

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

The Council of the City of Milton-Freewater met Monday, March 22, 2010 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, Brad Humbert, Sam Hopkins-Hubbard, Steve Irving, and Jeff Anliker.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Finance Director Dave Richmond, Electric Superintendent Mike Charlo, Fire Chief Shane Garner, Police Chief Doug Boedigheimer, Library Director Bob Jones, Public Works Superintendent Dave Bradshaw, Accounting Supervisor Luke Billings, Human Resource Officer Teresa Dutcher, Sanitation Truck Driver Tim Smock, Library Associate Donna Sheridan and Library Associate Lili Schmidt.

Citizens present were: Marie Vancil, Patsy Buroker, Arlen Buroker, Suzanne Ruiz, Frizzell Outen, Vern Rodighiero, Pat Thomson, Christine Boedigheimer, Kenny Jenkins, and Jeff Fagalde.

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

PRESENTATION:

RECOGNITION – APRIL 2010 EMPLOYEE OF THE MONTH – CITY MANAGER LINDA HALL

Mayor Lewis Key, Councilors Orrin Lyon, Ed Chesnut, Sam Hopkins-Hubbard, Jeff Anliker, Steve Irving and Brad Humbert surprised City Manager Linda Hall with the April 2010 Employee of the Month Award. Linda has been with the city for 17 years. She began as an executive secretary, was promoted to City Recorder, then Assistant City Manager, and was chosen by the City Council to become the City Manager in September 2007. She is a true leader and cares very deeply for her co-workers, the citizens of Milton-Freewater and the city's future. She shows her dedication daily but most recently has taken the lead along with the city council, by appealing to the Federal Emergency Management Agency's (FEMA) of the floodplain designation onto the City of Milton-Freewater on behalf of the citizens. Linda was instrumental in bringing the Oregon Solutions Project Team to Milton-Freewater and many other agencies that are instrumental to the FEMA and levee repair project. She has also taken the lead to help the new Milton-Freewater Control Board with getting up and running with their new responsibilities. After Mayor Key presented Linda with a certificate and flowers each councilor took turns in reading what they wrote down commending her and the great job she does as city manager.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of work session and council minutes from the March 8, 2010 meeting and accounts payable from March 2, 2010 through March 16, 2010.

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

PRESENTATION:

PROCLAMATION – MARIE VANCIL LIBRARY DAY, APRIL 15TH

Mayor Key presented a proclamation naming April 15th Marie Vancil Library Day. Marie has been a volunteer at the Milton-Freewater Library for more than twenty (20) years. She has

volunteered over 21,000 hours serving library patrons in a myriad of ways. She has assisted many volunteers learning the procedures of the library and she has performed all these services and more never losing the smile on her face. Mayor Key proclaimed April 15th to become “Marie Vancil Library Day” for now and forever. Mayor Key, on behalf of the entire council, presented Marie with a plaque that will hang in the library, twenty-one long stem red roses for each year she has volunteered and a contribution to show their appreciation in her dedicated volunteerism.

Library Director Bob Jones presented Marie with a pin for volunteering at the library. He said he was very pleased to see two of his favorite people recognized by the Mayor and the city council. He felt Marie was more reliable than some people who were on the payroll. She has come to the library four (4) days a week for up to six (6) hours a day just because she believes the library is a good thing and worth her time and effort and she has never ever sought recognition. Mr. Jones was very happy she has received this award. He described her as the little engine that could, just keeps chugging along.

BUSINESS ITEMS:

PUBLIC COMMENT PERIOD: PROPOSED INCREASE IN DAYS OF SERVICE AND ROUTE FOR CITY’S GENERAL RIDERSHIP BUS PROGRAM

Human Resource Officer Teresa Dutcher announced a public comment period must be held for the purpose of gaining citizen input regarding the proposed change to the city’s general ridership bus program schedule and route. She reported this was a requirement of the Oregon Department of Transportation (ODOT). The proposal would change the service from running Monday, Wednesday and Friday to Monday, Tuesday, Wednesday, Thursday and Friday beginning April 1, 2020. The number of round trip trips to Walla Walla would change from four (4) to three (3). There would also be an additional stop added due to requests by citizens, Andy’s Market in College Place, Washington.

Ms. Dutcher reported there were no comments on file either for or against the change.

Councilor Anliker asked if the new service was ending earlier than it used to.

Manager Hall explained the new proposed schedule works in conjunction with the Umatilla Tribes Bus that runs until approximately 6:30 p.m. and it makes a stop in Milton-Freewater at the Dollar Store. The change was proposed in part to avoid duplication of services with the Confederated Tribes bus service.

Councilor Humbert motioned to approve the proposed change to the city’s general ridership bus program as submitted. Councilor Anliker seconded the motion which passed unanimously.

RESOLUTION NO. 2159 – AUTHORIZING SIGNATURE TO THE BATTELLE MEMORIAL INSTITUTE SUB-RECIPIENT COOPERATIVE AGREEMENT

Electric Superintendent Mike Charlo reported the Battelle Memorial Institute Agreement was part of the Smart Grid Demonstration Project. The City of Milton-Freewater was one of the first utilities to complete the required information out of twelve utilities and was now ready to sign the contract. Mr. Charlo explained that Milton-Freewater would be part of a demonstration project that would install and test new smart grid applications under which the methods of operation, costs, and benefits would all be studied to help determine new technologies that would be used over the entire United States. The results will be written up and proven by Battelle Pacific Northwest National Laboratories and used as a model. He felt the project was quit a position to have Milton-Freewater in. The largest project is the Advanced Metering Infrastructure (AMI) system which is a two-way communication system that signals can be sent through the meter. This can control programmable thermostats, water heaters or any other appliance in the home that was set up to receive a signal. Mr. Charlo said the AMI system project had been planned for

prior to the knowledge of the receipt of the grant. With the receipt of the grant the project will move faster and will help fund 50% of the cost. The load management system will also be replaced with this project. Mr. Charlo explained the process of lowering demand and voltage which in turn would lower the percentage of electricity used. This theory would be used on four feeders for two years and then the result would be studied.

Councilor Lyon asked if it would be much trouble for the city if a customer wanted to have their electric water heater in the program and then if it didn't work out to have it removed.

Mr. Charlo said it wouldn't be any trouble and would work the way it currently does. The customer would have to contact the electric department and they would go out and disconnect the unit. There is no charge to hook the unit up and no charge to disconnect it either. There is a percentage discount on the customer's utility bill for those who participate in the program.

Councilor Hopkins-Hubbard asked how the voltage reduction would affect the equipment in businesses.

Mr. Charlo said the city has had a voltage reduction program since 1986. Currently, on cold winter months the voltage is reduced by 4%. With the new system the voltage is going to be reduced on the four feeders 1 ½% all the time. He felt there would be no negative impact with the reduction.

Councilor Anliker commended the city staff for achieving the grant especially after the project was already planned for. It will be a big expense but savings for the city in the long run.

Mr. Charlo said historically electric departments don't have the chance to apply for grants. He said this was a great opportunity.

Councilor Chesnut felt the study was going to end up with some real knowledge of how to save energy across the nation. He felt having Milton-Freewater involved in the study was very impressive.

Councilor Chesnut motioned to adopt Resolution No. 2159, Authorizing Signature to the Battelle Memorial Institute Sub-Recipient Cooperative Agreement No. 115375. Councilor Humbert seconded the motion which passed unanimously.

RESOLUTION NO. 2160, AUTHORIZING SIGNATURE TO THE OREGON DEPARTMENT OF ENERGY (ODOE) AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT AGREEMENT #SEP 10-1036, CITY HALL LIGHTING, HVAC AND WINDOWS

RESOLUTION NO. 2161, AUTHORIZING SIGNATURE TO THE ODOE, ARRA GRANT AGREEMENT #SEP 10-1037, SAAGER (NORTH) FIRE STATION LIGHTING AND WINDOW UPGRADES

RESOLUTION NO. 2162, AUTHORIZING SIGNATURE TO THE ODOE, ARRA GRANT AGREEMENT #SEP 10-1038, CITY SHOP LIGHTING UPGRADE

RESOLUTION NO. 2163, AUTHORIZING SIGNATURE TO THE ODOE, ARRA GRANT AGREEMENT #SEP 10-1039, SOUTH FIRE STATION LIGHTING UPGRADE

Public Works Superintendent Dave Bradshaw reported that staff had applied for and received ARRA funding through the ODOE totaling a maximum grant amount of \$158,900. The

ARRA funding along with the Oregon Business Energy Tax Credits, Bonneville Power Administration conservation funding and existing city budgeted funds would go towards upgrading lighting, HVAC and windows for City Hall along with lighting and window upgrades at the Saager (North) Fire Station, South Fire Station, City Shop and out buildings. Staff is recommending approval of the four State of Oregon Department of Energy contracts for the upgrades to city buildings as discussed.

A brief discussion of the tax credits and conservation rebates were discussed for these projects.

Councilor Chesnut motioned to adopt Resolution No. 2160, Resolution Authorizing Signature to Enter into a State of Oregon Department of Energy, American Recovery and Reinvestment Act of 2009 State Energy Program Intergovernmental Grant Agreement #SEP 10-1036 for City Hall Lighting, HVAC and Window Upgrades. Councilor Humbert seconded the motion which passed unanimously.

Councilor Hopkins-Hubbard motioned to adopt Resolution No. 2161, Resolution Authorizing Signature to Enter into a State of Oregon Department of Energy, American Recovery and Reinvestment Act of 2009 State Energy Program Intergovernmental Grant Agreement #SEP 10-1037 for the Saager (North) Fire Station Lighting and Window Upgrades. Councilor Anliker seconded the motion which passed unanimously.

Councilor Anliker motioned to adopt Resolution No. 2162, Resolution Authorizing Signature to Enter into a State of Oregon Department of Energy, American Recovery and Reinvestment Act of 2009 State Energy Program Intergovernmental Grant Agreement #SEP 10-1038 for the City Shop on Lighting Upgrades. Councilor Humbert seconded the motion which passed unanimously.

Councilor Humbert motioned to adopt Resolution No. 2163, Resolution Authorizing Signature to Enter into a State of Oregon Department of Energy, American Recovery and Reinvestment Act of 2009 State Energy Program Intergovernmental Grant Agreement #SEP 10-1039 for the South Fire Station Lighting Upgrades. Councilor Chesnut seconded the motion which passed unanimously.

BID AWARD – CONTRACT #230, CITY BUILDINGS LIGHTING UPGRADES

Mr. Bradshaw reported the city had advertised and accepted sealed bids for lighting upgrades for city buildings. The bid opening was for a portion of the upgrades as discussed earlier in the meeting and the measures were included in the ODOE contracts that were approved by the city council. The city received three bids from Walla Walla Electric, Inc., Power Pro Electric and Doyle Electric, Inc. Staff's recommendation was to award the bid to Walla Walla Electric, Inc. as they were the apparent low bidder.

Councilor Chesnut motioned to award Contract #230, City Building Lighting Upgrades to Walla Walla Electric, Inc. in the amount of \$42,847.00. Councilor Humbert seconded the motion which passed unanimously.

BID AWARD – CONTRACT #231, CITY BUILDINGS WINDOW UPGRADES

Mr. Bradshaw reported the city had advertised and accepted sealed bids for window upgrades for city buildings. The bid opening was for a portion of the upgrades as discussed earlier in the meeting and the measures were included in the ODOE contracts that were approved by the city council. The city received three bids from Yale Glass Company, Inc., Tomczek Construction and WC Construction, Inc. Staff's recommendation was to award the bid to Yale Glass Company, Inc. as they were the apparent low bidder.

Councilor Anliker motioned to award Contract #231, City Building Window Upgrades to Yale

Glass Company, Inc. in the amount of \$50,185.25. Councilor Humbert seconded the motion which passed unanimously.

BID AWARD – CONTRACT #232, CITY HALL HEATING AND COOLING SYSTEM UPGRADE

Mr. Bradshaw reported the city had advertised and accepted sealed bids for city hall heating and cooling system upgrade. He said the auditorium portion of the bid was proposed to be omitted due to concerns with the energy demands of that portion of the heating and cooling system. The auditorium on the third floor will not be included in the upgrade at this time. All the duct work in the auditorium will be removed and cleared out but it will not be heated or cooled. All the bidders submitted this separate bid item with the exception of Valley Mechanical. The city received four bids from Valley Mechanical, Grassi Refrigeration, Total Comfort Solutions and Thews Sheet Metal, which were provided to Council in their packets. Staff's recommendation was to award the bid to Grassi Refrigeration as they were the apparent low bidder.

Councilor Humbert motioned to award Contract #232, City Hall Heating and Cooling System Upgrades to Grassi Refrigeration in the amount of \$99,036.00. Councilor Irving seconded the motion which passed unanimously.

RESOLUTION NO. 2164 – AUTHORIZING SIGNATURE TO AN EXTENSION OF THE ORCHARD LEASE AGREEMENT WITH RODIGHIERO ORCHARDS

Manager Hall reported the city had a small orchard by the Freewater Substation off Cobb Road. The city has a lease agreement with Rodighiero Orchards. The President of Rodighiero Orchards, Vern Rodighiero contacted Manager Hall and requested an additional year extension of the contract so he could participate in an orchard program. The current lease is set to expire November 30, 2013. With the requested one year extension the contract would expire November 30, 2014. Manager Hall reported the city has been satisfied with the orchard operation under Mr. Rodighiero's care, and has no objection to the extension.

Councilor Anliker motioned to adopt Resolution No. 2164, Resolution Authorizing Signature to an Amendment to the Orchard Lease Contract with Rodighiero Orchards. Councilor Chesnut seconded the motion which passed unanimously.

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

Suzanne Ruiz – 515 N. Main, said her and her mother had been doing business at the Let's Go Inn establishment since 1983. For the last year there have been some problems in the area of a lot of outdoor storage of equipment. As of last week, the owner of the parking lot behind the Let's Go Inn decided to put up a concrete barrier wall causing very limited access to the back of her business. This doesn't allow for deliveries, fire trucks, emergency vehicles or city utility vehicles. She said she had been in contact with Manager Hall and Councilor Hopkins-Hubbard about getting the barrier wall moved back to allow for deliveries. The delivery trucks now had to stop on Main Street to deliver to her business which could take up to forty-five (45) minutes to an hour.

Manager Hall announced that the other property owner was in attendance as well, Jeff Fagalde. She felt this was a very complicated situation. According to the research, dating back to the original platting of the alley in 1892, it was originally platted as a fourteen (14) foot alley. Sometime since then there has been deeds drawn up that have encroached upon that access which have included part of public access and have almost abutted the properties. Manager Hall felt Mr. Fagalde didn't just put up the barrier for no reason but she understood that he was ordered by the Judge in court to put up a sight obscuring fence. Mr. Fagalde may have not realized that he needed a fence permit and thought he was just following his court order by putting up the

concrete wall. Manager Hall said Mr. Fagalde did the right thing by having his property surveyed and she has no reason to challenge it. She felt the problem was that the city has been using that alley access forever. There is a main primary feeder for the electric department that not only feeds that entire commercial district but it also supplies electricity to about seventy (70) residences as well. She also has concerns with emergency services being able to get through the alley, delivers for the businesses and other city services like the garbage truck. Manager Hall made it clear that she wants to be fair to both property owners but in the end she needs to protect and retain the alley way as much as possible. The city attorney is researching what the city's rights are in the situation as well.

Mr. Ruiz said Mr. Fagalde's property is his and he has the right to do what he wants with it but she was asking for enough access for her deliveries. She stated she owned six (6) feet behind her business that was deeded to her. She wants it to be fair for all and was willing to give too. Jeff Fagalde felt the other property owner was the cause of the fence going up in the first place by turning him into code enforcement because they didn't like him parking stuff on his own property. He said he ended up in court and had the code enforcement employee representing the city and the Judge ruled that the unsightly condition was a matter of opinion. There was no ruling that it was unsightly or a hazard. There was an agreement made in court to put up a fence. Mr. Fagalde said the vandalism has gone up since the concrete wall has been installed. All his vehicles tire were slashed on his property. He felt he didn't put up a fence but only a barrier. He said the concrete blocks can be moved. When the blocks were installed he said he had a representative from the fire department which stated it wasn't an issue for them because they wouldn't pull right up to the back of a building. He said he gave an area of twenty-two (22) feet x six (6) feet for the businesses to store their garbage cans and where the garbage truck could get to. He said he was trying to be understanding of everyone's needs and wants. The delivery problem he felt was no different than any other city. He's noticed in Walla Walla that delivery trucks park in the street or side streets to get the products to the businesses. He felt there were other ways to get the products delivered to the business besides just the alley. Mr. Fagalde said his property line goes up to eleven (11) feet to the back of the Let's Go Inn building. He owns another building on North Main and there is an alley that's twelve (12) feet wide which also has an electric line going through it. He felt there were ways to work on the utilities which may involve using smaller equipment. He said he was willing to move the concrete blocks back onto his property to equal a twelve (12) foot access.

Councilor Anliker thanked both properties owners for sharing their concerns. He felt it would be up to the City Attorney's legal opinion and based on how the alley has been used and for how long it's been used in that way.

Manager Hall asked Mr. Fagalde if he would allow for a twelve (12) foot access.

Mr. Fagalde said yes.

Manager Hall said she didn't want to be unreasonable but felt it was her job to protect the public access especially in a commercial district.

Mr. Fagalde said he has spoken with the City Planner Gina Hartzheim about another option. There is about eight (8) feet between 6th Street and his property that he would consider swapping foot for foot with the City if the City wanted a larger alley access.

Councilor Chesnut said he hoped for both properties owners to find some resolution before attorneys were brought in.

Councilor Hopkins-Hubbard said he was very disheartened when he went to the site and saw

Mr. Fagalde's tires stashed. He understood that there had been some attempts between the property owners to try and negotiate a solution. He agreed with Councilor Anliker and hoped resolution could be made prior to attorneys getting involved. He asked if negotiations had been made regarding the parking lot in the rear of the building.

Mr. Fagalde said he tried to negotiate the parking situation last year with offering to split the parking lot in half and rent it to the Let's Go Inn business owner. He said he was told they wouldn't pay a dime for the parking lot.

Ms. Ruiz disagreed.

Councilor Hopkins-Hubbard has heard from another property owner across the street from Mr. Fagalde and wondered if there were any plans regarding the fence on Mr. Fagalde's property. Mr. Fagalde said there use to be plywood slats but with the wind storms most of it has blown down. He was thinking of putting up a slatted cyclone fence or just putting up the plywood back up.

Councilor Anliker still felt it would be best for both property owners to work it out amongst themselves and come up with a resolution to the problem.

Councilor Humbert felt the city's interest in this situation was to retain the public access through the alley. The rest of the problems needed to be negotiation between the property owners.

MANAGER'S REPORT

Manager Hall announced the Water Control Board would be holding a volunteer clean-up day on Tuesday, March 23, 2010. Volunteers could show up with their shovels, gloves and torches at 8:00 a.m. at the South Fire Station. She suggested having a crew and some equipment from the city to help that day if the city council didn't have any objections. She felt the project was very important and that it benefited the entire community. The clean-up day was in preparation for the levee inspection scheduled for March 31st and April 1st, to determine all the deficiencies. The city hall tour that was schedule for after the council meeting was canceled. There are no lights in the auditorium so this will be re-scheduled to a later date.

COUNCIL ANNOUNCEMENTS

Councilor Irving suggested the garbage cans at El Sombrero be switched out for new ones.

Councilor Hopkins-Hubbard said the goal for the Water Control Board clean-up day was not to denude the levee but to reduce the amount of blackberry bushes and brush in order so a good inspection could be performed. He also attended the Mustang Make-over in Albany, Oregon.

Councilor Anliker reported the series of "What Difference Does Jesus Make" had a very good turn out and more events were going to be planned.

There being no further business the meeting was adjourned at 8:20 p.m.

Lewis S. Key, Mayor