

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

The Council of the City of Milton-Freewater met in regular session Monday, January 26, 2009 at 7:00 p.m. in the Albee Room of the Library.

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

Councilor Keith Woods was absent due to being out of town.

Staff members present were: City Manager Linda Hall, Police Chief Doug Boedigheimer, Electric Superintendent Mike Charlo and City Recorder Leanne Steadman.

Citizens present were: Merle Sherman, Mike Onstot, Cheryl York, Adam Sherman and Christine Boedigheimer.

Press member Melanie Hall of the Valley Herald was present.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of regular council meeting minutes from January 12, 2009, accounts payable from January 8 – 20, 2009 and Resolution No. 2115, Authorizing Signatures to the City Checking Accounts.

Councilor Chesnut motioned to approve the consent calendar items and Resolution No. 2115. Councilor Humbert seconded the motion which passed unanimously.

PRESENTATION TO THE CHAMBER DIRECTOR FOR THEIR PORTION OF THE TRANSIENT TAX

Mayor Key and the City Council presented Cheryl York, Chamber Director for the Milton-Freewater Area Commerce of Commerce, with a check in the amount of \$1,388.50. The check was a portion of the proceeds from the Transient Lodging Tax for the last quarter of 2008. The transient tax went into effect on October 1, 2008. In working with one of the City Council goals, to partner with the Milton-Freewater Chamber of Commerce, is giving the Chamber 25% of the gross revenue to help with tourism and promote the City of Milton-Freewater.

City Manager Linda Hall thanked Cheryl York for coming and said she was happy that the City of Milton-Freewater and the Chamber of Commerce were partnering together. Ms. Hall also said she believed in her leadership skills and the direction the Chamber was going.

Ms. York said, thank you.

DISCUSSION:

OPTIONS FOR FILLING POTENTIAL WARD 3 COUNCIL SEAT VACANCY

City Manager Hall stated that Councilor Woods announced he would be moving out of town and resigning from his council seat at the December 8, 2008 council meeting. As per the councils' request Ms. Hall reviewed the options for filling the vacancy.

Councilor Humbert said in the past, since he had been on council, advertising and having interested candidates apply for the position, then council choosing from the applications had worked well. He felt that was how the vacancy should be filled.

Mayor Key said citizens could be solicited and then conduct interviews.

Council consensus was to advertise and accept applications from interested candidates.

A discussion ensued regarding the timeline of advertising and taking applications. Consensus was to start the process as soon as possible.

Manager Hall reviewed the qualifications for the Ward 3 position. She said the candidate must be a resident of Ward 3 for at least six months prior to applying and be registered to vote.

BUSINESS ITEMS:

ORDINANCE NO. 950, ESTABLISHING A CHRONIC CRIME PROPERTY TO BE A NUISANCE

Police Chief Doug Boedigheimer reported that the ordinance had been written by the city attorney and was modeled after the City of Pendleton, Marion County, and Umatilla County who already have the ordinance in effect. Chief Boedigheimer said the ordinance would allow the city to enforce action against property owners rather than renters or tenants where specific chronic crime has happened on that property. The ordinance lists approximately sixteen (16) different crimes where if they were to occur three (3) or more times within a ninety (90) day period than the city could take action upon that property owner. The city would have the ability to pursue action through the Circuit Court and close a property for a period of one (1) year, thus prohibiting entry into and/or use that property for that period of time. That action would be the worst case scenario. The city would also be able to pursue civil penalty through the Municipal Court which would allow the city to enforce by citation for violation of the ordinance. Chief Boedigheimer said he felt it was a very good ordinance and was written for the municipality. He felt it would help with certain gang issues in town where there have been chronic crime.

Councilor Humbert said he was concerned with the time limit of sixty (60) days for the abatement proceedings for the property owners if they were to go to court. He said once it reached the court system it could be ninety (90) to one-hundred (100) days.

Chief Boedigheimer said the city would be willing to work with that property owner if it reached that point.

Councilor Anliker said he was concerned with the process of mailing the notice to the property owner or tenants. He felt the notification should be certified rather than first class mail. He felt there would be proof with a signature that a notification letter was mailed.

Manager Hall said in past experiences with the weed abatement program if a customer sees that there is a notice of a certified letter in their mailbox, they just would not pick up that letter especially if they have to sign for it. She recommended that council leave the wording in the ordinance as it is. The U.S. Post Office is recognized as a legal form of notice.

Councilor Chesnut asked if the ordinance would assist a property owner in evicting some undesirable tenants.

Mr. Boedigheimer felt it could help property owners and be a very useful tool. He also said he thought property owners and property managers could incorporate the ordinance language into their rental agreements.

Councilor Humbert motioned that Ordinance #950 be introduced by title only and full reading waived. Councilor Anliker seconded the motion which passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance #950, an Ordinance Adding Chapter 16 to Title 8 of the City Code Declaring Certain Chronic Crime Properties to be a Nuisance, Establishing Penalties Therefore, Providing Remedies, and Declaring an Emergency.

Manager Hall pointed out that in the title of the ordinance it had an emergency clause. She said the attorney, Doug Hojem, does not just put an emergency clause in all ordinances but he felt the ordinance was very important to enforce upon adoption from the council. She said what that meant was the normal thirty (30) day time period after the ordinance had been adopted would be waived and become effective upon passage.

RESOLUTION NO. 2116, ESTABLISHING A RATE SCHEDULE FOR THE PURCHASE OF GREEN POWER TO MEET THE REQUIREMENTS OF SENATE BILL 838 AND THE RENEWABLE PORTFOLIO STANDARD

Electric Superintendent Mike Charlo explained that the city was proposing to start offering the ability to purchase blocks of green power. The rate for purchasing the renewable product would be \$.02 per KWH above the customers' normal rate and must be purchased in 100 KWH blocks. The customer must agree to sign up to purchase the green power for twelve (12) consecutive months which would renew automatically and could only be terminated if requested in writing. He said that Senate Bill 838 and the Renewable Portfolio Standard requires Oregon electric utilities to purchase a certain amount of renewable power. The City of Milton-Freewater qualifies as a "small" utility therefore, must purchase five percent (5%) of the total power needed in renewable product by year 2025. One of the requirements is to offer customers the ability to purchase green power or purchase renewable certificates. In November 2008 the city started offering the ability to purchase renewable energy certificates through the Bonneville Environmental Foundation (BEF). The city has purchased two tenths of an average megawatt of what Bonneville Power Administration (BPA) considers environmental preferred power which could be any combination of renewable wind, solar, small hydro and geothermal. He said most of what BPA has to sell currently is wind energy. The green power is purchased from BPA at a premium of \$.0105 per KWH above the BPA Priority Firm rate, and would be offered to utility customers at a premium of \$.02 per KWH over the customers' normal rate.

Councilor Irving asked if the green power program was going to affect the Load Management Program that was currently in effect.

Mr. Charlo said the programs were totally separate and the green power program would not affect those customers who were already signed up on the Load Management Program. He also said there would be an informational bill stuffer mailed out along with all utility bills.

Councilor Chesnut motioned to adopt Resolution No. 2116, Resolution Establishing a Rate Schedule for the Purchase of Green Power to Meet the Requirements of Senate Bill 838 and the Renewable Portfolio Standard. Councilor Irving seconded the motion with passed unanimously.

UPDATE:
PROGRESS REPORT ON COUNCIL GOALS AND CITY FINANCIAL STATUS

City Manager Linda Hall presented the council goals which were adopted May 12, 2008 and their progress. In her presentation she reviewed the "Directives" as partnering with the Walla Walla and Milton-Freewater Chamber's to promote the community's viability, remain

committed to citizen and community involvement and continue to explore new revenue sources and cost savings to maintain financial stability. To list a few of the progress of the directives included new revenue sources such as staff written grants, ramping up the dog license fees, voters approving to continue the Transportation Local Option Tax and the implementation of a Transient Lodging Tax which totaled approximately \$659,869. The “Short Term Goals” were presented as the completion of the Economic Opportunities Analysis (EOA), amend the existing Urban Renewal Agency (URA) plan to focus on its primary purpose and use towards “brick and mortar” projects and revive community policing. She said the Police Department had hosted neighborhood watch meetings and an information meeting on gangs. A Chronic Crime Nuisance Property Ordinance had also been written to help with the community policing goal. The “Long Term Goal’s” were listed as an overall commitment and on-going goal of “Sprucing Up/Cleaning Up” the city and to continue to support and retain current businesses and recruit new businesses to Milton-Freewater. The city council had given out two awards for the spruce up/clean up program and would be continuing that program. The city had applied for and was granted an \$850,000 loan fund for the expansion and recruitment of businesses. There was also a \$30,000 URA grant program for store owners to apply for and they could use the money to fix up their store fronts. The program was made up of \$15,000 from the Community Development Partnership program and \$15,000 from the Urban Renewal program. The program was a twenty-five/seventy-five 25/75 match program with the owner paying twenty-five percent (25%) of the cost. Ms. Hall said there was \$3.2 million dollars invested in local banks and she felt the City was in good financial condition with a \$6.8 million dollar reserve fund.

Councilor Humbert said he wanted to thank the public works crew for the great job they do and also the electric department crew.

COUNCIL ANNOUNCEMENTS

Councilor Chesnut said he enjoyed the presentation and it was a very good review. He reminded the other councilors while they drive around town to keep in mind the “Spruce Up/Clean Up” program and if they see any homes or businesses they would like to nominate for the award.

Councilor Irving said he went on a field trip and stopped in his hometown and visited with his uncle who was the past Mayor for Cascade Locks. He said that Cascade Locks is struggling and they have their own power company. Councilor Irving said that the City of Milton-Freewater was very fortunate for being in the financial situation it is in.

There being no further business, council adjourned at 8:05 p.m.

Lewis S. Key, Mayor