
CITY OF MILTON-FREEWATER GOVERNING BODY

Vacant At Large, Position 1
Steve Irving At Large, Position 2
Edwin E. Chesnut (CL President) 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****December 14, 2020**

The Council of the City of Milton-Freewater met Monday, December 14, 2020 at 7:00 p.m. via virtual platform “Zoom” due to Coronavirus (COVID-19) pandemic and practicing social distancing to stay in compliance with the Executive Orders Issued by Governor Kate Brown.

The following City Council members participated: Mayor Lewis Key, Councilors Ed Chesnut, John Lyon, Steve Irving, Jose Garcia, and Brad Humbert joined at 7:22 p.m.

City Council At Large, Position 1 is vacant.

Staff members participating were: City Manager Linda Hall, City Recorder Leanne Steadman, Public Works Superintendent Brian Steadman, Electric Superintendent Mike Watkins, Police Chief Doug Boedigheimer and City Planner Laurel Sweeney.

Guests and citizens participating were: Dan Kilmer, Jennifer Riley, Jennifer Konrad, Kate Winters, Katie Snook, Molly Tucker Hasenbank and George Rodney.

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

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of:

- Council Minutes from November 9, 2020
- Accounts payables from November 5, 2020 through November 17, 2020
- Accounts payables from November 18, 2020 through December 7, 2020

Councilor Chesnut motioned to adopt the consent calendar items. Councilor Irving seconded the motion which passed unanimously. Councilor Humbert was not present for the vote.

BUSINESS ITEMS:**RESOLUTION NO. 2439, ACCEPTANCE OF THE UMATILLA COUNTY ELECTIONS
RESULTS FROM THE GENERAL ELECTION OF NOVEMBER 3, 2020**

City Recorder Leanne Steadman stated there was a General Election held on November 3, 2020 and the City of Milton-Freewater submitted to the voters, the candidates for office for Mayor and City Council positions for Ward 2, Ward 3 and At Large Position #1. The abstract of votes was received from Umatilla County Election Division and they indicate that Lewis S. Key was elected to Mayor, Bradley J. Humbert was to Ward 2, Jose Garcia was elected to Ward 3 and Verl D. Pressnall was elected to At Large Position #1. Sadly, Verl Pressnall passed away on October 14, 2020 and Manager Hall will address the next steps for that position in the next agenda item. The City Charter states that the council is the final judge of the election and qualifications of its members. Staff’s recommendation was to adopt Resolution No. 2439 accepting the election results from the General Election.

Councilor Irving motioned to adopt Resolution No. 2439, Resolution Accepting the Abstract of Votes Regarding the Ballots Cast in Umatilla County, State of Oregon General Election Held Tuesday, November 3, 2020 Regarding Candidates for the City of Milton-Freewater. Councilor Chesnut seconded the motion which passed unanimously. Councilor Humbert was not present for the vote.

DECLARING CITY COUNCILOR AT LARGE POSITION 1 VACANT AND CHOOSING A METHOD TO FILL THE VACANCY

City Manager Linda Hall stated not only has this year been unprecedented with the Coronavirus (COVID-19) pandemic but also with losing a City Councilor so close to the General Election. Verl Pressnall was running for a second term representing the At Large Position 1 council seat when he passed away on October 14, 2020. In the previous agenda item council accepted the abstract of votes from the General Election held on November 3, 2020 and the Charter states the council is the final judge of qualifications of its members. Her recommendation was for the council to declare Verl Pressnall ineligible and unqualified to serve due to his death, therefore declaring the At Large Position #1 to be vacant.

Councilor Lyon motioned to declare Verl D. Pressnall ineligible and unqualified to serve due to his death, therefore, declaring City Councilor At Large Position #1 to be vacant. Councilor Irving seconded the motion which passed unanimously. Councilor Humbert was not present for the vote.

Manager Hall went on to explain there were only two options this time to fill the vacancy as the choice of leaving the seat vacant until the next election wasn't viable and the City Attorney opined that the council fill the position since it was for a full term. The two options were to fill the vacancy by direct appointment to a specific individual who meets qualifications to serve or advertise and solicit applications for the vacancy and make an appointment from among the applicants. Manager Hall stated council has historically chosen to advertise and accept applications but it was at their discretion.

Councilor Irving stated his choice was to advertise and take applications.

There was a consensus to move forward with that option.

Councilor Irving motioned to advertise and take applications to fill the vacant At Large Position #1 Council seat and have presented at a future council meeting. Councilor Chesnut seconded the motion which passed unanimously. Councilor Humbert was not present for the vote.

There was a council consensus to use the application titled, "Declaration of Interest".

RESOLUTION NO. 2440, APPOINTMENT OF MUNICIPAL JUDGE

Manager Hall stated that Municipal Judge Sam Tucker has given his notice of his intent to retire from his position as Municipal Judge for the City of Milton-Freewater. He has served in that role for the city since April of 1987. Manager Hall expressed extreme gratitude to have such a long serving, well qualified and dedicated Judge. She said cities the size of Milton-Freewater struggle to find qualified judges to serve in that role. She said for Milton-Freewater that is still not the case, as a very qualified candidate has applied to take on that role. She then introduced Molly Tucker Hasenbank who is active in the community and most know her from her volunteer work as having served as Milton-Freewater Rotary Club president the last two and half years and has served on the Chamber of Commerce Board as well. She graduated Magna Cum Laude from

University of Idaho College of Law and passed the Oregon State bar exam in 2013. She is the daughter of the current Judge and partner in the Monahan Grove and Tucker Law firm and is on the Municipal Judge Pro Tem list. Manager Hall said Ms. Hasenbank has excellent educational and professional credentials and she believed her to be fair, impartial, calm and courteous.

Molly Tucker Hasenbank thanked the council for the opportunity to apply for the position and stated that it has been a dream of hers to follow in her dad's footsteps and become the Municipal Court Judge for the City of Milton-Freewater. She said she felt she was qualified to become the Municipal Court Judge and what she may lack in court room experience she could make up with her dedication and hard work. She stated she has worked hard her entire career and nothing was handed to her and she was proud of that. She is not afraid to use the resources she has available to her as her dad will still be very handy and he has been doing the job for 33 years and will ask him for help if necessary. She stated she believed her experience in life in general has allowed her to step back and see the big picture. This community is small and although there are laws and they need to be followed it is also important for those the Judge sees knows they are being heard and are a part of a community and system that is there looking out for them and trying to do the best for everyone.

Councilor Irving complimented Ms. Hasenbank on her background and resume and stated he felt she was more than qualified for the position and thanked her for willing to serve.

Councilor Chesnut agreed with Councilor Irving's statement.

Councilor Lyon stated as soon as he saw the University of Idaho he knew she was the right candidate as both his parents were from Moscow, Idaho.

Councilor Irving motion to adopt Resolution No. 2440, Resolution Appointing Molly Tucker Hasenbank to serve as Municipal Court Judge. Councilor Lyon seconded the motion which passed unanimously. Councilor Humbert was not present for the vote.

Manager Hall clarified that Sam Tucker will continue as the Municipal Court Judge through March 31, 2021 and Molly Tucker Hasenbank will begin April 1, 2021.

PUBLIC HEARING / FINDINGS OF FACT AND CONCLUSSIONS OF LAW AND ORDINANCE NO. 992 ANNEXING PROPERTY LOCATED AT 918 S.E. AVENUE INTO CITY LIMITS

Mayor Key opened and summarized the rules for a public hearing held for the purpose of annexing the property at 918 S.E. 2nd Avenue into the City, and withdrawal of the same parcel from the Umatilla County Radio and Data District and Umatilla County Sheriff's Law Enforcement District. He then explained that the testimony given in this hearing should be centered around the criteria for annexing a portion of S.E. 2nd. 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 no written comments had been received in her office.

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

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

CITY COUNCIL STAFF REPORT

APPLICANT: Michael and Katie Snook
918 S.E. 2nd Avenue
Milton-Freewater, OR 97862

ISSUE: Request for annexation of property.

SITE DESCRIPTION: The property is located on S.E. 2nd Avenue, just east of the current City limits line. The property had an old manufactured home and garage located on it. The home has been demolished and plans are in place to demolish the garage. The property size is approximately 16,500 sq. ft. It is zoned R-2, medium density residential.

BACKGROUND

A request for annexation was submitted and the application fee paid by the applicants, who are the sole owners of the property.

APPLICABLE STATE LAW PROVISIONS

ORS 222.120(1), (3) and (4)(b)
ORS 222.125

COMPREHENSIVE PLAN PROVISIONS

Comprehensive Plan Goal 10
Comprehensive Plan Goal 11
Comprehensive Plan Goal 14/ Annexation Policy

JOINT MANAGEMENT AGREEMENT PROVISIONS

IV. Referred Application/Situation

STATE LAW APPLICATIONS

ORS 222.120 – PROCEDURE WITHOUT ELECTION BY CITY ELECTORS; HEARING; ORDINANCE SUBJECT TO REFERENDUM.

(1) Except when expressly required to do so by the city charter the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city and shall cause notice of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, a city legislative body may, by an ordinance containing a legal description of the territory in question:

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170 prior to the public hearing held under subsection (2) of this section;

FINDINGS: The city charter does not require the submission of annexation proposals to the voters of the city. A date was scheduled for public hearing on the annexation proposal, and notice of the hearing was published once each week for two successive weeks in the Valley Herald, and posted in four public places in the city for the same period of time, in conformance with this section. Therefore, this requirement is met.

ORS 222.125 – ANNEXATION BY CONSENT OF ALL OWNERS OF LAND AND MAJORITY OF ELECTORS; PROCLAMATION OF ANNEXATION.

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

FINDINGS: Michael and Katie Snook, the sole owners of the property, have consented in writing to the annexation.

COMPREHENSIVE PLAN GOAL APPLICABLE PROVISIONS

GOAL 10 – HOUSING – Policies 10-A-3, 10-C-2

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 Zoning Code.

FINDINGS: Annexation of the subject parcel would allow for replacement of the existing home on the property and make the parcel available for use. The land is

presently zoned R-2, which provides for various types of housing and would further this policy.

10-C-2: Upon annexation, all pertinent provisions of the Zoning and Land Development Codes shall apply. Residential densities available shall be those shown on the Zoning Code map.

FINDINGS: Any development of the subject area would be required to be in conformance with the Zoning and Land Development Code. The existing R-2 zoning will dictate the density allowed for the subject property.

GOAL 11 – PUBLIC FACILITIES

1. The City of Milton-Freewater will continue to provide and maintain urban services (water, sewer, storm drainage, services and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area prior to or concurrent with development and annexation.
2. The City will require urban development to be served by urban services.
3. The City will prioritize development of land serviced by utilities and require the extension of water, sewer and storm drainage facilities for all urban level development within the UGB.
4. The City shall be the provider of public facilities in the urbanizable area.
5. Public facilities shall be extended to urbanizable land only upon annexation or upon execution of agreements for annexation at a certain date.
6. Property in the urbanizable area shall be annexed to the City only when the property is contiguous to the City limits and only when public facilities as required by the Land Development Code are provided.
7. County Exclusive Farm Use designation shall continue to apply to lands in the urbanizable area which currently have that designation. Upon annexation, these lands shall change to the plan designation and land use zone specified by the City Comprehensive Plan and implementing codes.

FINDINGS: Sewer and water utilities are in close proximity to the subject property based on the fact that there are numerous homes in the area. User charges and system development charges have been set to help support and maintain the various systems, and will be required to be paid prior to connection to the City's sewer system. The subject property is contiguous to the City limits. The owner of the subject property will be required to extend public sewer to the property. There is no request for zone change of the subject property.

GOAL 14 – URBANIZATION

“ANNEXATION POLICY”

“Land within the City of Milton-Freewater urban growth boundary (UGB) will be eligible over time for annexation into the corporate limits of Milton-Freewater. Land outside the UGB will not be eligible for annex into the City limits...”

“Property requested for annexation to the city must be contiguous with (adjacent to) the existing corporate limits. Streets, sewer mains and water mains must be extended, at the developer’s cost, to service residences and businesses within the annexing property at the time of annexation (unless proper agreements and bonds are approved by the City for later improvements).

“The City will annex property only if the capacities of the City sewer and water systems are adequate to handle and added demand. The City will not annex any property whose owner does not wish to be annexed unless annexation is necessary as part of the development of the general location or neighborhood.

“The City will not refuse to annex property contiguous with the City limits if the City sewer and water system are capable of handling the additional demand and if the annexing property agrees to construct required public improvements to City standards.

FINDINGS: The subject property is located within the urban growth boundary, contiguous to the City limits. The capacity of the City’s sewer systems, designed to accommodate growth in the Urban Growth Area, are sufficient and capable of handling the added demand of two single family dwellings.

“URBAN GROWTH BOUNDARY

Future development for Milton-Freewater will be located within the City limits and to the east, west, and south of the present City limits and within a growth limit line called the Urban Growth Boundary (UGB). Urban development within this line will occur in an orderly planned fashion. Property will be required to annex to the City and extend sewer and water mains for sewer and water needs.

“Orchard land to the north of the city will be protected from further urban encroachment. Some agricultural land will be utilized for urban development as the City grows. This is inevitable since the city is surrounded by land presently in crop production. However, urban development will be centrally located within the urban growth boundary of the City of Milton-Freewater due to adoption and implementation of statewide planning goals for urbanization and agricultural lands in the county comprehensive plan. Thus urban and suburban sprawl will be replaced by an urban hub surrounded by agricultural and rural residential land uses.

“Land within the Urban Growth Boundary shall be available for urban use. The change of the land use from rural to urban shall be possible when the following services are available: Sewer, water, paved public street and adequate fire and police protection to meet minimum City and State standards. The first areas allowed for urbanization shall be those which first receive development of a major subdivision, PUD or commercial

business (excluding farming) in which public water and sewer service can be reasonably extended for further development.

“1. Conversion of urbanizable land to urban use shall be based on:

- a. The ability to provide orderly, economic provision for public facilities and services;
- b. LCDC statewide goals;
- c. Availability of sufficient land for various land uses;
- d. Encouragement of development within urban areas before conversion of urbanizable area.”

FINDINGS: The subject property is located just east of the City limits. It is within the Urban Growth Boundary and therefore is urbanizable. All of the above services are available to serve the subject property in an orderly, economic fashion.

“7. Land in the Urban Growth Boundary shall be allowed for urbanization and growth in any two of three separate identifiable major segments of rural land in the Urban Growth .

“The first areas allowed for urbanization shall be those which first receive development of a major subdivision, planned unit development of commercial business (excluding farming) and in which public water and sewer services can be reasonably extended for further development.

FINDINGS: Two of the three separate identifiable segments of land have been the subject of prior developments, so the third segment will not be allowed for development until at least 50% of the available land has been developed in those first two segments. The subject property is not located in the third segment (all land east of the Walla Walla River). Although the size of the subject property would not accommodate a subdivision or planned unit development on the property, it is a logical candidate for annexation.

“8. Protect the unique orchard region north of the City from urban expansion.”

FINDINGS: The proposed annexation will not have any effect on the orchard region to the north.

JOINT MANAGEMENT AGREEMENT APPLICATIONS

IV. REFERRED APPLICATION/SITUATION

“U. The city shall refer all annexation proposals submitted to the UGA to the County for review and comment at least ten (10) days prior to the first public hearing on the annexation. The city will allow additional County review and comment [if] changes [are] to be made in the annexation proposal following initial or subsequent hearings.

FINDINGS: Notice was provided to the County on December 1, 2020, more than ten days prior to the date scheduled for hearing on the annexation request.

GENERAL COMMENT

The request for annexation appears to have satisfied state law as well as the City's Comprehensive Plan goals. The annexation would allow for a property that is currently receiving City water to actually be located within the City, and to have City sewer and other services serve the property. This would be of benefit to the applicant as well as the City.

STAFF RECOMMENDATION

Staff recommends annexing the subject property to the City.

Mayor Key invited the applicant to speak.

Katie Snook – 53533 W. Crocket Rd. – said the City Planner explained it as she would have and would answer any questions there may be.

Councilor Humbert asked who were Jane and Charles Dell.

Ms. Snook replied that they were the sellers of the property.

Councilor Humbert stated when he looked the property up on the County website they were still listed as the property owner and he was just doing his due diligence as a councilor and wanted to be sure everyone was on the same page.

Ms. Snook stated they purchased the property at the beginning of October and they were listed on the deed.

Councilor Humbert stated he had no objection to the annexation.

Ms. Sweeney stated she knows there is a two to three month delay of recording at the County.

Councilor Irving asked if the existing septic tank would be eliminated and backfilled.

Ms. Sweeney said people could choose either way but it would be deactivated.

Manager Hall stated when a property is annexed into city limits individual septic systems are not allowed by city code. Whatever conveyance they chose to decertify the septic in order to make it safe staff will work with the property owner on that.

Councilor Irving stated it was just a safety concern of his.

Mayor Key said many years from now that could haunt a property owner.

Mayor Key opened the floor for those in favor to speak, and then for those in opposition to speak which there were none.

There being no other comments, the Mayor declared the hearing to be closed.

Councilor Chesnut motioned to adopt the Findings of Fact and Conclusion of Law supporting the decision to annex 918 S.E. 2nd Avenue. Councilor Irving seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Lyon, yea, Councilor Humbert, yea, Councilor Irving, yea and Councilor Garcia, yea, the motion passed unanimously.

Councilor Chesnut motioned that Ordinance No. 992 be introduced by title only and full reading waived. Councilor Irving seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Lyon, yea, Councilor Humbert, yea, Councilor Irving, yea and Councilor Garcia, yea, the motion passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance #992, An Ordinance Annexing Certain Territory Located Adjacent to S.E. 2nd Avenue.

Councilor Chesnut asked if the property owners were to incur any extra costs if the second reading were to be done next month.

Manager Hall highly encouraged the council to complete the second reading for reasons of the property owners are in the process of trying to move forward with building on the property. If the second reading were to wait until January then it would be another thirty days from the publication date before the ordinance would take effect which would push it out into February. There have been no objections written or orally presented to the single property annexation.

Councilor Chesnut agreed to move to the second reading after hearing what Manager Hall stated.

Councilor Irving agreed as well.

There was consensus to proceed with the second reading of the ordinance since there was no opposition to the annexation.

Councilor Chesnut motioned that the second reading of Ordinance #992 be by title only and full reading waived. Councilor Irving seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Lyon, yea, Councilor Humbert, yea, Councilor Irving, yea and Councilor Garcia, yea, the motion passed unanimously. The City Manager then read the ordinance by title.

Councilor Chesnut motioned to adopt Ordinance #992, Ordinance Annexing Certain Territory Located Adjacent to S.E. 2nd Avenue. Councilor Irving seconded the motion and a roll call vote was taken: Councilor Chesnut, yea, Councilor Lyon, yea, Councilor Humbert, yea, Councilor Irving, yea and Councilor Garcia, yea, the motion passed unanimously.

APPROVAL TO PURCHASE A USED 2004 FREIGHTLINER SEWER JET TRUCK FROM DON JACKSON EXCAVATING, LLC

Public Works Superintendent Brian Steadman asked for approval to purchase a used 2004 Freightliner sewer jet truck that was for sale locally for \$34,000. The current sewer jet truck is a 1992 and was purchased in 2003 for \$55,000. The current truck is still operational but the motor struggles driving up the hills in low gear due to being underpowered. The city mechanics have inspected the proposed new/used truck and believe it would be a good purchase. A city crew also demoed the truck for two days and they were pleased. The truck has a Mercedes Benz Turbo

Diesel motor, a guided self-winding hose reel that in an emergency one crew member could operate and it has a backup camera.

A discussion ensued regarding truck hours, jet size, safety features and truck pressure.

Councilor Lyon asked what vehicle out of the public works fleet needed to be replaced the most.

Mr. Steadman stated the dump truck and it will be budgeted for replacement in the next fiscal year budget.

Councilor Chesnut motioned to approve the purchase of one used 2004 Freightliner sewer jet truck in the amount of \$34,000 from Don Jackson Excavation LLC. Councilor Irving seconded the motion which passed unanimously.

APPROVAL TO FINANCE AND PURCHASE A NEW 2020 FREIGHTLINER AERIAL BUCKET TRUCK FROM TEREX UTILITIES

Electric Superintendent Mike Watkins asked for approval to finance and purchase a new 2020 4x4 Freightliner Aerial Bucket truck through Terex Utilities. This truck would replace a 2004 Chevrolet Terex bucket truck which has served the utility well for the past 16 years but given its age, hours and miles it was time to look for a replacement. Due to the recent fires it has created a situation of supply and demand and with the Coronavirus (COVID-19) pandemic this year Mr. Watkins decided to look around to see if it was even possible to locate a truck that would work for the utility. He found the 2020 Aerial Bucket truck on a lot in Oregon that would fit the utility needs.

Councilor Chesnut said he assumed that Finance Director Dave Richmond and Manager Hall concurred with the financing.

Manager Hall stated yes and it was more beneficial to enter into a lease option than to purchase it outright. At the end of the lease option, the utility will have the option to purchase the truck for \$1.00.

Councilor Irving asked if the lease could be dropped at any time.

Manager Hall stated there was that option.

Mayor Key stated in the past a four-wheel drive wasn't as important but with the recent flooding event it has proven that it's needed.

Councilor Humbert inquired about the other bidders.

Mr. Watkins reviewed the other bids, all of which were higher and/or non-compliant with the specifications of time of delivery.

A discussion ensued regarding the future disposition of the current 2004 Bucket truck and whether it would be kept or declared surplus.

Mr. Watkins recommendation would be to declare it surplus. He stated it is a very heavy truck and too big to utilize in a different department such as parks.

Councilor Humbert motioned to approve financing leasing option for the truck through Terex Financial Services. Councilor Chesnut seconded the motion which passed with Councilor Lyon being the dissenting vote.

Councilor Humbert motioned to award one new 2020 Freightliner M2106 4x4 Terex TL60 Aerial Bucket Truck to Terex Utilities as bid in the amount of \$195,500 with delivery to the City of Milton-Freewater to be within 45 days or less of receipt of order as bid. Councilor Chesnut seconded the motion which passed with Councilor Lyon being the dissenting vote.

RESOLUTION NO. 2441, AUTHORIZING SIGNATURE TO A MUTUAL AID AGREEMENT AMONG LAW ENFORCEMENT AGENCIES LOCATED IN UMATILLA COUNTY

Police Chief Doug Boedigheimer explained the importance of having a mutual aid agreement with other law enforcement agencies. The City has been party to such agreements with other Umatilla County and Morrow County agencies for a least two decades, likely longer. The agreements exist to provide for the mutual benefit of all agencies who participate. These agreements create a professional relationship in which agencies, at their discretion, and based on their own needs, may assist, and likewise, receive assistance from outside agencies. He stated with the increasingly changing and challenging times in society, more Police Departments are left handling and coping with increasingly serious and complex criminal events. Participation in an intergovernmental agreement allows the possibility that participating agencies can enjoy a continuity of investigative services for major events, as well as allowing for reciprocal minor assistance shared between other participating agencies on a case by case basis.

Councilor Chesnut asked if this was renewing an existing intergovernmental agreement.

Chief Boedigheimer stated it was and it was time to review the document and get current signatures on the agreement.

Manager Hall said the agreement has been approved by the City Attorney.

Councilor Lyon motioned to adopt Resolution No. 2441, Resolution Allowing the Chief of Police to sign the Intergovernmental Agreement for Mutual Aid and Interagency Cooperation among Law Enforcement Agencies located in Umatilla County and Morrow County. Councilor Irving seconded the motion which passed unanimously.

RESOLUTION NO. 2442, ADOPTION OF THE UMATILLA COUNTY DEADLY PHYSICAL FORCE PLAN

Police Chief Doug Boedigheimer explained that in 2007, the Oregon Senate passed Senate Bill 111 (SB111), which is an act intended to outline procedures and processes that must be followed by law enforcement when an officer employs deadly physical force against another person. The bill requires every county in the State of Oregon to adopt a Deadly Use of Force Plan, and gives the required content that must be contained with the plan. The first Umatilla County Deadly Physical Force Plan was adopted by council on June 23, 2008. The plan was submitted to the Oregon Department of Justice and officially approved and filed with the State of Oregon, per SB111 mandate. The proposed plan did not have any substantial changes in the content, but because several of the original signers of the plan from 2008 are no longer relevant, as they have either moved on to another agency, or have retired. The purpose is to get current signatures of each participating agency in the county.

Councilor Humbert motioned to adopt Resolution No. 2442, Resolution adopting the Umatilla County Deadly Physical Force Plan. Councilor Chesnut seconded the motion which passed unanimously.

RESOLUTION NO. 2443, AUTHORIZING SIGNATURE TO THE DOG IMPOUND AGREEMENT THROUGH BLUE MOUNTAIN HUMANE SOCIETY

Police Chief Doug Boedigheimer stated the City has held an agreement with the Blue Mountain Humane Society (BMHS) for multiple years. The agreement has been a benefit as it has allowed the City the ability to effectively deal with problematic dogs. There are no dog pounds, kennels or humane societies within or near city limits willing to enter into an agreement with the City regarding impounding dogs. The BMHS offers the closest and most cost effective facility to allow the continuance of impounding dogs within the city limits. Fees are assessed if services are rendered by BLHS at the request of City staff.

Councilor Chesnut made a comment regarding a Facebook page and that this agreement should be used more often than it has been.

Chief Boedigheimer stated he believed he was familiar with the situation that Councilor Chesnut was referring to.

Councilor Irving motioned to adopt Resolution No. 2443, Resolution authorizing signature to the Dog Impound Agreement between the City of Milton-Freewater and the Blue Mountain Humane Society located in Walla Walla, Washington. Councilor Chesnut seconded the motion which passed unanimously.

APPROVAL TO EXTEND THE GOLF PROFESSIONAL SERVICE CONTRACT WITH GEORGE GILLETTE ALONG WITH AN AMENDMENT OF ADDITIONAL CLEANING DUTIES

City Manager Linda Hall stated she received a request from the Golf Professional to extend his contract. She explained one of the City's recreational offerings is an 18 hole municipal golf course. The city supplies the maintenance, utilities, infrastructure and tax payments for the Course, and contracts out its management and day to day operation of play. George Gillette has been the only person who has served as the Golf Professional. Mr. Gillette has asked for a five year extension to his current contract which was renegotiated in 2015. It was renewed for a one year extension last December with the new expiration date being June 30, 2021. Staff has no objection to the contract extension. Manager Hall stated there was additional cleaning of the bathrooms outside the Pro shop put into the contract for a fee of \$225 per month. Manager Hall stated that if council was uncomfortable with a five year extension they could shorten that to three years.

Councilor Irving stated he was in favor of the contract extension.

Councilor Chesnut stated he was also in favor of the contract extension.

Councilor Humbert stated it was the right thing to do by extending the contract. He suggested working towards a contingency plan in the near future for when Mr. Gillette decides to retire.

Councilor Chesnut motioned to ratify extension of contract and small amendment of bathroom cleaning clause with George Gillette for Golf Professional Services for Municipal Golf Course. Councilor Irving seconded the motion which passed unanimously.

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

Kate Winters asked about the CARES Act funding the city received.

Manager Hall stated the funds must be spent by December 30, 2020 or be sent back. The majority of the funding is going towards improvements to various departments to help reduce the exposure risk when public buildings are open to the public. This will provide better protection for the public and employees. Some of the funding has gone towards employees who have been out on COVID related quarantine mandates and reimbursement for purchasing additional required PPE for employees.

Ms. Winters stated she traveled to Ontario, Oregon and they had a rapid testing site and asked if that was something that could be purchased with the CARES Act funds for Milton-Freewater.

Manager Hall stated it was her understanding that those test kits were dispersed by the State Health Authority and they decide what communities receive them. She stated that the City partnered with Umatilla County that provided grants to businesses and the City donated funds for utility grants for local businesses too.

Councilor Lyon stated the funds that the City received from the CARES Act were funds that were to be spent by the City.

Manager Hall confirmed this was correct.

MANAGERS REPORT

Manager Hall explained that council awarded a bid in January 2020 to Day Wireless to upgrade the wireless system to fix radio communication dead spots in the areas. They have been working on this project for eleven months. There are additional expenses as they had to bring in additional personnel from outside the area, install an additional antenna and add a booster to help with the transmission and receivers. The additional overage is \$2,153.89. Manager Hall stated although this amount was under her purchasing authority she felt it important to bring before council since this was a bid award.

Councilor Chesnut asked if the dead spots were fixed in town.

Manager Hall stated she is being told there are no dead spots and the system is working better than it was.

Councilor Chesnut motioned to allow the additional expense payment of \$2,153.89 to Day Wireless for the system upgrade. Councilor Humbert seconded the motion which passed unanimously.

COUNCIL ANNOUNCEMENTS

Councilor Humbert gave an update on the Water Control District which he is a board member of. He stated they have been working with the Corps of Engineers on repairs to the levee and he stated the levee was back in compliance from the flooding event in February 2020.

Councilor Irving thanked staff and the Ministerial Association for the Community Report booklets produced for the update on the State of Oregon 2020 Flood Recovery Relief Fund for Milton-Freewater.

Manager Hall gave credit to Tillie Makepeace and her assistant Sherry Wachter for the report.

Councilor Humbert stated when the Corps of Engineers walked the levee they were impressed that contractors and citizens came out to fight the flood with no expectation of getting paid for it.

There being no further business the meeting was adjourned at 8:40 p.m.

Lewis S. Key, Mayor