

**CITY OF UMATILLA
COUNCIL MEETING
September 01, 2015**

1. **CALLED TO ORDER:** Mayor Trott called the regular council meeting to order at 7:00pm.
2. **ROLL CALL:**
 - PRESENT:** Councilors Dedrick, Ray, Fenton, Lougee, and TenEyck.
 - ABSENT:** Councilor Farnsworth.
 - STAFF PRESENT:** Recorder Sandoval, Manager Ward, Finance Director Ince, Planner Searles, Public Works Director Pelleberg, and Chief Huxel.
3. **PLEDGE OF ALLEGIANCE:** Recited at 7:01pm.
4. **APPROVAL OF AGENDA:** Councilor Ray moved to create a separate line item for CRIS, Inc. under Consent Agenda as item 8.2 and to add an item under New Business 11.10 Discussion Regarding Powerline Road Interchange. The motion was seconded by Councilor Dedrick. Voted: 5-0. Motion Carried.
5. **PRESENTATION:** None.
6. **APPROVAL OF MINUTES:** It was moved by Councilor Ray to approve minutes for August 04, 2015 and August 06 2015. It was seconded by Councilor Fenton. Voted: 5-0. Motion Carried.
7. **PUBLIC COMMENT:**
 - 7.1 Stephan Bunn – He noticed that the Council amended the agenda twice tonight, so he knows his previous request was not crazy and ask to be admitted. After the last meeting he knows where he stands with the Council. Since he has moved back, he has been denied his rights. He was told that he should find someone more qualified to run the business. He has seventeen years of experience running his own businesses and does not believe there is anyone else more qualified to do what he can.
Then he was told he could not live downstairs without a business upstairs. Which there are people up and down Main Street that moved into a house that do not run a business. Then a member of the Council members told Pastor Honey that his sign and his fence was illegal. That is a lie, and Planner Searles can back that up. His sign is not illegal. So, he feels it is illegal of the Council to go around and tell people that, who start problems with him, which does not have any bearings on it. It is a lie, when his fence has a permit, and his signs are legal.
He does not appreciated how he was treated. The only thing that has kept him out of court is Manager Ward, because he is the only one who seems to talk straight-up to him. He stated that from now on, if his civil rights, or constitutional rights were broken, and he is discriminated upon, he will not be standing there, they would all be standing in front a judge, picking which side it is. That is all he had to say.
He also stated that he would be painting over the murals and it would be done before winter was done with it because of the way he was being treated in this town. All he is asking for is a little bit of respect, a little bit of decency because he is not the way that the Council was portraying him to be.

He left two-and-a-half years ago to take care of his mother. Not to go to jail. His dad passed away in two-thousand eight, his baby sister in two-thousand nine. So he went to take care of his mother. After his mother took care of her things, she moved to Texas and he came back to Oregon. That what he did and all the rumors they are hearing are lies.

- 8. CONSENT AGENDA:** It was moved by Councilor Fenton to approve item 8.2 CRIS, Inc. Report. It was seconded by Councilor TenEyck. Voted: 4-1-0. Councilor Ray abstained. Motion Carried.

It was moved by Councilor Ray to approve item 8.1 Paid Invoices. The motion was seconded by Councilor Lougee. Voted: 5-0. Motion Carried.

- 9. COMMITTEE REPORTS:** Manager Ward explained that committee member Jaime Olvera has missed more than allowable number of meetings consecutively, so the Parks and Rec Committee has requested from the Council to declare that vacancy and find somebody else who will be more enthusiastic. Councilor TenEyck moved to declare a vacancy on Parks and Rec Committee. Councilor Dedrick seconded the motion. Voted: 5-0. Motion Carried.

10. UNFINISHED BUSINESS:

10.1 Planning Commission Report to Council Regarding New Direction – Manager Ward attended the last Planning Commission meeting. They had a rough cut of the meeting minutes from the workshop that occurred at the August sixth meeting. They also had input from Planning Commission Chair Sharp and Planner Searles. He is hoping he does not get things wrong, but if he does Chairman Sharp can correct him. The Planning Commission decision at that meeting was to remove the highway commercial zone from their recommendation, make sure that the uses that had been incorporated in that highway commercial zone would fit into general commercial zone or some other appropriate zone, so, somebody did not get left out in the cold. They are going to correct all the errors pointed out, in the original recommendation, in terms of misstating numbers from NAICS. There was some discussion, given the fact with the Council's decision in regards to marijuana if they should remove any references, specifically medical marijuana, from that land use ordinance. He recommended at that time, that given the Council not having an absolute ban, and the potential for the Council to reconsider that it was his suggestion that they leave the medical marijuana references in the land use code, with a footnote addressing the business licensing code precluded those facilities at the time. If the Council at some time decides to resurrect that decision, then the areas that the medical marijuana would already be allowed in the land use code. As far as he recalls that is the direction that they were given.

Chairman Sharp stated that there was only one other thing he thought he could add. He stated that the Planning Commission thought they got as much information from the Council with notes and the meeting that was had, that they had heard the concerns. The majority of you had cleared up any misunderstandings or questions that had occurred. They do not feel the need to have another meeting. They understand their direction.

Councilor Ray was recognized by the Mayor. Councilor Ray stated that in the questionnaire they had in the workshop, section two dealt primarily with the zoning issue and what each Councilor thought were the primary issues. He believes the sign code ordinance was the most important. The other one that was brought up was that they simplified the code. Two Councilors stated that they should simplify the code, and two Councilors stated that they should clean up downtown. He thinks that simplifying the code is something that needs to be considered.

Planning Commission Chair Sharp stated that at the end of the meeting that each zone standing alone was simplification alone. If you don't look at the whole document, and try to look through it all. You look at the zone you are interested in and it holds ninety percent of everything you need to know about putting a business in that area. So they will not be doing any more than that, because he thought he heard a consensus that had helped the Council understand how simple it was.

Councilor Ray stated that his concern was that the Councilors that had the issue would have the issue removed. One of them was Councilor Lougee and the other one Councilor TenEyck. Planning Commission Chair Sharp stated that in the minutes Councilor TenEyck had expressed his understanding.

Councilor Lougee stated he came away from the workshop feeling satisfied with the simplification, especially after it was explained to him. It is no longer an issue with him. Planning Commission Chair Sharp stated that Councilor Fenton and Councilor Dedrick were not concerned with the simplification and were supportive.

Mayor Trott inquired if there would be a refinement of the process so, that when someone does come in to apply we direct them to one particular segment that applies to their paradigm.

Planning Commission Chair Sharp stated that if someone were to come in and put a business downtown, Planner Searles will give them a document, one of the ordinances, that talks about that, and often it refers them to other ordinances, so now they have to ask for other documents. They take that home, they read it, and then they come back and ask for more information. What the Planning Commission believes they are doing now, is when someone comes in asking about downtown, that individual will be handed the section that deals with only downtown, and for ninety percent of the questions, that will be sufficient. The other concern that was raised was, what if down the road, 6 months to a year, someone comes in and wants to put a business downtown, and looks at the downtown zone and it is not included. Planner Searles states that there is already an ordinance that spells out exactly what they have to do. Even now if they wanted to go downtown they would have to go through that ordinance because it already exists they do not feel the need to have to go down that road.

Councilor Ray stated that four of the five Council members thought the sign ordinance was much more important than the zone ordinance. He wanted to know if there was any emphasis if the sign ordinance would be corrected. Planning Commission Chair Sharp explained that the sign ordinance was different from the zone ordinance. They need to get through the zone ordinance before they even begin putting anything in place for sign ordinance. Once they get through the zone ordinance then they can spend their energy on the sign ordinance. At that last Planning Commission meeting Planner Searles gave the commission about twenty things that they needed to look at, and the sign ordinance was one of those. If the Council says, put that sign ordinance at the top of your list, then that is what the Planning Commission will do.

Councilor Dedrick stated that part of the issue with the sign ordinance was that they have not been enforced, and this is what has caused so much trouble with downtown. Signs were allowed to be put up here and there, and everywhere for years. So she believes they need to be enforced by a new sign ordinance or redo them, but they need to be enforced all the time, not just some of the time. She had a meeting with someone from Hermiston and it was interesting to listen to their take on Umatilla. Signs were a big issue.

Planning Commission Chair Sharp stated that one of the other issues they saw with this was that in the past with previous administrations, somebody would come in and want a sign,

because we did not have a city planner, the manager would say, yeah, okay, you can have that without even looking at what the ordinance was for. So there are a lot of signs that are approved that never went through the Planning Commission, that never went through the Council and that is another part of the reason it is hard to enforce when someone has given approval for a sign that it makes it difficult to rescind that, but the way we are operating today, both with the hiring of Manager Ward and Planner Searles was that a lot of emphasis from both of them was, who was going to be making decisions that should be the Planning Commission prerogative or are you going to be follow what you want? Both of them said things would go through the Planning Commission and they have upheld that ninety-eight percent of the time. Right now with present administration and present council we follow those regulation and will continue to do that as long as he is chair. Things that should go to through the Planning Commission must go through the Planning Commission, and we can't go around it, and that has been working real well. If they need to update the signage ordinance, and it already sounds like they do, the Planning Commission will put something together under the direction of the Council, and if they decide to make that a priority, but they need to get through where they are right now.

Manager Ward commented that he was glad to hear the Planning Commission take the sign ordinance on, but the sign ordinance was actually in the building code, is not in the land use code, but there is not a correlation between sign ordinance and the land use code.

Mayor Trott stated that the Council and Planning Commission were aware of that, and he thinks that what Councilor Ray was reiterating basically was that the take away from the meeting was that collectively those who attended the workshop was that the sign ordinance needed to take the number one priority outside of the zoning ordinance.

Councilor Ray wanted to know if the Planning Commission would not take the signage ordinance, who would be responsible for that?

Manager Ward stated that redoing the ordinance, he was glad that Planning Commission was willing to get involved because he wasn't sure that the Council wanted to get that deep into it, so to have an expert committee to take that on, then it's a good thing. If the Planning Commission doesn't do it then it would be the Council's responsibility to get down into the details of that sign ordinance.

Councilor Ray stated that Planning Commission Chair Sharp was coming up for reelections, so he may not be there.

Councilor Dedrick reaffirmed what Planning Commission Chair Sharp stated about past people doing whatever they wanted, and right now the main reason people get upset is because some things are so blatant that if everyone had to adhere to what is on the record the sign people wouldn't be so upset. She has heard comments about signs being on the windows and so it needs to be done. Everyone needs to be treated the same.

Councilor Lougee wanted to know that if it's their prerogative as the City Council to delegate that to the Planning Commission, which he would be in favor of that. He does not know if that is their prerogative.

Mayor Trott asked Planning Commission Chair Sharp if he had accepted that challenge. Planning Commission Chair Sharp stated yes, he believed the Planning Commission would accept. He hoped that at the next meeting Planner Searles would bring back changes for the zoning ordinance and fix all the necessary elements. Then at the October meeting, that will be available in for a review then forwarded to the Council for approval.

Councilor Ray wanted to know if they were going to get rid of the high way commercial zone, then what zone would be left for marijuana.

Planning Commission Chair Sharp explained that marijuana was allowed in the general commercial zone. He also stated that the Planning Commission was not abandoning the highway commercial zone forever, they were merely taking it out now because it seemed to be the reason why the Council was hung up. They also need to talk to the County about that area and what the relationship will be. Once that can get worked out with the County they will review to see if it is feasible to have a highway hybrid zone, but because there is a concern with the Council they are taking it off this one.

Councilor Lougee wanted to know if what was in the highway commercial zone would be worked into the general commercial zone and include all that was in the highway commercial zone previously, or is it going to look like the general commercial zone.

Planner Searles stated that he knew what Councilor Lougee was trying to say and that the answer was that they would take a look at it. His thoughts were that the general commercial zone would probably not include all of the uses that the highway commercial zone did. The highway commercial zone was intended to be have more intensive larger commercial types of uses, plus semi-light industrial type of uses as well that could be compatible in that type of zone. He does not picture including those types of uses in the general commercial zone, but he needs to wade through it and see what looks appropriate.

Planning Commission Chair Sharp stated they need to research

11. NEW BUSINESS:

11.1 Ordinance No. 806 - Manager Ward said that at some point in the past there was a prohibition of camping in general in Umatilla because of some issues with living in tents. That fell off the books in some place. Though, he is not really sure when that happened. So they are bringing that back. The ordinance deals with public property and private property, because of issues they have had with people setting up on uninhabited vacant private property. This ordinance will give the police department a tool for dealing with these issues. Councilor Ray was confused with 5.1.5.B (1) (b) without the permission or knowledge of the owner of the private property.

Manager Ward explained that both of those conditions would apply. He guesses that (b) is someone what to (a).

Mayor Trott clarified that it further explained it. They cannot with or without permission or knowledge of the owner of the property.

Councilor Ray asked if it applied to both.

Mayor Trott said yes.

Councilor Ray stated that he understood and thanked Mayor Trott for his clarification.

Councilor Ray moved to have a reading of Ordinance No. 806 by title only. Councilor Dedrick seconded the motion. Voted: 5-0. Motion Carried. Recorder Sandoval read Ordinance No. 806 - AN ORDINANCE AMENDING TITLE 5, POLICE REGULATIONS, CHAPTER 1, GENERAL OFFENSES, TO LIMIT CAMPING ON BOTH PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF UMATILLA.

Councilor Dedrick moved to approve the motion. Councilor Fenton. Voted: 5-0. Motion Carried.

11.2 Ordinance No 807 – Manager Ward explained that they had discussing the function of the code improvement board. They looked at adopting their nuisance code from the City of Richland, as opposed the City of Pasco, which is what the current code improvement board is modeled after. The City of Richland deals differently with citation for nuisance violations, than the City of Umatilla, based from the Pasco model. Right now, if the code enforcement officer sees a violation she will go to the responsible party and give them five days to abate

the situation. If she goes back in 5 days and it is abated they go their separate ways. It is voluntary compliance, which is what they always strive to achieve. If it is not abated then she cites them a sets up a hearing or give them the option of a hearing with the code improvement board or go to the judge. The timing of that varies on when the next code improvement board meets. Historically, two things happen. One, they abated it as soon as they get the citation or they go to the judge. They have not heard the code improvement case in over a year. Based on the Richland model, a citation will be issued upon the first initiation of a nuisance. Code Improvement Officer Coffey sees a nuisance she will issue the citation at that time and schedule them a hearing before the code improvement board. There will be no option to go to the judge or the code improvement board. They will go straight to the code improvement board, unless they abate they abate the problem before they have to go to the code improvement board. That will start the abatement process right off the bat. If they fail to abate then they go through the code improvement board and they go through the same process as before, proven that there is an actual violation. Normally, there is because Code Improvement Officer Coffey comes prepared with all the pictures. There will be a lot more flexibility for the code improvement board. Manger Ward believes this will streamline the process and give the code enforcement officer a little more backing to what she is doing. Manager Ward stated that it was highly recommended by the code enforcement board for approval

Councilor Dedrick wanted to know if it would be more helpful doing it that way.

Chief Huxel stated that the difference was that when they handed someone a citation, they know they have to take care of it right away.

Councilor Ray moved to have a reading of Ordinance No. 807 by title only. Councilor Dedrick seconded the motion. Voted: 5-0. Motion Recorder Sandoval read Ordinance No. 807 - AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, AND TITLE 4, CHAPTERS 2 AND 6 OF THE UMATILLA CITY CODE PERTAINING TO THE CODE IMPROVEMENT BOARD

Councilor TenEyck moved to approve the motion. Councilor Fenton. Voted: 5-0. Motion Carried.

11.3 Resolution 05-2016 & 11.4 Resolution 06-2016 Manager Ward explained that the contracts were basically the same, the only difference were the dates they become effective on the abatement. When Amazon first came into Umatilla we had an agreement about how the following projects would be handled. The goods for lack of better terminology, the personal property within the data centers, which is the servers have a decelerated depreciation schedule, so if they have a five year abatement, it would be depreciated to no value. So those servers that are the most valuable to the project are on a three year abatement, and that is automatic. What the Council needs to act on is the extended agreement for years four and five for the building, the generators, the air conditioning units, all those more durable things. The program set up in 2012 says they would treat the subsequent projects after 2012 the same way they treated the original project.

Resolution 05 deals with the second building. Resolution 06 deals with a third building that will be constructed 2016. These resolution covers both of those buildings.

Councilor TenEyck moved to approve Resolution 05-2016 and Resolution 06-2016.

Councilor Ray seconded the motion. Voted: 5-0. Motion Carried.

11.5 Temporary Sales License for Stephen Bunn – Manager Ward explained that Mr. Bunn applied for a temporary sales license, more commonly known as a beer garden for September 11th and 12th. The Oregon Liquor Control Commission has pretty stringent criteria for rejecting an application such as the one being requested.

Councilor Ray wanted to know that to know if the event it was a private party or a public event. Mr. Bunn explained that it was open to the public, but it had been a really slow year, and he does not average more than 25 people a night.

Councilor Dedrick wanted to know if there would be any music.

Mr. Bunn stated that there would be no outside entertainment.

Councilor Dedrick stated that going until 2:30am when there were residents around there.

Mr. Bunn interjected that he would be done before 2:30.

Councilor Dedrick stated that most beer gardens go until from 8:00pm - 10:00pm.

Mr. Bunn stated that he would like to be open until 1:00am if he could. There would no outside music to create any noise, and his area was fenced six feet, and down six feet, so people couldn't jump up to even see over the fence.

Councilor Derick stated that they didn't know how people got when they had had too many.

The other question she had, was that if 18-20 year olds would be allowed in his business.

Mr. Bunn stated that only inside the building, not outside.

Councilor Lougee wanted to know if there would be a way to monitor.

Mr. Bunn stated that there would be someone carding and there would be a few alcohol monitors.

Councilor Dedrick wanted to know if there was a particular reason why he wanted it for two nights.

Mr. Bunn stated that it was there anniversary, and he could use the extra money.

Councilor Dedrick stated that she had a concern with it going so late.

Mr. Bunn specified that he had no problem going until 1:00pm.

Manager Ward stated that Mr. Bunn was aware that he was still subject to the noise ordinance.

Councilor TenEyck moved to approve item 11.5 Temporary Sales License for Stephan Bunn with the stipulation of 1:00am closing. Councilor Ray seconded the motion. Voted: 4-0-1.

Councilor Dedrick voted against the motion. Motion Carried.

11.6 Liquor License Renewal for Moon Ha, Inc. – Manager Ward stated that it was a standard renewal for Pik-A-Pop. Councilor Fenton moved to approve item 11.6 Liquor License Renewal for Moon Ha, Inc. Councilor Ray seconded the motion. Voted: 5-0. Motion Carried.

11.7 Kathy Meharry Offer – Manager Ward explained that Mrs. Meharry was attempting to sell her property on 7th street for quite some time, unsuccessfully. So she approached the City to swap her four lots for the one lot that the City owns between Meharry manor and building next door, where the old City Hall used to be. She wants to exchange those lots, and she wants \$30,000.00 for her lots. He realtor has valued her lots at \$86,000.00. The County Assessor's records indicated that the City's one lot on Sixth Street was valued at \$54, 930.00. The real market value for Mrs. Meharry's four lots were valued at \$20,940.00. He believes they are ill advised to take her up on her offer.

It was moved by Councilor Dedrick to reject the offer from Mrs. Meharry. The motion was seconded by Councilor Lougee. Voted: 5-0. Motion Carried.

11.8 Ballot Drop Site for Elections – Manager Ward explained that the County wanted to fast track the Ballot Drop Site for Elections because they wanted to advertise it for the upcoming election to make sure it was easy as possible for residents to cast their votes. County Elections would take care of the costs. The only thing they are requesting is to have someone available to secure the drop box at 8:00pm.

It was moved by Councilor TenEyck to approve item 11.8 Ballot Drop Site for Elections. The motion was seconded by Councilor Lougee. Voted: 5-0. Motion Carried.

11.9 Umatilla Chamber of Commerce & Visitor Center Grant Request Application – Manager Ward explained that the Chamber of Commerce was requesting from the Transient Room Tax Committee for \$2,000.00 for general operational needs through the end of the year. The Transient Room Tax Committee recommends to approve that grant request. Councilor Fenton moved to approve the grant request application. The motion was seconded by Councilor Ray. Voted: 5-0. Motion Carried.

11.10 Discussion Regarding Powerline Interchange – Councilor Ray was very displeased with what he has seen. It is really bad. He wanted to know if anyone was aware if they were done.

Manager Ward stated that they had not completed the final walk through. Public Works Director Pelleberg stated that they were basically done, with the exception of the final walk through and punch list with the contractor. So, those items have yet to be addressed. The bulk of the project was complete as it had been designed.

Councilor Ray wanted to know when it had been designed. Public Works Director Pelleberg stated that he believed things changed from when it was originally designed.

Councilor Ray's understanding was that the drain was not supposed to be that high. Public Works Director Pelleberg stated that the City was not kept in the loop at all with the construction phase. The initial set of plans that were presented during the preliminary do not reflect what was completed.

Councilor Ray stated that there were much discussion for sidewalks being installed as well. So the design was supposed to include sidewalks, and he can guarantee that the current way it is structured does not allow for that to happen.

Manager Ward stated that there were no provisions for the City to sign off on anything. It was not a City project and they did not ask for the City's blessing, but Public Works Director Pelleberg will be invited through the final walk through and all those points will be brought up.

The Council reached a consensus that they were displeased in regards to the finished worked, and the change in design. They would like this expressed when communication is open about the project and during the final walk through. There would be a meeting at 2:00pm to further discuss the issues with the road at City Hall.

12. CORRESPONDENCE: None.

13. PUBLIC COMMENT:

13.1 Boyd Sharp – wanted to thank the Council for bringing up the issue with the road. There was a memorandum of agreement between ODOT and the City that would allow the City a way to raise funds for sidewalks. ODOT stated that they would provide the sides to install the sidewalks and help the City secure the funds for the sidewalks and curbs.

14. MAYOR'S MESSAGE: Thanked and reiterated the City staff for their energy for doing the Movies in the Park. He believes that it is a good beginning for the future. He believes it was a good effort and well received by the community.

15. STAFF REPORT: Medical marijuana continues to be an issue. Eastern Oregon is not in tune with the rest of the state. That is indicated by the outright ban that the City adopted. Some have criticized that the City is too harsh for having a ban, but he knows that the Council had a very open discussion and mind when it came to undertaking and adopting the ban.

The speed limit on Old River Road is now 55mph.
The Community Center is really coming along and is turning into a multipurpose usage.

16. COUNCIL INFORMATION & DISCUSSION:

16.1 Councilor Detrick – Thanked all the people who attended. She wanted to bring up the Tree Light Ceremony. There was now a tree available so she would like to see that happen because the community really liked it. The sign ordinance is also something that needs to be worked on. She stated that we need to start pressing forward on some of our issues.

16.2 Councilor Ray – noticed that there was no landscaping on the Amazon buildings. Manager Ward explained that they were going to wait until the construction cleared out some. He also requested to have minutes of the meetings up to date.

16.3 Councilor Lougee – Thanked the Police Department for all their hard work on the first day of school

16.4 Councilor TenEyck – He was concerned about where the homeless population would turn up. He said it was important for the community to reach out to the folks in need. He does not wish for the Council to be perceived as heartless. He said that the community needs to come up with an outreach to help these individuals get back on their feet and get to being a productive part of society again.

17. ADJOURN TO EXECUTIVE SESSION: ORS 192.660 (2)(g)

18. RECONVENE:

19. ADJOURN: Next meeting will be held on October 06, 2015 at 7:00pm. It was moved by Councilor Detrick to adjourn the meeting. It was seconded by Councilor Ray. Voted: 5-0. Motion Carried. Meeting adjourned at 8:45pm.

David P. Trott – Mayor

ATTEST:

Nanci Sandoval – City Recorder