

**CITY OF UMATILLA  
COUNCIL MEETING  
July 07, 2015**

1. **CALLED TO ORDER:** Mayor Trott called the regular council meeting to order at 7:00pm.
2. **ROLL CALL:**
  - PRESENT:** Councilors Dedrick, Farnsworth, Ray, Fenton, Lougee, and TenEyck.
  - STAFF PRESENT:** Recorder Sandoval, Manager Ward, Finance Director Ince, Planner Searles, Public Works Director Pelleberg, and Chief Huxel.
3. **PLEDGE OF ALLEGIANCE:** Recited at 7:01pm.
4. **APPROVAL OF AGENDA:** It was moved by Councilor Farnsworth to amend the agenda by adding 8.1(b) IRV Goatheads on page 18 and 8.1(c) All remaining invoices. The motion was seconded by Councilor Dedrick. Voted: 6-0. Motion Carried.  
It was moved by Councilor Farnsworth to approve the agenda as amended. It was seconded by Councilor Ray. Voted: 6-0. Motion Carried.
5. **PRESENTATION:** None.
6. **APPROVAL OF MINUTES:** It was moved by Councilor Ray to approve minutes for June 02, 2015 and June 16, 2015. It was seconded by Councilor Farnsworth. Voted: 6-0. Motion Carried.
7. **PUBLIC COMMENT:**
  - 7.1 Jack McWhinnie – Received a letter stating that landlords needed to apply for a business license. He just wanted to know why go after the little guy? He owned rentals back east and has never heard of such thing. Manager Ward explained that the Business Code does not distinguish between one sort of business from another. Basically, it says anybody doing business in Umatilla will have a business license. Manager Ward believes that the primary reason for that is tracking. It's not a revenue generating thing. Thirty dollars probably covers administrating it, but it's not generating revenue for us. In terms of rentals, there are number of reason why it's good to have a record of who those property owners are. A couple of years ago, we had a tenant from a rental on South Hill who had a couple of pit bulls, one of which escaped and bit a lady. A while later, it escaped and bit a dog. That was a dangerous dog level two, and we did some digging and found out who the landlord of this particular place was, and let them know that they had a dangerous dog, which can affect their home owner's insurance. When dealing with Code Improvement, we often have a tenant who is in violation of a nuisance code, the tenant blows us off, and we have to track down the owners. When you go to County they don't give you phone numbers, they give you an address. So if we have a record of who those landlords are, then we can just pick up the phone, and let them know, you have a tenant who has a yard full of garbage, has weeds up to the windows, those sorts of things. Again, it's a tracking mechanism. We are not just talking about landlords. We had a gentleman apply for a license who is doing some work in Umatilla, but his business is based in Hermiston. There are all sorts of those things, of people doing business in Umatilla, and if we have a business license for them, we can track them. Somebody has a roofer come in, they put a roof on a house, they don't do a good job, and they disappear. If

we don't have a record of the business, then when someone calls, to say "I need to get a hold of him," we have a business license to track those people. There are certainly a lot of people who are in the business of rentals, and they are not a whole lot different than just your casual land owner, who happens to have rentals. Jack is not actually in the business, but nonetheless it is a business that is happening in Umatilla.

Mr. McWhinnie then explained that he was not the landlord. Hermiston Property Management was the landlord. If the City wished to pursue it, they needed to get a hold of Hermiston Property Management on it. He talked to Don Walls about it, and Mr. Walls explained that Mr. McWhinnie was not the landlord, that the money went to Mr. Walls. Mayor Trott asked if Mr. McWhinnie collected any money from the properties. Mr. McWhinnie answered yes, but that the money went to the property management company. Mayor Trott asked if Mr. Walls provided a service to Mr. McWhinnie. Mr. McWhinnie stated yes. Mayor Trott then stated that Mr. McWhinnie was the landlord.

Mr. McWhinnie stated that the City was not business friendly. He stated that Apayo was chased by the City until it closed. Now, they were are going after rentals. Also, the City is not resident friendly. He called up six cities. Only one, the City of Pendleton, had rentals as a business. Hermiston, which is always brought up because they raise their water, sewer, or wages, and are followed, don't do it. Irrigon doesn't do it. Echo doesn't do it. Boardman doesn't do it. Heppner doesn't do it. In fact, when he called some of them, they laughed. He was questioned whether he was serious, and he stated that it was what Umatilla was going to do. Mr. McWhinnie called Manager Ward and told him that if he really wanted the thirty dollars he needed to clean up Main Street and get these vacant building rented. Mr.

McWhinnie can't get the money he would get if his rentals were located in Hermiston. Mr. McWhinnie stated that people do not want to rent in Umatilla. You can ask the property management people. Especially, downtown. So, what does he have to do? He has to lower his rents, and on one rental he had to say, okay, you can have a small dog in the house.

Another one, he had to give them a washer and dryer, just to get them downtown.

He believes there are people in this City Hall who goes nitpicking, and this is one of them. Now they are going after renters. He believes it is sad, because he tries to keep his properties up, it is the principal of things. No one has ever heard of it, except for Pendleton. Umatilla can be a beautiful place. It's up to the City Council to get on the ball and start cleaning it up.

Mayor Trott then added a rejoinder to Mr. McWhinnie's comments. Mayor Trott lived in Hermiston, when he first moved to from the Tri-Cities, 19 years ago. He lived in Hermiston for four months, and made a conscious decision to move to Umatilla. Mayor Trott has lived in the town since October 1997. That decision was conscious. He could move away tomorrow, and he feels that if there were anyone who has been nitpicky, he was looking at that individual. Mayor Trott explained that people were in different economic conditions. Mayor Trott clarified that there were clean ups done every year since 2004, and that Mr. McWhinnie participated in that one. He then thanked Mr. McWhinnie for his comments.

7.2 Cathy Haugan – Wanted to know why Yakima Street could not be made into a one side parking. People who have parking areas in their property are using the street. When you get two big trucks out on each side of the street it is hard to get through. When there is a camper parked and a truck across it, it makes it hard to get through. Ms. Haugan is afraid she will have to turn around and go the wrong way, and if she gets a ticket, the judge is going to hear about it. She doesn't believe there should be parking on both sides of the streets. She wants to know how the guy with the camper gets through without going the wrong way. She also stated that many people go the wrong way on Klickitat Street, and there are no police there to

catch them. Wanted to know if Council could chew it over and come up with some decision about it.

7.3 Larry Nelson – Wanted to know if the City still had a requirement for the concealment of garbage cans and rubbish containers. Manager Ward stated yes. Mr. Nelson then requested that the City do that for the back of the building at City Hall, because the garbage cans were exposed to the public. Mr. Nelson stated that he agreed with Mr. McWhinnie to some extent. He does not live in the City, but he helps run the museum. He believes the City needs an attitude adjustment. Does the City really need 7 commercial zones in town? It was just a question.

7.4 Judy Simmons – Wanted to thank the gentleman from Hermiston ODOT for cleaning up McNary. She believes the City is also partially responsible for that. They did a really nice job on clean up. She also agrees with Ms. Haugan about the parking on both sides on Yakima Street. The main culprits are 209 and 210 Yakima Street. 209 has an empty drive way, and parks both cars in the street.

7.5 Esteban Rodarte – Wanted to touch on what Mr. McWhinnie had talked about, the business permit. He is currently in the process of purchasing a commercial property in Umatilla. He stated the thirty dollars was not a big deal, but talking more and looking into it, he wanted to know if there were background checks that went along with it. Manager Ward stated that it depended on the business. Mr. Rodarte stated that his concern was when it depended on the business, what business would require that background check? Where is that list, that states, hey these are the businesses that need a background check? What would warrant, if a person had a bad past, and changed their life around, a record wouldn't necessarily stop them from opening a business.

What if you had a felon who was a burglar, you wouldn't want to buy something from him. Not necessarily, because people turn their lives around. You give people second chances. The whole background check thing was kind of a little extensive, to think of a business license to go along with a background check. You go to the State, you pay those fees, and then the City wants one permit for every property. If it is about generating revenue, then there are other ways to add economic stimulus to the town. He forgot to start off by stating that he hoped everyone had a great 4<sup>th</sup> of July weekend.

On July 1<sup>st</sup> as well, cannabis became legal statewide, and it went without major incidents. He just wanted to take some time and let the Council know what was going on. They are requiring background check for anyone who would be handling it, and it is a good thing for many people who wouldn't want people working in these facilities with bad records. Maybe that would be one of the things that would require a background check. Well they are doing those for medical marijuana dispensaries. Areas that decide to opt out these businesses would see no tax revenue from it, starting in 2017. Its barely going to roll out next year, so the year after that there would be no tax revenue for any areas that decide to opt out. That will make millions of dollars for our area, for Umatilla possibly. We should have a progressive stance on it. He believes they could do it safely and professionally in this area. We could use the stimulus and clean up downtown like Mr. McWhinnie said.

Mr. Rodarte stated that he lived in Hermiston, and was born and raised there. He has been in Umatilla for the last 10 years, and like the Mayor wants to see the area grow. There needs to be progressive thinking for that. They are rigorous rules for seeds to sales tracking, page verification equipment. The control is more rigorous than alcohol. People who are using it, have been using it and will continue to use it. The only difference is that they are trying to bring it off the black market and bring it out to the forefront. Where it's progressive, where States are going, where probably the whole country is going with Washington D.C. legalizing

it. Presidential candidates are attending conventions, cannabis donors, they are taking their money, and out of all the tax money, the top of the list is education. Forty percent of the revenue is going to education and law enforcement as well. Asked the Council if they had any question he could answer. He thanked the Council for their time.

Mayor Trott had a question in regards to background checks. The reason for asking, was because when any one of us who apply for things such as car insurance, renting an apartment, there is some sort of background check, in terms of financial wellbeing, or past ability to pay, if you are talking in regards to criminal background check that might be done through services of the internet. Background checks via the State are very controlled, and would have to be justified by the City, anyway. It is not just ask for the business license, and then go check everything. Mayor Trott explained that he had a business license for a consulting business, and he does not make any money, and has never felt that the City's imposition of a business license of what he was doing as being onerous.

- 8. CONSENT AGENDA:** It was moved by Councilor TenEyck to approve item 8.1(a) CRIS, Inc. It was seconded by Councilor Lougee. Voted 5-1-0. Councilor Ray abstained. Motion Carried.

It was moved by Councilor Farnsworth to approve item 8.1(b) IRV Goatheads. It was seconded by Councilor Dedrick. Voted: 5-1-0. Councilor TenEyck abstained. Motion Carried.

It was moved by Councilor TenEyck to approve item 8.1(c) All Remaining Invoices and item 8.2 Court Report. Voted 6-0. Motion Carried.

- 9. COMMITTEE REPORTS:** It was moved by Councilor Farnsworth to approve Tree Committee appointee, Larry Nelson, and Library Board appointee, Janet Parke. The motion was seconded by Councilor Fenton. Voted: 6-0. Motion Carried.

- 10. UNFINISHED BUSINESS:** None.

**11. NEW BUSINESS:**

11.1 Resolution No. 01-2016 - Mayor Trott wanted to applaud City Staff for the work they did on the Employee Handbook. He has a job that reviews employee handbooks, and ethics investigations. Manager Ward explained since that the handbook was distributed to Council Members there were some slight modifications that have been added and highlighted for their convenience. Councilor Ray went through it thoroughly and agreed with Mayor Trott. Councilor Fenton moved to approve Resolution 01-2016. It was seconded by Councilor TenEyck. Voted: 6-0. Motion Carried

11.2 Resolution No. 02-2016 - Manager Ward wanted to apologize for some confusion. The agreement between the Confederated Tribes, the State of Oregon Department of Corrections, and the City. There was an appropriation for these funds since last legislative session that it has been around for some time. The Confederated Tribes scanned the signed version to Manager Ward with every other page scanned, and the Council only received odd number pages. Council Member Fenton called this morning to notify the staff of the clerical error. What you are approving if not a seven page document, but a thirteen page document. It is a long discussion that has been going on for several months between the State, the Tribe, and the City. The Tribe will receive the money, the road will be built on State and Tribal land. When it is all done, the City will take it over into our street inventory, and because we will be overseeing the maintenance of these streets, the City is taking a hands on approach to

construction, to make sure at the end of the day, we have a street that meets our standards and is properly constructed.

Councilor Lougee wanted know if there were any costs to the City, besides the maintenance when it was finished. Manager Ward explained that Tribe was responsible for the measurement of the project and all of the funding goes to the Tribe. There is a section in there under the Tribe responsibility that explains they are to cover all the costs. We will find out just as well it will require a goal 11, for the exemption. The City will lead the acquisition for the goal 11 exception. Councilor Lougee wanted to know if any revenues would be coming into the City from these properties. Manager Ward explained that because the Tribe was a sovereign nation, they were not subject to our taxation. The direct benefit from this, would be the jobs created out there. However, this road will also enhance the Port property directly to the south. The road will be designed to where we will be able to access those properties with water and sewer, and make them shovel ready. That will also enhance our job basis and tax basis.

Councilor Ray wanted to know if they would be paying premium rates on sewer and water. Manager Ward stated yes, if the sewer was extended to those properties, not the double rates. Councilor Fenton stated that somewhere it states that the City will be responsible for drainage facilities. He wanted to know what that meant for the highway. They are not going to hook in to sewer, were they? Manager Ward explained that it was a sewer extension, talking about the waste water. Public Works Director Pelleberg stated that the drainage facility was drainage swales on the side of the roads to catch storm water, not hooked into the sewer.

It was moved by Councilor Dedrick to approve Resolution No. 02-2016. The motion was seconded by Councilor Ray. Voted: 6-0. Motion Carried.

11.3 Ordinance No. 802 – Manager Ward explained that number 3, should state “one member of the Tree Board may be a non-resident business owner in Umatilla.” Manager Ward requested from Council to add that wording to Ordinance No. 802. Councilor Farnsworth moved to have the first reading. Councilor TenEyck seconded the motion. Voted: 6-0. Motion Carried. Recorder Sandoval read Ordinance No. 802 – AN ORDINANCE AMENDING ORDINANCE NO. 789 TO ADD A UMATILLA BUSINESS OWNER TO THE MEMBERSHIP OF THE TREE BOARD. Councilor TenEyck moved to approve New Business item 11.3 Ordinance No. 802, to amend Ordinance No. 789. The motion was seconded by Councilor Lougee.

## **12. CORRESPONDENCE:** None.

## **13. PUBLIC COMMENT:**

13.1 Jack McWhinnie – Wanted to let the Mayor know that he might be nitpicky, but he knows the City can do better. He resigned a few months ago, he said that there was a sign in front of Uncle Charlie’s that was busted, weeks later that sign is still there. Mr. McWhinnie stated that a letter was sent to the museum, a non-profit organization requesting payment for a business license. Bill Meade’s wife died a few weeks ago, and bill had done so much for the City. He has been the mayor, council member, and been on different boards, and not one person went from the City, because he didn’t see any of the staff present, and he thinks that it is pretty disgusting.

13.2 Esteban Rodarte – Wanted to know how you would go amending how to get on other committees, or boards, or council. Mayor Trott explained that there were provisions in place for many years, in terms for the committees that allowed someone who lived in the Urban

Growth Boundary the opportunity to participate in the committees and boards. What happened in terms of the Tree Board specifically, was that Bill Meade, who was the one who applied, is not a resident of the City, but is a business owner. That particular classification was not something that had been accommodated in that committee. They don't know that there is a necessity to change other committees or boards. Mr. Rodarte wanted to know where the list of those committees were located. Manager Ward explained that those committees were filled up, but every committee had provisions that accommodated a residency in the Urban Growth Boundary, and non-residency. The only exception to residency is to City Council.

13.3 Larry Nelson – Wanted to thank the City for resolving the issue, and as long as he can be on the Tree Committee he will try to do good for the City.

**14. MAYOR'S MESSAGE:** Wanted to thank people for being candid and open, both to Council and Staff, because of that it does not obligate us all the time to agree. There is opportunity for dialogue. By dialogue and sometimes disagreements on things we get closer to the truth. He believes the comments by Mr. McWhinnie and Mr. Nelson will be taken in consideration, we will listen to them, and do what we can within the powers in of the Council and the legal powers vested in the City to correct things if we can correct them. Sometimes dialogue and disagreement is healthy. He appreciate when people get up to the podium and say their piece.

**15. STAFF REPORT:** Manager Ward stated that the Umatilla Historical Museum has had a license in the City for quite some time, and as long as he has been around the fee has always been waived. We have also contributed a lot of money through the transient room tax program to the museum. He believes we have a very good relationship with them. Had a meeting months ago with the Corps of Engineers about Old Town Site, because it is Corps property. That meeting was at John Day Dam, and at the meeting it was determined that a vegetation management was going to be a big part of the opening of the Old Town Site. The City would start dealing with the Corps of Engineers for permits for vegetation management. Once the term permit comes up to the Corps of Engineers, it becomes a huge dark of bureaucracy. The impression made was that the Corps of Engineers would get back to the City soon, on an estimate of a price to put together the application. It was assumed that the application would be around a few thousand dollars that the City would pay. Once the estimate would come back, that would start the NEPA process. The NEPA process would cost tens of thousands of dollars to go through that, but nonetheless we were teeing up to handle all of that. That was the last the City hear from the Corps of Engineers. Manager Ward recently sent an email to the Corps and copied the Confederated tribes. Tara Fuhrman said, that the lady who was running this project, who was in attendance at the meeting has moved on to some place. We do not know how is replacing her. The Tribe still has a liaison who works with the Corp, so they will be working with them to get this back on the dime. Unfortunately, Manager Ward believes this is a necessary plan to get the Corps involved. We have not fallen of the radar. Still working on the project, it is just progressing slowly. The Code Improvement Board had been having discussion to another amendment to our code. They are looking more at the Richland model instead of the Pasco code, which is what the original code was based on. There is another meeting with the Code Improvement Board at the end of the month. They will then be forwarding a new ordinance to the Council for approval to amend that code. One of the things they will be talking about will be going away from the Code Improvement Board and back the Code Enforcement Board. It better describes

what the Board will do. Part of the primary change for people who have talked to Tisa is come to the Code Improvement Board or talk to the judge. Right now what people are doing is cleaning the stuff up after they talk to Tisa or they go to the judge and not talking to the Board. The Board has not seen a case in a year. When Tisa sees a violation, if the Council decides to adopt, will issue a citation on the spot that gives the date at which they will have to appear before the Code Enforcement Board. Unless, they have cleaned the thing up before they go to the Code Enforcement Board meeting, they will be coming before the Code Enforcement Board. There is no alternative to go to the judge. They can appeal that to Superior Court, but it will not come back to our judge. Anyone who violates the code that doesn't remediate it, will come the Code Enforcement Board. That will give them a little more meaning to what they have right now. Frankly, he believes that the Board is getting burned out. It will help address some of the concerns raised by Mr. McWhinnie tonight. At the last meeting there were some concerns about delaying the approval of the Planning Commission's zoning recommendations as pertained to the expiration of the adult business moratorium. We will be able to have a public hearing on an extension for the moratorium at the meeting next Monday. That will help us satisfy the notification requirements for the extension and you can approve that. We are asking for an addition 110 days. Next week you can continue your deliberation and not worry that there are people on standby waiting to apply for a business license. Councilor Ray wanted to know why it was only 110 days. Manager Ward explained that it will take them through a couple of meetings. Planner Searles explained that it should take them through November 1<sup>st</sup>, they are a little afraid of drawing too much attention from the ACLU by asking for too much. Should give the City more than enough time.

Councilor Lougee wanted to know more about a potential meeting on Monday. Manager Ward explained that at the last hearing on the Planning Commission recommendations, it was decided that it would be best to have discussion on the recommendations outside of regular meeting format. There is a special meeting on Monday the 13<sup>th</sup> at 7:00pm. Councilor Lougee wanted to know if decisions would be made at the meeting. Manger Ward stated that it was entirely up to the Council. Councilor Lougee stated that he would not be in attendance at that meeting. He wanted to know if it was informational or a full City Council. Mayor Trott explained that they were hoping he would be available. Councilor Lougee stated that he would be available on Tuesday, but not Monday. Councilor Dedrick asked if we could change it to Tuesday. Manager Ward explained that it needed to occur on Monday because the current moratorium expired on Tuesday. Councilor Lougee encouraged the Council to go forward without him.

Councilor Lougee also wanted to know about the Richland versus Pasco models for code enforcement. He asked if a violator were brought before the Board, what powers would they have. Manager Ward explained that the first purpose of the Board would be to determine if there had been a violation. Tisa will bring her information in, her pictures, and provide those to the Board. He has never seen the Board even in the few instances that there has been a hearing, state that Tisa was wrong. Usually, it is a pretty obvious violation. The Board has a significant amount of discretion at that time, about how they want to approach that person, the level of fines they want to impose, if they need to give a person more time to clean up, etc. Manager Ward explained that the Board has been generous in the past about not hammering someone with fines. The primary flexibility they have will be how much they can financially can impact someone.

**16. COUNCIL INFORMATION & DISCUSSION:**

16.1 Councilor TenEyck – wanted to state that there was a fair amount of success to Landing Days, even though it was hot. There was a great turnout. Stated that there was a great turnout with the fireworks. It was great and a fun as usual. He wanted to put it out there that there was a serious need for volunteers for next year. He feels like there was a certain amount of value of having a consistent date for an event. There has been discussion about changing the date. They need to ask for help.

16.2 Councilor Farnsworth – wanted to say that she was very happy to see business owners allowed to be part of the committees.

16.3 Councilor Dedrick – stated that it is usually not as hot as it has been for Landing Days. Year and years ago, Landing Days was always in September, and was done in conjunction with the fishing tournament. You had kids and staff readily available in September, because there was also a junior fishing pool for the kids to catch. It used to always be in September and have carnival rides down at the Marina. She was sorry that Mr. McWhinnie left because she wanted to explain that Bo Jaks and other businesses downtown have been foreclosed. Mrs. Meharry does not own those businesses anymore.

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

**18. RECONVENE:**

**19. ADJOURN:** Next meeting will be held on July 13, 2015 at 7:00pm. It was moved by Councilor Ray to adjourn the meeting. It was seconded by Councilor Dedrick. Voted: 6-0. Motion Carried. Meeting adjourned at 8:20pm.

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David P. Trott – Mayor

ATTEST:

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Nanci Sandoval – City Recorder