

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

The Council of the City of Milton-Freewater met Monday, August 9, 2010 at 7:00 p.m. in the Albee Room of the Library.

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

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Fire Chief Shane Garner, Community Development Supervisor Mike Watkins, City Planner Gina Hartzheim, Police Chief Doug Boedigheimer, Conservation Specialist Pat Didion and Corporal Robert Guerrero.

Citizens present were: Merle Sherman, Steve Patten, Tara Patten, Pat Thomson, Mike Onstot, William Saager, Janalee Saager, Dave Saager, Mark Forster, Manny Ramirez, Greg Olsen, Brian Steadman, Chris Zacharias, Christine Boedigheimer, Roger Cosner, Manford Anliker, Tim Pilch, Jim Burns, Ole Donsen and Planning Commissioner Bob White. Chris Shirley and Grant Young from Department of Land Conservation Department were also present.

Press member Melanie Hall of the Valley Herald was present.

**CONSENT CALENDAR ITEMS:**

The consent calendar items consisted of council minutes from the July 12, 2010 meeting, accounts payable from July 22, 2010 through August 4, 2010, Resolution No. 2182 authorizing signature to the Special Transportation Fund Service Grant Agreement for the Senior and Disabled Transportation Program and bid award to US Bank for the line truck loan agreement.

Councilor Chesnut motioned to approve the consent calendar items. Councilor Hopkins-Hubbard seconded the motion which passed unanimously.

**PRESENTATION:**

**RECOGNITION – TO VOLUNTEER FIREFIGHTER FOR THEIR HEROISM**

Fire Chief Shane Garner recognized Captain Faron Reynolds for his heroic actions during a very serious fire on Davis Street on April 30, 2010. Captain Reynolds administered CPR for a substantial amount of time until the ambulance could arrive, ultimately saving the victims life. Chief Garner presented Captain Reynolds with an appreciation plaque for his outstanding performance.

**RECOGNITION – TO CORPORAL ROBERT GUERRERO FOR SERVING ON THE BLUE MOUNTAIN ENFORCEMENT NARCOTICS TEAM (BENT)**

Sergeant Rick Jackson and Sergeant Tom Spicknall of the Blue Mountain Enforcement Narcotics Team (BENT) of Umatilla County expressed their gratitude of working with Corporal Robert Guerrero for the past three and a half years. Sergeant Jackson said Corporal Guerrero displayed leadership on the drug task force team and he was one of the best partners he has worked with. Corporal Guerrero was presented an award for his dedication and commitment to BENT.

**BUSINESS ITEMS:**

**PUBLIC HEARING AND ORDINANCE NO. 956, AN ORDINANCE AMENDING THE ZONING CODE BY ADDING CHAPTER 15, FLOOD DAMAGE PREVENTION**

Mayor Lewis Key opened and summarized the rules for a public hearing held for the purpose of amending the Zoning Code by adding Flood Damage Prevention Regulations. He then explained that the testimony given in the hearing should be centered around the criteria for amending the zoning code.

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 Gina Hartzheim to please present the staff report. The report is as follows:

STAFF REPORT                      August 2, 2010

APPLICANT:                        City of Milton-Freewater

ISSUE:                              Public Hearing regarding proposed amendment to the Zoning Code to add Chapter 15, Flood Damage Prevention

HEARING DATE:                  August 9, 2010

**I. BACKGROUND**

The City was advised by FEMA in January of 2010 that based on a new Flood Insurance Study, a new Flood Insurance Rate Map had been produced and floodplain management measures, including a floodplain management ordinance, would be required in order for the City to remain in the National Flood Insurance Program. City filed an appeal with FEMA protecting the validity of the new flood zone, but the appeal was denied. As a result, the new Flood Insurance Rate Map will go into effect on September 3, 2010 and the City must adopt the ordinance prior to that date.

This amendment was reviewed by the Oregon State Department of Land Conservation and the National Flood Insurance Program Coordinator for compliance with federal statutes and state floodplain regulations. The City has been advised that the draft ordinance will satisfy these regulations.

**II. COMPREHENSIVE PLAN/CODE PROVISIONS**

**City Code Title 10, Chapter 12: Amendments**

10-12-1 through 10-12-3

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 have been initiated to satisfy FEMA's requirements to adopt floodplain measures to allow continued participation in the National Flood Insurance Program

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 are being processed as a Level IV procedure, meeting this requirement.

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: The proposal conforms with applicable provisions of the Comprehensive Plan, as outlined below.

### **Goal 1 Citizen Involvement**

City Policy 1-A-1: The City will continue to employ its adopted Citizen Involvement Program. Items used will be selected for their applicability to the action and issues being considered.

Findings: The following outreach has occurred: The proposed Flood Insurance Rate Map was posted on the City's web site with information regarding the map and its effect on citizens. The City's newsletter, mailed individually to all utility customers and posted on the web site, described the new maps and the requirement for adoption by the City. Radio ads were broadcast on two different radio stations. Individual letters to property owners included in the new flood zone, as required by Measure 56, were mailed to property owners advising them of the proposed map adoption. The City has also provided several opportunities for citizen comments and involvement over the course of development of the proposed revision, including hosting two different open houses at the Community Building, and the opportunity to testify at two public hearings.

### **Goal 7 Areas Subject to Natural Hazards**

The City's Comprehensive Plan contains no applicable policies relating to potential flooding from the Walla Walla River because of the existence of the levee. The only reference is in City Finding 7-A which states that "Flooding of the Walla Walla River was a reasonably common natural disaster in the past. There has been no flooding since construction of the dike system by the Corps of Engineers..." Statewide Planning Goal 7 states, in part, "Local Governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program requirements.

Findings: As new flood zones will be applied to the City, the new regulations are required. These new regulations meet the NFIP requirements and therefore this section is met.

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

Findings: This section is met because there are no Floodplain Management regulations presently existing in the Zoning Code, and by adoption of the addition, the City will continue to be in compliance with federal regulations and continue to be eligible to participate in the National Flood Insurance Program.

#### IV. GENERAL COMMENT

If the proposed amendments are not adopted and the ordinance passed the new flood insurance rate map will still go into effect and as a result the City will be suspended from the Nation Flood Insurance Program and no flood insurance will be available to property owners within the flood hazard boundary. Since no flood insurance will be available those property will not be eligible for loans using federal funds. It would also impact the City's ability to retain or obtain any federally regulated grant dollars. There does not appear to be an option at this point.

#### V. STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend to the City Council approval of the proposed amendment to the Zoning Code, and, in turn, recommends the City Council adopt the amendment.

#### I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

##### A. Statutory Authority

The State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city, does ordain as follows:

##### B. Findings of Fact

(1) The flood hazard areas of the city are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(3) The city has the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.[44 CFR 59.22]

After Ms. Hartzheim presented the staff report she reviewed some minor changes that were made to the ordinance since the ordinance was given to the city council in their packet. There were two changes on page 4 under the “Development does not include” section. The first was a typographical error on number 3 which should have read, “Minor repairs or improvements to existing structures provided that the alterations do not increase....” instead of “do no increase”. The other item was number 6 that had to do with “accessory residential or noncommercial structures less than 200 square feet in area” this was completely stricken since it was addressed in another location within the ordinance. The final change was on the last page of the ordinance. The effective date was changed from September 3, 2010 to September 1, 2010. The city council was provided new copies of the ordinance with the revisions at the meeting.

The Planning Commission held their public hearing prior to the City Council meeting at 6:00 p.m. on August 9, 2010. Ms. Hartzheim reported there was one testimony at the hearing which was from Betty Ransom of 812 Parallel Street. Ms. Ransom’s question to the Planning Commission was whether or not elevations were taken into account when FEMA developed the floodplain map. City Manager Hall replied to Ms. Ransom that the base map study used twenty foot contours and FEMA did not utilize a more accurate study that was available. Had FEMA used a more accurate study there could have been more properties that would have been impacted with a more stringent flood zone designation. The proposed AO zone is the most benign floodplain zone and it carries a lower insurance rate than other zones. The Planning Commission did recommend to the City Council to approve the proposed amendment to the zoning code by adding the flood damage prevention regulations. Staff’s recommendation is to adopt the findings of fact and follow the adoption procedures.

Councilor Hopkins-Hubbard asked why the city’s appeal, which disputed the map and floodplain designation, was denied by FEMA.

Manager Hall stated that FEMA did not give a finite answer as to why the appeal was denied. FEMA Region 10 Director Mark Carey had verbally explained to Manager Hall that if the city chose to advance the appeal to a higher level of circuit court, that ultimate decision could result in some properties being taken out of the floodplain, but other properties would almost certainly be placed into a more stringent floodplain zone with a much higher flood insurance cost. She explained that one of the obvious discrepancies with the map is that it looks like a blanket was placed over the city limits of Milton-Freewater and no individual elevations or contours were taken into consideration.

Councilor Hopkins-Hubbard said he understood that the engineering firm that provided the maps was fired from FEMA.

Manager Hall said she didn’t know if they were “fired”. She understood the contract with the engineering firm that did Milton-Freewater’s map was not renewed.

Councilor Hopkins-Hubbard asked what the Planning Commission based their approval of the proposed amendment on.

Ms. Hartzheim responded that the Planning Commission based their recommendation on what they felt was a lesser of two evils and it was in the best interest for the city as a whole. Their

recommendation to adopt the flood damage prevention ordinance was the best way to go due to the consequences of not adopting it.

Manager Hall explained that the new floodplain maps were going to go into effect no matter how the city council voted on the ordinance. The maps have an effective date of September 3, 2010 and they were going to be put into place by FEMA no matter what and it was out of our control. She explained council was being asked to vote on an ordinance which gave the city the ability to manage the new maps once they were put into place. Without the ordinance, citizens would still be in the floodplain but have no way to protect their properties. They would not be able to purchase flood insurance and there would be absolutely no building of any kind in the designated flood zones, as there would be no construction standards.

Councilor Hopkins-Hubbard said if the maps were going to be put into place no matter what, then what was the reason for voting on the ordinance. He asked if it was legal if council did not vote for the ordinance.

Manager Hall explained that council was not voting on the map per se but it was referenced in the ordinance. What was being voted on was the regulations to manage the map and to allow citizens to participate in the National Flood Insurance Program (NFIP).

Councilor Chesnut felt failure to act on the ordinance would be saying that the City of Milton-Freewater would be liable for any flood damage opposed to the NFIP being responsible. He expressed he was not willing to put the city or its citizens in that position of liability.

Councilor Anliker agreed with Manager Hall in that no one liked making this decision. He felt it came down to protecting the citizens and businesses in the community and doing what was right for them. The goal is to correct the problem by fixing the levee and have the floodplain designation removed to where citizens no longer needed to buy flood insurance.

Councilor Hopkins-Hubbard said he understood all that had been discussed. He said they were not asked to vote on whether the levee was intact or asked to vote on the liability. He felt they were being asked to vote on a map that was inaccurate. Citizens were going to be impacted no matter how the council voted. He then quoted a paragraph from a letter received from Sandra Knight who is a Deputy Federal Insurance and Mitigation Administrator for FEMA. The paragraph basically said that if an ordinance was not adopted then the community would be suspended from the NFIP. This would prohibit any mortgage loans guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, or secured by the Rural Economic and Community Development Services.

Councilor Chesnut felt a good question to keep in mind is, "Why are there so many hammers built into the regulatory structure?" He felt they were needed to keep some sort of handle on flood control across the nation. He understood that flood insurance can only be purchased from the Federal Government. The private providers who once sold flood insurance were going broke due to property owners filing claims of loss and then rebuilding back in the location only to be damaged again by a flood. As a result, Congress took action. There was a need for a change in the system so property owners don't continue to build in areas that they know will be destroyed. He stated that was an overstatement for the situation in Milton-Freewater. Citizens here know if we have good levees we are at very low risk of having significant portions of the community destroyed by a flood. There is a problem with the levees that need to be fixed. He explained the community failed to take advantage of opportunities prior to this hammer coming down from the Federal Government.

Mayor Key offered those in favor of the amendment to speak. No one spoke.

He then offered those in opposition to speak.

Jim Burns – 78381 Hodgen Rd., Weston, Oregon – explained he has invested in property in Milton-Freewater. He purchased a home approximately four months ago and there were two houses for sale on the street, now that the flood zone issue has come up there are eight for sale. He purchased the home to fix up and re-sell. He felt there would be no buying of homes or building. His flood insurance premium is \$1,000 per year with no guarantee that it wouldn't rise to more next year and more the year after that. He said if the council were to buy into FEMA's threats they would never get out of the floodplain designation. January 1, 2010 FEMA was \$19

billion dollars in debt. Since that time FEMA has \$75 billion more in damages throughout the United States. He stated in 1964 the levee was breached, it was then widened, deepened and raised. In 1996 he felt there was an equivalent of a 100 year flood that ran down the levee. The levee did not breach. The only way water can breach a dike is if there is enough kinetic energy built up by speed to start whipping to beat the dike down and it did that in 1964 in seven places below Milton-Freewater. He said in 1996 it had the same damages as it has right now, not any worse but the same and it withstood a 100 year flood. He felt even if the levee was not repaired there wouldn't ever be a flood in the valley. Mr. Burns said the levee was very well built and it's just because they say the gravel by the toe is washed away but the toe is 10 feet into the ground. He does not see a time where that would go bad. He then explained his time on the Milton-Freewater Control Board. He felt he was lied to and tricked and was voted out. He didn't know he was supposed to re-file for the board seat. He said there are a lot of things the new board hasn't done. They have no stock pile of rock anywhere on the levee in case of a flood. They also haven't cleaned the river bed. He then explained when his property was flooded in 1996 due to the Water Control District failing to clean out the river and the gate for the old power house overflowed. The gate could not close because it was lying on top of brush and rocks which was washed away when it flooded. He felt when FEMA lists the danger of the flood it's not there. He looks at this as an opportunity to stand up as a city and community and say no. He said he sold flood insurance in Milton-Freewater for 30 years and didn't sell very many policies because he didn't feel there was a need for it. There is no flood that could ever wipe out the entire levee. He told the council to, "suck it up, get some guts and tell them to go to hell". He felt they were being forced and bullied by another government agency. The city council has an option to say no and said citizens of Milton-Freewater were still going to leave town because they can't afford the insurance.

Councilor Anliker thanked Mr. Burns for his comments.

Mike Onstot – 112 NE 2<sup>nd</sup>, he also has property he is selling in Milton-Freewater. He felt at the rate that Milton-Freewater was losing stores like the Dollar Store there would be more to follow. He said he will do just fine because he will be able to continue to buy property cheap just like he always has. He said for council to think about the people in the community who are on fixed incomes and social security who it's going to hurt. He encouraged council to vote no on the amendment.

Mayor Key asked for those to speak in rebuttal to the testimony.

Manager Hall said she opposed Mr. Burns' statement that council "didn't have guts". She explained that the city council didn't have to appeal FEMA's maps which they chose to do on behalf of Milton-Freewater citizens. There are very few cities or counties that ever put up any kind of fight at all and left it to the private property owners to do their own battles with

FEMA, at their own cost. The city council chose to fund the appeal which cost thousands of dollars along with sponsoring a public education process that was also very expensive. She said she was very proud of the city council for doing this. They have also partnered with the new Water Control Board who she said she was very proud of and they too are working hard.

Mr. Burns said he knew the board and respected them. He felt Milton-Freewater could be a model town for the rest of the country on this issue by saying no.

Councilor Anliker explained if property owners don't hold a mortgage then flood insurance is not mandatory. For those who don't own their own homes and choose not to get flood insurance then their lending institution will force placement of insurance on them which is at a much

higher rate than if they take advantage of the grandfathering option. He said he would rather pay for the flood insurance at a reduced rate and help fix the levee to get out of the floodplain designation altogether.

Councilor Humbert announced that a FEMA representative was asked to be at the meeting but refused to come. He felt by not passing the ordinance it would not allow citizens the chance to purchase flood insurance. Which in turn, could result in the insurance not being available and mortgage notes being called from the banks and citizens losing their home.

Mr. Burns felt even if the ordinance was passed that Milton-Freewater would become a ghost town and his properties would be worthless.

Councilor Humbert said if there is no opportunity to purchase flood insurance then there would be no opportunity to help fix the levee either.

Councilor Irving explained that flood insurance policies can be transferred from one property owner to another if the property changes owners. Insurance policies can also be purchased at a reduce coverage amount and they don't have to be for the full coverage.

Roger Cosner – 910 NE 1<sup>st</sup>, stated as a point of information, there was an inspection completed by Anderson Perry of the levee on March 30, 2010 and the report had not been received yet. His opinion is that the levee is not as damaged as previously told. He spoke to the previous owner of his property who owned it prior to there ever being a levee. He asked him if he ever had any flooding on his property and he said no. He lived there until 1953 or 1954. Mr. Cosner reported that he worked on the levee, under the Corp of Engineers supervision, in 1964 and 1965 and there was more financial damage done to land than buildings.

Manford Anliker said the report is available from the last inspection of the levee. It's available in four volumes.

Steven Patten – 102 SE 16<sup>th</sup> Ave., felt regardless of peoples' view on whether the Federal Government is trying to make money - the real problem is the levees were not taken care of and are not up to the standard that they should be at. He was in favor of voting for the ordinance for land owners since it would allow property owners to be able to purchase flood insurance at a reduced rate. He stated he loved Milton-Freewater and didn't want to move out of town. He encouraged council to pass the ordinance.

Councilor Chesnut expressed that one should not accept personal opinion as fact. He listed four items he was convinced were personal opinion and documentation would be needed to establish them as fact. The statement that the levee has been widened, deepened and raised implies,

and it may not have been the intent of the speaker, but it implies that there is more room between the levee walls for water, that the channel has been deepened given more room for water and the tops have been raised. He said the levees have not been set back to his knowledge and there may have been some areas where the inside faces of the levee have been moved wider but he is unaware of that happening and would like to see documentation of that. The only deepening that he was aware of was rip-rap may have been placed deeper in the ground but that doesn't deepen the river channel to handle the water. It does help protect the toe of the levee from erosion in that the bed of the river can erode farther before the levee becomes a problem. He stated that Mr. Burns and the Water Control Board know that at below the Nursery Bridge and in the Couse Creek Bridge area there has been significant down cutting to the point that the toe of the levee is in fact at risk. He also said that damage is worse now than it was in 1996. He said he had no

documentation of that and it was only his opinion. As he addressed the statement from Mr. Burns that the levee had been raised, he felt that was true. After the flood of 1965 the levees were raised a foot to two foot.

Manford Anliker said according to Herb Bessey of the Corp of Engineers the levee was not raised.

Councilor Chesnut said it sounded like there was a question on whether or not the levee was raised but it seems pretty well established that some rising of the levee did take place. He addressed the statement by Mr. Burns that the damage to the levee now is the exact same as it was after the 1996 flood is a virtual impossibility.

Councilor Hopkins-Hubbard said he was under the impression that if council did not adopt the ordinance then citizens would not be required to purchase the flood insurance.

Manager Hall said the flood insurance mandate would still be required if the ordinance was not adopted but there would be no way to comply with the mandate. By not adopting the ordinance it would strip citizens of the choice to purchase the insurance even if they wanted to. Citizens would not have an option at that point because the city would be suspended from the National Flood Insurance Program which is the only flood insurance underwriter in the United States. The banks would not have any way to comply with the mandate and in some cases would call the loan note and people would lose their homes.

Councilor Hopkins-Hubbard disagreed that FEMA would make the banks call the loan note because people could not comply. He referred to a statement by Councilor Humbert that if the ordinance was not adopted then the levee could not be repaired. He felt either way the levee could be repaired and the ordinance had nothing to do with it.

Councilor Chesnut said how he understood Councilor Humbert's comment was that if the ordinance was not passed and he lost his house and moved out of town he would not care whether or not the levee was repaired. It would not long impact him.

Councilor Hopkins-Hubbard said he understood.

Mayor Key then asked if there were any more citizens or council members who wished to speak. No one spoke, at which time he declared the hearing to be closed.

Councilor Chesnut then motioned to adopt the Findings of Fact and Conclusions of Law supporting the amendment to the Zoning Code by adding Flood Damage Prevention Regulations. Councilor Anliker seconded the motion which passed unanimously.

Councilor Chesnut motioned that Ordinance No. 956 be introduced by title only and full reading waived. Councilor Lyon seconded the motion. Roll call vote was taken with the following comments from councilors.

Councilor Lyon voted yes, with the understanding that this was only the first reading and not the adoption of the ordinance.

Councilor Chesnut voted yes.

Councilor Hopkins-Hubbard voted yes.

Councilor Anliker voted yes, with the understanding that he disagrees with FEMA's floodplain maps and with their method of doing business with the city in its quest to serve those living within areas zoned as a floodplain by FEMA. It is because of his statement he voted yes in acceptance of FEMA's floodplain map, and in doing so, he is providing those within the zoned areas, FEMA's lowest level of floodplain classification in order to provide the citizens and businesses of the community the ability to have less restrictions for new construction as well as the ability for them to obtain the National Flood Insurance Program (NFIP) preferred policy rates for flood insurance at a much lower cost. He said it would not end here. He would strive to correct the levee issues and remove Milton-Freewater from FEMA's floodplain as quickly as possible so that no one will have to pay for flood insurance unless they choose to do so of their own free will.

Councilor Irving voted yes, with the following statement: He felt he was manipulated with the promise of grant funding and property loans becoming unattainable. He was lied to, by the map being inaccurate, falsehood and a bald face lie. He felt coerced by the promise of tougher zoning and higher insurance premiums if the flood map were to be rewritten and no flood insurance available if he were to say no to the ordinance.

Councilor Humbert voted yes, with the following statement: He felt it was legalized extortion and encouraged everyone to call their congressional representative. He said he wanted to vote no, but due to the situation council had been put in he voted yes.

The Mayor announced the first reading of the ordinance passed. The City Manager then read the ordinance by title. Mayor Key announced that council had introduced the first reading of Ordinance #956, Ordinance Amending Title 10 of the Milton-Freewater City Code to add Flood Damage Prevention Regulations. The second reading will be held at the next regular council meeting on Monday, August 23, 2010.

Mayor Key thanked all those who spoke for their input.

Manager Hall announced that there is a house bill, HR5114, it has been passed by the house of representatives but now it needs a senate sponsor and it needs to be voted on by the senate. The bill would put a five year moratorium on the mandate of the purchase of flood insurance. After the five years then it would gradually increase by 20% a year for five years. She encouraged the audience members to contact the federal senators and ask them to act on that bill. It would also allow the Water Control Board time to get the levee repaired.

Councilor Hopkins-Hubbard asked if Senator David Nelson could sponsor the bill.

Manager Hall said no, that he was a State Senator and the bill needed either Federal

Senator Ron Wyden or Federal Senator Jeff Merkley.

Councilor Lyon said credit was due to Representative Greg Walden since he got the vote through the house.

Manford Anliker said Representative Walden also came to town and took an assessment of the levee along with the Corp of Engineers and a FEMA representative.

**AUTHORIZATION TO ACCEPT GRANT FUNDS FROM THE OREGON STATE DEPARTMENT OF FORESTRY IN THE AMOUNT OF \$17,919 FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT**

Fire Chief Shane Garner reported he had applied for a grant with the Oregon State Department of Forestry for the purchase of personal protective equipment for the fire department. The city received notification of a grant award in the amount of \$19,910. The grant does require a 10% match. The proposed grant funds that would be received from the Department of Forestry would be \$17,919. The matching fund amount would be \$1,991 for a total project cost of \$19,910. The grant was written for the purchase of fire shelter, portable radios, mobile radios, nomex pants, nomex shirts, hard hats, gloves, goggles and fire line packs.

Councilor Hopkins-Hubbard motioned to authorize the acceptance of grant funds from Oregon Department of Forestry in the amount of \$17,919. Councilor Lyon seconded the motion which passed unanimously.

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

Bob White – 904 S. Mill, felt the 4<sup>th</sup> of July was very expensive for families. He suggested there be empty parking lots designated for neighborhood launching of fireworks. He proposed there being a fire truck along with two or three firefighters on site in case there were to be a fire. He said this past year there was only one fire on the 4<sup>th</sup> of July which he credited to a very wet spring.

Merle Sherman – 716 Pierce, complimented Parks Lead Craig Rouse and his crew on how nice the golf course looked for the Senior Blues Golf Tournament that was held Monday, August 9, 2010. He announced there were 88 golfers that participated in the event. He said the golf course receives \$10.00 for each person that played.

**MANAGER'S REPORT**

Manager Hall reported the City of Milton-Freewater was a major sponsor for the Muddy Frogwater Festival and the sponsor packet was here. She passed the packet to the Mayor for council to divide amongst them.

**COUNCIL ANNOUNCEMENTS**

Councilor Irving felt the Water Control Board (WCB) has done a marvelous job so far. He announced they were holding a meeting in the Court Room on Tuesday, August 10, 2010 at 7:00 p.m.

Councilor Humbert reported the WCB has acquired the assistance of Ernie Schroeder. He was a former Corp of Engineer employee and an expert in repairing levees. Mr. Schroder will be

giving a presentation at the WCB meeting on Tuesday.

Manford Anliker asked who owned Marie Dorian and who gave the Corp of Engineers permission to remove the dam.

Manager Hall said she would have to research that.

Councilor Hopkins-Hubbard said there was a lot of respect among the city council. He felt the citizens of Milton-Freewater were going to be harmed either way in regards to the flood zone and that it was flat out extortion.

Mr. Burns said Milton-Freewater had a very good city council and he was very proud of them.

Mr. Anliker added that the city also had an outstanding City Manager.

Christine Boedigheimer expressed how impressed she was of the city council. She has been to other cities council meetings and felt Milton-Freewater's council was prepared for the business they were being asked to make decisions on. She could tell they had all read their meeting packets and she appreciates how professionally they conduct themselves during the meeting.

Councilor Chesnut said he attended the city picnic, which he felt was very well attended. He had a good time and the food was very good. He announced there was going to be a meeting regarding wind energy. The meeting is Thursday, August 12, 2010 at 6:30 p.m. at the Community Building. Umatilla County Planning Department has some draft zoning codes regarding wind energy.

Councilor Lyon shared an old utility bill that he found which dated back to the early 1950's.

Councilor Hopkins-Hubbard recently made a trip to New York. He said visiting ground zero where the twin towers once stood touched his heart. The St. Thomas Church which is a block away from ground zero was untouched. He said the patriotism shown at the church was amazing.

There being no further business the meeting was adjourned at 8:30 p.m.

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Lewis S. Key, Mayor