 S. Mill – asked if there were underground tanks there.

Ms. Sweeney replied the tanks had been previously removed.

Mayor Key opened the floor to citizen comments of those opposed of the amendment.

There being no comments Mayor Key declared the hearing to be closed. He then opened the floor for council comments.

There were no council comments.

Councilor Chesnut motioned to adopt the Findings of Fact and Conclusion of Law supporting the amendment to the Comprehensive Plan Map from Residential to Commercial on property located at 629 S. Main Street. Councilor Humbert seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

Councilor Humbert motioned that Ordinance No. 990 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 #990, Ordinance Amending the Comprehensive Plan Map of the City of Milton-Freewater.

Councilor Humbert said he would like to waive the normal ordinance adoption procedure and proceed with the second reading and adoption as there were no comments in opposition of the project.

There was a council consensus to proceed with the second reading and adoption.

Councilor Humbert motioned that the second reading of Ordinance #990 be by title only and full reading waived. Councilor Chesnut seconded the motion which passed unanimously.

The City Manager then read the ordinance by title.

Councilor Humbert motioned to adopt Ordinance #990, Ordinance Amending the Comprehensive Plan Map from Residential to Commercial on property located at 629 S. Main Street. Councilor Irving seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

**PUBLIC HEARING / FINDINGS OF FACT AND CONCLUSIONS OF LAW /  
ORDINANCE NO. 991, AMENDING THE ZONING MAP**

Mayor Key opened the public hearing and stated the rules read earlier will remain in effect for the purpose of amending the Zoning Map from MSR, Main Street Residential to C-1, Retail and Service Commercial on property located at 629 S. Main Street. He then explained that the testimony given in this hearing should be centered around the criteria for the amendment of the

Zoning Map. He also explained failure to raise an issue with sufficient directness to afford the decision maker and the parties an opportunity to respond to the issue will prohibit an appeal to LUBA on that issue.

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

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

The Mayor then asked City Planner Laurel Sweeney to please present her staff report.

At which time Ms. Sweeney presented the staff report which is noted above under the previous agenda item.

Mayor Key then invited the applicant to speak.

The applicant was not present.

Mayor Key then opened the floor to citizen comments of those in favor of the amendment.

There were no comments.

Mayor Key then opened the floor to citizen comments of those opposed to the amendment.

There being no comments Mayor Key declared the hearing to be closed. He then opened the floor for council comments.

There were no council comments.

Councilor Humbert motioned to adopt the Findings of Fact and Conclusion of Law supporting the amendment to the Zoning Map from MSR, Main Street Residential to C-1, Retail and Service Commercial on property located at 629 S. Main Street. Councilor Pressnall seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

Councilor Humbert motioned that Ordinance No. 991 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 #991, Ordinance Amending the Zoning Map of the City of Milton-Freewater.

Councilor Humbert said he would like to waive the normal ordinance adoption procedure and proceed with the second reading and adoption as there were no comments in opposition of the project.

There was a council consensus to proceed with the second reading and adoption.

Councilor Chesnut motioned that the second reading of Ordinance #991 be by title only and full reading waived. Councilor Humbert seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

The City Manager then read the ordinance by title.

Councilor Pressnall motioned to adopt Ordinance #991, Ordinance Amending the Zoning Map from MSR, Main Street Residential to C-1, Retail and Service Commercial on property located at 629 S. Main Street. Councilor Humbert seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

**PUBLIC HEARING / FINDINGS OF FACT AND CONCLUSIONS OF LAW / AMENDING THE COMPREHENSIVE PLAN MAP**

Mayor Key opened and summarized the rules for a public hearing held for the purpose of amending the Comprehensive Plan Map from Residential to Commercial on property located at NE 8<sup>th</sup> and Ward Street. He then explained that the testimony given in this hearing should be centered around the criteria for the amendment of the Comprehensive Plan Map. He also explained failure to raise an issue with sufficient directness to afford the decision maker and the parties an opportunity to respond to the issue will prohibit an appeal to LUBA on that issue.

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

City Recorder Leanne Steadman reported notice of the hearing had been published according to law. She reported that there were four written letters received, two letters were from the same citizen and all were opposed to the amendment. The letters were received at the Planning Commission level, and were included in the official record.

The Mayor then asked City Planner Laurel Sweeney to please present her staff report.

At which time Ms. Sweeney stated bringing this to the council was not a requirement but staff was taking an extra step to show complete transparency. She then presented the staff report which is incorporated below.

APPLICANT: Donald Evans

ISSUE: Comprehensive Plan map amendment from Residential to Commercial and Zoning Map amendments from R-3 to C-2 on 1.12 acres of property located at the northeast corner of NE 8<sup>th</sup> and Ward St. (Umatilla County Assessor's Map and Tax Lot 5N3502 AA 3100, 3200, 3201, 3800).

HEARING DATE: November 4, 2019 (continued)  
December 2, 2019

**I. BACKGROUND/SITE DESCRIPTION**

The applicant, Donald Evans currently owns approximately 1.12 acres located on NE 8th. NE 9th Ave abuts the site to the north. To the west is Ward St, south is NE 8th Ave. and the Little Walla Walla River to the east. The majority of the site is vacant. Land use beyond the bordering streets of the site includes residential to the north, vacant to the west, River to the east and a combination of residential and industrial to the south. Zoning is primarily residential, with some industrial lands to the south. The site is presently mapped Residential by the Milton- Freewater Comprehensive Plan and R-3 by the Milton-Freewater Zoning Map.

The application is to amend the Comprehensive Plan map and Zoning map, in support for a convenience store that may include wine sales and gas pumps. A site plan was not submitted as part of the proposal, but would be required prior to issuance of a zoning permit if the request is approved.

Two letters of opposition have been received in the Planning Office from adjacent property owners. They are included in the official record and were given to the council in their packets.

## II. APPLICABLE COMPREHENSIVE PLAN PROVISIONS

### **Goal 10 Housing**

Policy 10-A-3: Sufficient acreage for all needed housing types shall be provided by the R-1, R-2 and R-3 residential zones delineated in the Zone code.

Finding 10-B: Increasing shares of the housing market will need to be met by multi-family, manufactured and other low cost housing types provided for in the R-3 land use zone.

Policy 10-B-1: The Comprehensive Plan Map shall contain one residential land use designation to permit greatest possible flexibility in location of the R-3 zone.

Discussion, Conclusion and Findings: The subject site is zoned R-3 and has infrastructure available to the site. It is bounded on three sides by streets; sewer and water are both available. At this location, the site is ready for subdividing. The City presently has approximately 550 acres in various residential designations available for development. Of that acreage, 34 acres is presently zoned R-3. Preserving the available R-3 sites in support of the Policies referenced above implements the City of Milton-Freewater Comprehensive Plan goals and policies regarding housing.

## IV. APPLICABLE CODE PROVISIONS

### Chapter 12: Amendments

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a

citizen.

Findings: The amendments were initiated by the property owner Donald Evans, who is a citizen.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments were processed as a Level IV procedure in accordance with this chapter.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

(A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: As discussed above, the proposal is not in conformance applicable provisions of the Comprehensive Plan.

(B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Findings: Based on the discussion above, the Comprehensive Plan of Commercial and zoning of the R-3 designation is more appropriate for the property than a commercial designation.

10-12-14: The City Recorder shall maintain records of text and map amendments.

Findings: As part of City procedure, the appropriate records will be maintained.

### III. GENERAL COMMENT

The Residential designation on the property is in keeping with general area as well as implements the Comprehensive Plan's goals and policies. It is important to retain sites that are Zoned R-3 as there is a shortage of available housing within the City.

### V. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend denial of the amendments.

Mayor Key then invited the applicant to speak.

The applicant was not present.

Mayor Key then opened the floor to citizen comments of those in favor of the amendment.

No one spoke in favor.

Mayor Key opened the floor to citizen comments of those opposed to the amendment.

Cindy Timmons, 54171 Miller Rd. – spoke in opposition of the amendment.

Tom Bland, 901 Ward Street – spoke in opposition of the amendment.

There being no further comments Mayor Key declared the hearing to be closed. He then opened the floor for council comments.

Councilor Chesnut stated if this was coming before the council for transparency and not a requirement, he'd prefer not to see it.

There were no further council comments.

Councilor Pressnall motioned to adopt the Findings of Fact and Conclusion of Law supporting the Planning Commissions' recommendation of denial of the Comprehensive Plan Map amendment for NE 8<sup>th</sup> and Ward Street. Councilor Chesnut seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

**PUBLIC HEARING / FINDINGS OF FACT AND CONCLUSIONS OF LAW / AMENDING THE ZONING MAP**

Mayor Key opened the public hearing and stated the rules read earlier will remain in effect for the purpose of amending the Zoning Map from R-3, Residential – High Density to C-2, General Commercial for property located at NE 8<sup>th</sup> and Ward Street. He then explained that the testimony given in this hearing should be centered around the criteria for the amendment of the Zoning Map. He also explained failure to raise an issue with sufficient directness to afford the decision maker and the parties an opportunity to respond to the issue will prohibit an appeal to LUBA on that issue.

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

City Recorder Leanne Steadman reported notice of the hearing had been published according to law. As she reported earlier there were four written letters received, two letters were from the same citizen and all were opposed to the amendment. The letters were received at the Planning Commission level.

The Mayor then asked City Planner Laurel Sweeney to please present her staff report.

At which time Ms. Sweeney presented the staff report which is noted above under the previous agenda item.

Mayor Key then invited the applicant to speak.

The applicant was not present.

Mayor Key then opened the floor to citizen comments of those in favor of the amendment.

There were no comments.

Mayor Key then opened the floor to citizen comments of those opposed to the amendment.

There being no comments Mayor Key declared the hearing to be closed. He then opened the floor for council comments.

There were no council comments.

Councilor Pressnall motioned to adopt the Findings of Fact and Conclusion of Law supporting the Planning Commissions' recommendation of denial of the Zoning Map amendment for NE 8<sup>th</sup> and Ward Street. Councilor Chesnut seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Pressnall, yea, Councilor Garcia, yea, Councilor Irving, yea and Councilor Humbert, yea the motion passed unanimously.

Manager Hall suggested due to the lateness of the hour and the amount of citizens in the audience that were probably in attendance for other matters other than what was on the agenda, that Mayor Key and the Council consider moving up on the agenda the opportunity for citizens to approach the council with issues not on the agenda.

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

James Gilchrist, 83926 Prunedale Rd. – stated he was representing the Facebook group Taking Back Our Little Town of Milton-Freewater. He stated with the recent criminal activity in the area, he was there to show support and was not making any demands. He thanked the other concerned citizens that were at the meeting and offered to help in any way they could.

Councilor Irving stated he understood Mr. Gilchrist's concern and he too was concerned. He said if you see something, say something and report it to the police department.

A discussion ensued regarding security cameras. Manager Hall shared that the Milton-Freewater Downtown Alliance was in the process of writing a grant for security cameras to be placed in Freewater and the details of monitoring them would need to be worked out.

Mr. Gilchrist asked if a crime happens, did the police officers go to residences or businesses in the area to see if they have security cameras.

Manager Hall stated yes they do and invited Police Chief Doug Boedigheimer to address the group.

Police Chief Doug Boedigheimer stated yes the police officers do knock on doors of residences to see if they have video surveillance to help solve crimes. He then addressed the audience and in summary spoke about police personnel staffing and scheduling, the steps and amount of time it takes to process someone that has been arrested and then is transported to the jail in Pendleton. He stated Oregon State Police will help transport to Pendleton if they are in the area but that the Umatilla County Sheriff's office has changed their policy and they are no longer available to do this. He gave the stat of the police department received over 21,000 various calls from years

2017 – 2019. He said he was very proud of the police department, officers and dispatchers for all they do. He spoke about the recent criminal activity in Milton-Freewater and said that there was no call more important than investigating a homicide and having a voice for the deceased. He gave credit to Detective Morgan Dunlap and Jesse Myer for their work on the recent homicide of Mr. Martin. He shared what he could with the open cases but stated that the community should be proud of the progress because he was very proud of the department. He reported that the police department had a rating of 100% when it came to prosecuting homicides, which he stated he felt was rare for the city this size and credited the hard work of the officers and detectives. He thanked the city council for their support and opened for questions.

Carolyn Stone, 910 S. Mill St. – asked about videos being shared to Facebook.

Chief Boedigheimer stated by doing that it could hamper an investigation.

Jason Gruening stated he and Mr. Gilchrist want to start a citizen patrol group who would drive around or walk around town during the night. They can help and want to take back the town. He stated they were looking for the support of the community, police department and council. He said if you see something, say something.

Councilor Humbert stated there have been community groups and a program in the police department called VIPS (Volunteers in Police Services) that have started out full bore then fizzle out in several months. He said he would only get on board with this idea again if there was organization and people participating in an orderly fashion.

Mr. Gruening stated he wants to take back the town and will call the Police Chief to set up an appointment to talk.

Tina Beyer, 910 S. Mill St. – stated she calls the police department all the time because no one stops at the four way stop on Mill Street. She suggested an officer drive down Mill Street and 9<sup>th</sup>. She also said there are a lot of speeders in that area.

Mr. Gilchrist asked if there was a set curfew.

Chief Boedigheimer replied yes there was 10:00 p.m. curfew in the city code, the city can have a stricter time than the State.

Shirley Giarde, 8996 Hwy 11 – said she was a business owner in Walla Walla for many years and business owners would take turns at night patrolling the businesses which seem to help.

Sheryl Brewer, 8992 Hwy 11 – asked why police put up photos of people they are looking for but earlier it was mention to not put up photos or videos because it could hamper an investigation.

Chief Boedigheimer explained that when the police release a photo they already have a case built and are looking to arrest the individual. This is probably not the case if a video or picture is release by an individual other than the police department.

Wes Koklich, 2088 S. Walnut St. – said he has notice the length of prison time for crimes has decreased and suggested that people write to their State Representatives and encourage them to increase the time for crime.

Chief Boedigheimer stated the mental health of society is broken, and there wasn't enough help for those who have mental health problems to get the help they need.

Roger Cosner, 910 NE 1<sup>st</sup> – stated there have been five deaths at the corner of 1<sup>st</sup> Street since he has lived in Milton-Freewater and he wanted the council to change the speed limit to 20 mph on that whole stretch of road.

Anthony Cooksley, 711 NE 10<sup>th</sup> Ave. – stated someone had gotten shot by his house and that he goes on patrol every other night.

Ms. Brewer stated it seemed to her that people keep burglarizing and nothing seems to happen to them.

Danny Hopkins, 516 NW 8<sup>th</sup> Ave. – asked if there was an opportunity for Reserve Officers with the police department.

Chief Boedigheimer stated that most insurance companies don't want to take on the liability of a reserve officer/volunteer.

Art Stubbs, 418 Willow – asked what programs are available for citizens.

Chief Boedigheimer suggested Neighborhood Watch was a good program for neighborhoods to get involved with.

A discussion ensued regarding gangs and gang activity in Milton-Freewater.

Ryan Westman, 202 SE 7<sup>th</sup> Ave. – asked if there was information on what the police department doesn't want out in the community that might hinder an investigation.

Chief Boedigheimer referenced videos/photos being released as mentioned earlier and he shared that information can be taken anonymously over the phone or over the city website. He said with that, there may be a time that witnesses are needed to help build a case and citizens may have to come forward with that information.

There being no further discussion the council thanked the audience for coming and sharing their voice.

Holly Jo Beers, 84996 Hwy 11 – stated she was running for Umatilla County Commissioner. She then gave some background on herself and thanked the council for allowing her to introduce herself.

### **REPORT – PLAN/OPTIONS FOR REPAIRING THE POOL**

Manager Hall stated last summer staff had some major issues with the pool which was determined to be caused by a paint failure on the inside surface of the pool. As part of the settlement agreement, along with some monetary payment, the manufacturer agreed to send an independent pool expert to fly here to evaluate the pool and its current condition and make a recommendation on what the options were to repair it and ensure it to be open for the 2020 season. The expert came and met with Public works staff at the pool and carefully evaluated the situation. The expert suggested power washing the entire inside of the pool with a special solution and then recoating it with a rubberized material. Manager Hall said this would be a short term fix which could last

anywhere between three to five years. This would allow for some local option tax funds to be budgeted for a complete re-build of the pool's interior and leave some funds for other parks and recreation projects. She said by then the pool will be over 25 years old and due for a more comprehensive renovation.

Public Works Superintendent stated the process and recoating have very specific instructions and the days and temperatures have to be within a certain range for the painting/coating to happen.

Councilor Humbert motioned to approve the plan for the pool repair. Councilor Pressnall seconded the motion which passed unanimously.

### **AUTHORIZATION TO PURCHASE SERVICES/EQUIPMENT FROM DAY WIRELESS TO RESOLVE EMERGENCY DISPATCH RADIO DEAD ZONES IN THE CITY**

Manager Hall said there are radio dead zones in the city where police, fire, and emergency medical personnel are not able to communicate with our dispatch center. This is dangerous for the first responders and staff has been working trying to solve the issue. The City has been working with Day Wireless Systems on radio console and upgrades and they are familiar with the problems staff is trying to solve. With this being a specialty service and unique demographics it makes sense to work with a company who is familiar with the equipment and console that the city is already using. The Police Chief requested an analysis of the system and a study of the city's geographical attributes and challenges to develop a solution to this serious issue. This has been complete and staff received an estimate for fixing the issue from Day Wireless Systems. The estimate is \$28,131.04. She did state that they are not guaranteeing a 100% fix to the problem. This is not a budgeted item so staff is seeking grants to match and the remaining funds will be taken out of the emergency funds.

Councilor Pressnall asked if this would be a repeater system.

A brief discussion ensued regarding the type of system it will be.

Councilor Pressnall motioned to authorize Day Wireless to resolve the Radio Broadcast Dead Zone Issues for a cost of \$28,131.04. Councilor Humbert seconded the motion which passed unanimously.

### **APPOINTMENT TO ADVISORY COMMITTEES; BUDGET COMMITTEE AND RECREATION COMMITTEE**

City Recorder Leanne Steadman reported that the Mayor had made the following recommendations to the city's advisory committees. Susan Dorhmann, Jacque Barthel-Fox, and George Gillette all to the Recreation Committee for a four year term beginning February 1, 2020. Don Phillips was recommended to the Budget Committee for a three year term beginning February 1, 2020.

Councilor Humbert motioned to approve the Mayor's recommendation of appointments to the advisory committees as presented. Councilor Irving seconded the motion which passed unanimously.

### **MANAGER'S REPORT**

Manager Hall stated that she was recommending donating one of the old surplus pickup trucks to Milton-Freewater Downtown Alliance (MFDA) for the Graffiti Busters to use to hold their supplies and use when they are going around covering up graffiti so they didn't have to use their

personal vehicles. She gave credit to Public Works Superintendent Brian Steadman for suggesting the surplus pickup. She stated that staff was estimating the vehicle to be worth around \$500.

There was a consensus of the council to donate the Chevy pickup to MFDA for the Graffiti Busters use.

There being no further business the meeting was adjourned at 9:50 p.m.

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Lewis S. Key, Mayor