

June 8, 2009

**City of Milton-Freewater  
WORK SESSION - City Council and Planning Commission**

*The Council and Planning Commission of the City of Milton-Freewater met for a work session Monday, June 8, 2009 at 5:40 p.m. in the Albee Room of the Library.*

*The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Jeff Anliker and Steve Irving, and Planning Commissioners Myra Sherwin, Charlie Good, Ben Silva, Bob White and Scott Gilmore.*

*Those absent were: Councilors Ed Chesnut, Sam Hopkins-Hubbard and Brad Humbert, and Planning Commissioners Carlotta Richardson and Nathan Lyon.*

*Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, City Planner Gina Hartzheim and Community Development Supervisor Mike Watkins.*

*Jerry Johnson of Johnson Gardner and Tom Hogue from Oregon State Department of Land Conservation and Development were present.*

*Press member Melanie Hall of the Valley Herald was present.*

*There were no citizens present.*

**WORK SESSION DISCUSSION ITEM:  
REVIEW "DRAFT" OF THE ECONOMIC OPPORTUNITIES ANALYSIS**

*The purpose of the joint work session with Council and the Planning Commission was to hear a presentation of the "draft" report of the Economic Element from Jerry Johnson of Johnson Gardner Consulting. A copy of the draft was given to each member of the City Council and Planning Commission. Mr. Johnson explained the purpose of the Economic Element was to determine the City's economic goals, policies and land needs concerning commercial and industrial development within City limits and the Urban Growth Boundary. At which time Mr. Johnson reviewed his research and findings along with explaining his recommendation of the next step in the process. He recommended adopting the Economic Opportunities Assessment by way of reference, adopt the Economic Element for the Comprehensive Plan and finalize an Intergovernmental Agreement with Umatilla County. No action was taken by the governing body.*

*The work session was adjourned at 6:35 p.m.*

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

The Council of the City of Milton-Freewater then met in regular session Monday, June 8, 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, Steve Irving and Sam Hopkins-Hubbard.

Staff members present were: City Manager Linda Hall, Public Works Superintendent Dave Bradshaw, Community Development Supervisor Mike Watkins, City Planner Gina

Hartzheim, Human Resource Officer Teresa Dutcher, Accounts Payable Clerk Tatia Oliver and City Recorder Leanne Steadman.

Citizens present were: Merle Sherman, Brian Steadman, Pat Thomson, Randy Madsen, Mike Onstott, Scott Barnett, Cindi Barnett and Jordan Barnett.

Press member Melanie Hall of the Valley Herald was present.

### **JUNE 2009 EMPLOYEE OF THE MONTH**

Mayor Key presented City Recorder Leanne Steadman with June 2009 Employee of the month award. He explained this item had not appeared on Council's agenda so as to surprise Ms. Steadman. He further stated that even though Ms. Steadman has been in her position as City Recorder for less than two (2) years she has become indispensable to the City Manager and Council. She is an asset to the City and well respected by her co-workers.

### **CONSENT CALENDAR ITEMS:**

The consent calendar items consisted of regular council meeting minutes from May 11, 2009, accounts payable from May 20<sup>th</sup> through June 3, 2009 and liquor license request from the new owners of Hong's Garden Restaurant.

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

### **PRESENTATION:**

#### **"IF I WERE MAYOR..." CONTEST (LOCAL) WINNER**

Mayor Key explained the "If I Were Mayor..." contest was an Oregon statewide contest. Each school in Milton-Freewater was given information posters and entry forms to pass onto the students of their schools. The entries were due May 29, 2009 with the City Council deciding on the local winner. The local winner was Jordan Barnett from Milton Stateline Adventist School. Mayor Key, on behalf of the entire Council, presented Jordan with a certificate and an iPod. Jordan's poster will now be sent onto the statewide judging in Salem Oregon for a chance at the top prize of a laptop computer.

### **OLD BUSINESS:**

#### **CONTINUED DISCUSSION OF REQUEST FOR PLACEMENT OF NEW GRAPHIC SIGN ON THE SOUTH WATER RESERVOIR**

City Manager Linda Hall reported that she had been contacted by the President of the Community Development Partnership (CDP), Paul Seaquist with a proposal to replace the south water reservoir sign with a new sign. At council's last meeting on May 11, 2009 there was discussion of the layout of the sign and concerns with WALLA WALLA VALLEY being first and of a larger font than MILTON-FREEWATER. The goal of the new sign was to have consistent entryway signage from Walla Walla, Lowden, Dayton and Milton-Freewater showing this as a tourism region. The sign would be sponsored by the CDP, a non-profit organization. They would pay for the cost of the sign, its placement and removal cost of the current sign. Staff members have given a positive response to the revised sign.

After a brief discussion amongst the council with regard to the wording and sign layout the consensus was that council approved of the revised sign.

Councilor Irving suggested that staff investigate the best application of the sign since the city would be required to maintain the sign after it was completed.

Manager Hall said staff would be happy to investigate what application would work the best and last the longest.

Councilor Lyon motioned to approve the sign as submitted. Councilor Humbert seconded the motion which passed unanimously.

**PUBLIC HEARING AND FINDINGS OF FACT, ORDINANCE NO. 953  
AMENDMENT TO THE ZONING MAP FOR PROPERTIES LOCATED AT 1101,  
1105, 1111, 1115 AND 1121 S. MAIN AND 8 S.E. 11<sup>TH</sup> AVENUE FROM  
DOWNTOWN BUSINESS (DB) TO GENERAL COMMERCIAL (C-2)**

Mayor Key opened and summarized the rules for a public hearing held for the purpose of amending the City's zoning map for properties located at 1101, 1105, 1111, 1115 and 1121 S. Main and 8 S.E. 11<sup>th</sup> Avenue from Downtown Business (DB) to General Commercial (C-2). He then explained that the testimony given in this hearing should be centered around the criteria for amending the zoning code. 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 Gina Hartzheim to please present the staff report. Ms. Hartzheim said there was one letter received by her office from Mark Turner of Milton-Freewater dated April 16, 2009 in support of the zoning amendment. She then reviewed the following staff report.

MILTON-FREEWATER CITY COUNCIL  
PLANNING COMMISSION REPORT  
May 29, 2009

APPLICANT: Randy Madsen  
ISSUE: Zoning Map amendment from DB to C-2 at  
1101, 1105, 1111, 1115 and 1121 S. Main Street  
and 8 S.E. 11<sup>th</sup> Avenue  
HEARING DATE: June 8, 2009

I. BACKGROUND

Applicant has a pending offer to purchase the subject property and desires to restore the building and open an automotive repair and modification business. Applicant was desirous of a zoning designation that allowed his intended business as an outright use. Therefore, the application was made for a C-2 designation. In order to maintain cohesive zoning in the immediately surrounding area, staff recommended, and the Planning Commission concurred, that several additional properties be included in the C-2 zoning.

## II. SITE DESCRIPTION

The subject property is located along the east side of South Main Street, on a corner lot, bordering S.E. 11<sup>th</sup> Avenue. It is mapped "Commercial" by the Milton-Freewater Comprehensive Plan and as mentioned, zoned Downtown Business, by the City's Zoning Map. The property is bordered by all DB designated property as well. There is an old gas station building located on the property that has been in serious need of renovation for many years. A newly remodeled bakery is located to the south, and very small apartments are located to the east. Across the street to the north is one of the car lots owned by Gilbert Auto.

## III. APPLICABLE CODE PROVISIONS

### Chapter 12: Amendments

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

Findings: The amendments were initiated by Randy Madsen, as allowed by this section.

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: As a Comprehensive Plan map amendment is not being considered, the proposal would remain in conformance with the applicable provisions of the Comprehensive Plan.

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

Findings: The proposed map change would revert the zoning back to a commercial designation which existed in this area for many, many years and probably since the initial adoption of the zoning map. None of the uses have changed since the adoption of the DB designation four years ago, and instead of encouraging redevelopment in the area, in this case the DB zoning is actually having the effect of discouraging redevelopment. In reviewing the area, Staff and the Planning Commission also felt that the properties bordering the subject property should also revert to a commercial designation, and specifically, to C-2, for the reasons cited above.

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

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

#### IV. GENERAL COMMENT

The proposal would allow for a great redevelopment opportunity to occur on a piece of property which is in great need of redevelopment. The C-2 designation would allow for the proposed use to occur outright, which is applicant's desire. The C-2 designation would not hinder any of the current existing uses of the bordering properties.

#### V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended unanimously to amend the Zoning Map from DB to C-2 on the subject properties.

Mayor Key then invited the applicant to speak.

Randy Madsen – 503 N.E. 8<sup>th</sup>, said he was the applicant requesting a zone change for 1101 S. Main from DB to C-2. His vision for the property was to clean it up inside and out and return it back into a nostalgic gas station. He would like to place non-functional gas pumps where the original pumps once were and he had spoken to a gentleman that said he had the original sign that once was located at that location. He would like to have two (2) operating bays to work in. Mr. Madsen said he wanted to make the property very welcoming and clean.

Councilor Chesnut asked if there was a particular era of vehicles he was hoping to attract.

Mr. Madsen replied, 1960's and 1970's.

Councilor Anliker said he noticed in the drawing of the property that there was a paint booth shown and asked if he intended on having one on sight.

Mr. Madsen said no, that was listed in one of the very first drawings and he did not plan to have a paint booth.

Councilor Hopkins-Hubbard asked what Mr. Madsen planned for parking.

Mr. Madsen said there was alley access and room in front of the building for parking.

Councilor Anliker said most vehicle repair shops seem to have vehicles parked all over and can create an eye sore. He asked how he was going to handle the very limited parking.

Mr. Madsen said he wanted to keep the area clean and felt there was enough parking area.

Mayor Key invited all those in favor of the amendment to speak, no one spoke.

Mayor Key invited all those in opposition to the amendment to speak, no one spoke. Mayor Key then asked if council wished to ask any questions. No one spoke and he declared the hearing to be closed.

Councilor Humbert then motioned to adopt the Findings of Fact and Conclusions of Law supporting the amendment to the Zoning Map for properties located at 1101, 1105, 1111,

1115, 1121 S. Main Street and 8 S.E. 11<sup>th</sup> Ave. Councilor Lyon seconded the motion which passed unanimously.

Councilor Humbert motioned that Ordinance No. 953 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 #953, Ordinance Amending the Zoning Map of the City of Milton-Freewater.

Manager Hall asked Ms. Hartzheim if there was still a request for council to hold both readings and adopt the ordinance at this meeting.

Ms. Hartzheim said yes she would like to request and have council entertain the suggestion of adopting the ordinance so the applicant could continue to work toward his goal and move forward with his plans.

Councilor Irving asked if there was a deadline for the applicant since he had applied for an Urban Renewal Business Incentive Grant.

Manager Hall said yes, Mr. Madsen had applied for and received an URA grant that was set to expire on June 30, 2009. She said the suggestion was to have council hold both readings and adopt the ordinance but it was completely up to council and staff would abide by the decision of the council.

A discussion ensued regarding the zoning change and adoption of the ordinance.

Councilor Humbert motioned to forego the current policy of holding two (2) separate readings at two (2) separate council meetings for this proposed zone change. Councilor Irving seconded the motion which passed unanimously.

Councilor Chesnut motioned that the second reading of Ordinance #953 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. Councilor Humbert motioned to adopt Ordinance No. 953, Amending the Zoning Map for Properties Located at 1101, 1105, 1111, 1115 and 1121 S. Main Street and 8 S.E. 11<sup>th</sup> Avenue from Downtown Business (DB) to General Commercial (C-2). Councilor Chesnut seconded the motion which passed unanimously.

**RESOLUTION NO. 2128, RESOLUTION AUTHORIZING SIGNATURE TO AN OREGON DEPARTMENT OF TRANSPORTATION GRANT FOR THE GENERAL RIDERSHIP BUS PROGRAM, CONTRACT #25828**

Human Resource Officer Teresa Dutcher reported that this grant was for the general ridership bus program through Oregon Department of Transportation (ODOT) Public Transit Division. She stated the grant did require a match of 43.92% which the city would use monies from the Local Option Tax and also the Special Transportation Fund Grant for the match. She stated the reimbursement from the State was paid quarterly to the city.

Manager Hall reported that Councilor Hopkins-Hubbard had asked her about the “Master Agreement” that was made part of the grant agreement by reference. He stated he would like to receive a copy of it for review.

Ms. Dutcher said she would get that information and pass onto council for their review.

Councilor Chesnut motion to adopt Resolution No. 2128, Resolution Authorizing Signature to Oregon Department of Transportation Grant Agreement No. 25828, an Agreement between ODOT – Public Transit Division and the City of Milton-Freewater to receive reimbursable grant funds up to \$73,663.00. Councilor Humbert seconded the motion which passed unanimously.

Manager Hall commended Ms. Dutcher for her hard work on the grants. She stated ODOT changes their requirements often and it takes a lot of time and attention to detail to be sure the program continues to satisfy all the requirements of all these grants.

**RESOLUTION NO. 2129, AUTHORIZING SIGNATURE TO AN INTER-GOVERNMENTAL AGREEMENT WITH OREGON CHILD DEVELOPMENT COALITION (OCDC) FOR SCHOOL BUS MAINTENANCE**

Public Works Superintendent Dave Bradshaw reported the City currently had a contract with Oregon Child Development Coalition (OCDC) for their school bus maintenance which was set to expire on June 30, 2009. The proposed contract was for two (2) years with the option of adjusting the billable rate after one (1) year.

Councilor Anliker motion to adopt Resolution No. 2129, Resolution Authorizing Signature to an Inter-governmental Service Agreement with Oregon Child Development Coalition (OCDC) for Bus Maintenance Services Effective July 1, 2009. Councilor Hopkins-Hubbard seconded the motion which passed unanimously.

**RESOLUTION NO. 2130, AUTHORIZING SIGNATURE TO A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR HOUSING REHABILITATION WITH THE STATE OF OREGON**

City Manager Linda Hall reported that the city had applied for a second CDBG grant, the first one being the \$750,000 economic development loan program, which would pay for improvements to homes of Milton-Freewater citizens meeting the minimum requirement qualifications. She explained that the City of Milton-Freewater had partnered with the City of Pendleton on applying for the grant. Milton-Freewater would take the lead the first year with the City of Pendleton taking the lead the second year with them holding the required public hearing and publishing requirements. The initial grant request was for four-hundred thousand dollars (\$400,000) but the grant award came in at two-hundred seventy-five thousand three hundred thirty dollars (\$275,330) which the two cities would have to split. The grant applications were accepted by the City Recorder, which were date and time stamped as they came in since the program was on a first come basis. Property owners could receive up to thirty thousand dollars (\$30,000) if they qualify and the money can be used on such improvements as heating and cooling systems, roofs, foundations, siding, doors, windows, etc. There is a lien placed on the property and the money does not get paid back until the homeowner sells the property or they die. The program would be administered through Greater Eastern Oregon Development Corporation (GEODC).

Councilor Chesnut asked if the money was paid back to a “city pool”.

Manager Hall said she thought it would be repaid to a regional pool benefitting Umatilla and Morrow Counties.

Merle Sherman – 716 Pierce, asked if there was interest on the loan.

Manager Hall said she didn’t believe there was.

Councilor Hopkins-Hubbard said usually when a lien was placed on a piece of property there was no interest attached.

Councilor Chesnut motion to adopt Resolution No. 2130, Resolution Authorizing Signature to Community Development Block Grant Agreement #HR905 between the City of Milton-Freewater and Oregon Housing and Community Services. Councilor Anliker seconded the motion which passed unanimously.

### **MANAGER'S REPORT**

Manager Hall gave an update on Oregon Solutions and stated she has heard unofficially that the City of Milton-Freewater had a favorable response to the request of the team taking on the levee repairs and getting all the entities involved around one table to come up with a solution of repairing the failing levee. She said the report from Dick Townsend was presented to the Governor and that we should hear something definite soon. The process with appealing the Federal Emergency Management Agency (FEMA) floodplain maps was still moving forward. She said she had heard some encouraging news from the consultant in that there were some errors with FEMA's maps and the floodplain maps were compiled on the basis of an "approximate study". Manager Hall thanked the council for all their support and understanding at the time of the loss of her brother-in-law.

### **COUNCIL ANNOUNCEMENTS**

Councilor Lyon asked if Mr. Madsen would qualify for the CDBG Economic Development Loan Fund.

Community Development Supervisor Mike Watkins thought Mr. Madsen's business was a sole-proprietor and thought the CDBG Economic Development Loan was for creation of jobs.

Councilor Irving announced the Milton-Freewater Chamber of Commerce had a new "Community Cash" program to help promote local businesses. He suggested that the Employee of the Month award be offered with the new program.

Manager Hall said each council member could call or email her with their response on whether to use the new program. She said it would cost an extra three percent (3%) since there was a fee to use it.

Councilor Hopkins-Hubbard announced that the Fire Department had received notice from a motorcycle group in the Tri-Cities that there would be one hundred fifty (150) people coming over for the Fireman's 4<sup>th</sup> of July breakfast. Tickets for the breakfast could be purchased from any firefighter and if any staff member would like to volunteer they could use the help.

Councilor Chesnut said in his role as a private citizen and member of the Blue Mountain Alliance he would be speaking at the Athena City Council meeting on Thursday regarding the windmills. Umatilla County would be holding a public hearing on the Goal 5 Amendment on June 25, 2009 in Pendleton, Oregon.

There being no further business the council adjourned at 8:00 p.m.

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Lewis S. Key, Mayor