

**UMATILLA CITY COUNCIL MEETING  
A G E N D A  
COUNCIL CHAMBERS  
SEPTEMBER 18, 2018  
7:00 P.M.**

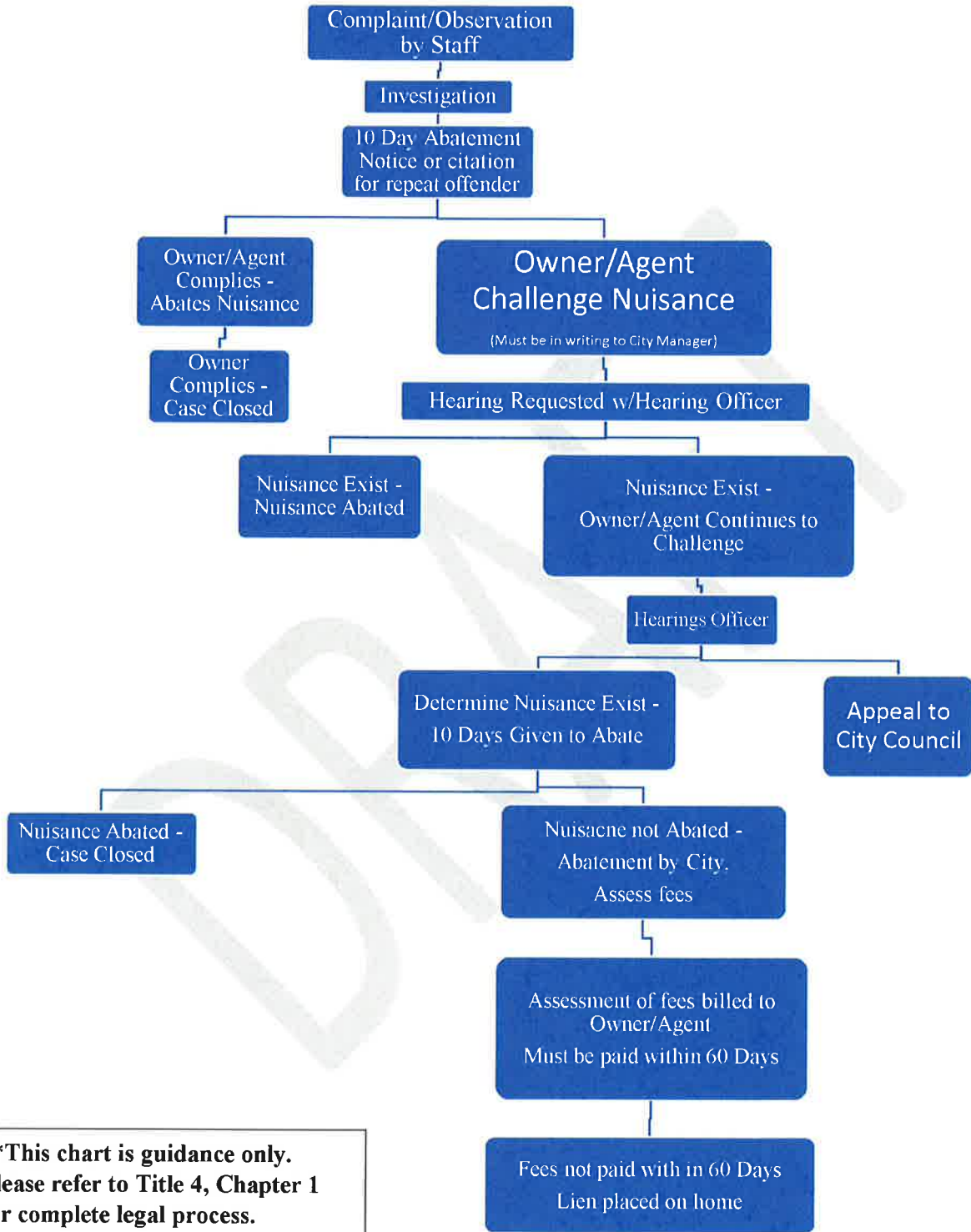
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1. **MEETING CALLED TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF AGENDA**
5. **PUBLIC COMMENT:** The Council will hear discussion of unannounced matters pertaining to community business. Council may discuss, but can take no action formally on items not placed on the published agenda. Comments are limited to five (5) minutes per person with a total time for this section being 30 minutes. Attendees are asked to refrain from interrupting the Council session unless the Mayor or Council member(s) specifically request clarification from an audience member.\*
6. **COMMITTEE REPORTS**
  - 6.1 Code Enforcement Report *pages 1 - 6*
7. **NEW BUSINESS**
  - 7.1 Sixth Street Waterline Project Bid
8. **PUBLIC COMMENT:** \*See #5
9. **MAYOR'S MESSAGE**
10. **STAFF REPORT**
  - 10.1 Manager's Report *pages 7 - 9*
11. **COUNCIL INFORMATION & DISCUSSION**
12. **ADJOURN TO EXECUTIVE SESSION** - ORS 192.660(2)
  - 12.1 To consider employment of a public officer, employee, staff member or individual. ORS 192.660(2)(a)(i)
  - 12.2 To conduct deliberations with persons designated by the governing body to carry on labor negotiations under ORS 192.660 (2)(d).
13. **RECONVENE**
14. **ADJOURN**

*This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. Special accommodations to attend or participate in a city meeting or other function can be provided by contacting City Hall at (541) 922-3226 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance.*

# Code Enforcement Process – Nuisance

Title 4, Chapter 1 – Class B Violation



**\*\*This chart is guidance only. Please refer to Title 4, Chapter 1 for complete legal process.**

Includes: Prohibited parking (non-police/law), abandon vehicles and prohibited animals (poultry, exotic & dangerous).

ORDINANCE NO \_\_\_\_\_

**AN ORDINANCE REPEALING TITLE 2, CHAPTER SIX OF THE UMATILLA, OREGON CITY CODE, AND AMENDING TITLE 4, CHAPTER 1 OF THE UMATILLA, OREGON CITY CODE.**

WHEREAS, the City regulates nuisances within the City; and,

WHEREAS, the City has determined that the current nuisance enforcement and abatement provisions of the city code requiring use of a Code Enforcement Board to be unduly burdensome and constraining on nuisance enforcement; and,

WHEREAS, the City has determined that it no longer needs the Code Enforcement Board for enforcement of code violations; and,

WHEREAS, the City seeks to implement a different mechanism for enforcing nuisance violation within the City;

THE CITY OF UMATILLA, OREGON ORDAINS AS FOLLOWS:

1. Title 2, Chapter 6 "Code Enforcement Board" of the Umatilla, Oregon City Code is hereby repealed in its entirety.

2. The following language in Title 4, Chapter 1, "Nuisances," Section 4-1-2: Definitions, of the Umatilla, Oregon City Code is repealed:

"CODE ENFORCEMENT BOARD: The board shall consist of five (5) members appointed by the city council. No more than one member of the Board may be employed in the business of buying or selling real estate, nor may more than one member be a landlord. The city manager shall certify that residency and occupational requirements of the board are maintained. The enforcement board may hear and determine matters concerning unfit dwellings, buildings, structures and premises located within the city limits of Umatilla."

3. Title 4, Chapter 1, Section 4-1-6 of the Umatilla, Oregon City Code is hereby repealed in its entirety and replaced with the following provisions:

**4-1-6: ABATEMENT OF NUISANCES:**

**4-1-6-1: DETERMINATION OF NUISANCE:** Whenever a nuisance is found to exist within the city or within its extraterritorial jurisdiction, the city manager may follow procedures prescribed in this chapter to obtain compliance with the city code. The manager, or his designate, may enter any property or building at any reasonable time for the purpose of inspection or enforcing this chapter. As used in this section, an emergency exists when the manager has reasonable cause to believe that the nuisance constitutes an immediate and active danger to the public health, safety and/or welfare. Nothing in this chapter precludes the city from treating any section of this code as a violation pursuant to the terms of Title 1, Chapter 4 of this Code.

**4-1-6-2: ABATEMENT PROCEDURE:**

A. Abatement Notice.

1. Upon determination by the City Manager, or his designate, that a nuisance exists as defined in this code, a notice shall be posted on the premises liable for the nuisance directing removal or abatement.
2. At the time of posting, the city shall mail notice to the owner or agent in charge of the property at the last known address of the owner or agent by regular and by certified mail with return receipt.
3. The notice to abate shall contain:
  - a. A description of the real property, by street address or otherwise, on which or adjacent to which the nuisance exists;
  - b. A direction to remove the nuisance within ten days from the date of the notice;
  - c. A description of the nuisance;
  - d. A statement that unless the nuisance is removed or abated within ten days, or a protest is filed pursuant to subsection C of this section, the city will abate the nuisance and the cost thereof shall be a lien against the property;
  - e. A statement that the owner or agent in charge of the property may protest the action by actual delivery of notice to the City Manager, or his designate as provided in the notice, within ten days from the date of the notice.
4. The person posting and mailing the notice as provided herein shall, upon completion of the posting and mailing, execute and file in the office of the Finance Director a certificate stating the date and place of mailing and posting.
5. An error in the name or address of the owner or agent in charge of the property or the use of a name other than that of the owner or agent shall not make the notice void and in such case the posted notice shall be deemed sufficient.

B. Abatement by the Owner.

1. Within the time allowed by the notice as provided in subsection A.3 of this section, the owner or agent in charge of the property shall remove and abate the nuisance or show that no nuisance exists.
2. Upon the city's determination that a nuisance does in fact exist, the owner or agent in charge shall within a reasonable time, but not more than ten days, remove or abate the nuisance.

C. Protest of Notice.

1. The owner or agent in charge of the property may, within ten days of the posting of the notice, file with the city manager or his designate a written statement protesting the notice of abatement. Such statement shall specify the bases for protesting.
2. If the owner or agent in charge of the property protests the abatement as provided in this subsection, and if the notice of protest is filed with the city manager or his designate, a hearing shall be held before the city manager, his designate, or a hearings officer, who shall decide if a nuisance exists by substantial evidence on the record. If the city manager, his designate, or a hearings officer decides that a nuisance exists, the owner or person in charge of the property shall cause the nuisance to be abated as directed by the city manager, his designate, or the hearings officer. If the nuisance is not so abated, the owner or person in charge of the property is in violation of this code and the city may abate the property as provided in this code and the cost thereof shall become a lien on the property.
3. A hearing held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases as provided by ORS 183.450
4. In the event the owner or person in charge of the property disagrees with the decision of the city manager, his designate, or the hearings officer, he shall have the right to appeal the decision by filing with the city manager or his designate a notice of appeal within seven days from the date of the decision. Such notice shall be in writing and shall set forth the reasons for the appeal. The appeal shall be heard by the city council, as part of the council's regular agenda, at the next succeeding meeting of the council or at such time thereafter as the city manager shall determine, but no later than sixty days after filing. After notice to the parties, at the time set for consideration of the abatement, the owner or person in charge of the property may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists. Such determine shall be entered upon the official minutes of the council. Determination shall be required only in those case where an appeal has been filed as allowed by this section. If the city council determines that a nuisance does in fact exist, the owner or person in charge of the property shall, within ten days of the council determination, abate such nuisance. If the nuisance is not so abated, the owner or person in charge of the property is in violation of this code and the city may abate the property as provided in this code and the cost thereof shall become a lien on the property.

D. Abatement by the City.

1. If within the time fixed, as provided in this chapter, the nuisance has not been abated by the owner or agent in charge of the property, the city shall cause the nuisance to be abated.
2. The city shall maintain an accurate record of the expense incurred by the city in abating the nuisance and shall include therein an overhead charge of ten percent for the total cost for administration.

3. The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.
- E. Assessment of Cost.
1. A notice of the assessment shall be forwarded by certified mail with return receipt to the owner or agent in charge of the property by the Finance Director. The notice shall contain:
    - a. The total cost, including administrative overhead, of the abatement.
    - b. A statement that the cost as indicated will become a lien against the property unless paid within 60 days.
    - c. A statement that if the owner or agent in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the Finance Director within 30 days from the date of the notice.
    - d. Notice that the fee for recording in the County Deed Records will be added.
  2. Objections to the proposed assessment shall be heard and determined by the City manager or his designate
  3. An assessment for the cost of the abatement as determined by the City Manager or his designate and adopted as a matter of record by resolution of the Council shall thereupon be entered in the docket of city liens, and upon the entry being made, it shall constitute a lien against the property from which the nuisance was removed or abated. Also, it shall be recorded in the County Deed Records.
  4. The lien shall be collected in the same manner as liens are collected in Oregon Revised Statutes 223.505 et. seq. and shall bear interest at the rate allowed for interest on judgments. The interest shall commence to run 30 days after the entry in the lien docket.
  5. An error in the name of the owner or agent in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.
- F. The procedure provided by this section is not exclusive but in addition to procedures provided by other ordinances, and furthermore, the chief of police, or any other official designated by the city manager may proceed summarily to abate a sanitary or other nuisance which exists and from which there is imminent danger to human life or property.
4. Title 4, Chapter 1 shall be amended to include the following language:

4-1-8: VIOLATION; PENALTY: Unless otherwise established by statute or ordinance, violation of a provision of this chapter is a class B civil violation as provided under Title 1, Chapter 4 of the Umatilla, Oregon City Code.

- A. Each day's violation of a provision of this chapter constitutes a separate offense. Only one notice will be given per violation. Any reoccurrence of the same violation will be subject to penalties without addition notice.
- B. If a party has two or more violations of this chapter within a three year period, the violation will be increased to a class A civil violation as provided under Title 1, Chapter 4 of the Umatilla City Code.
- C. The imposition of a penalty does not relieve a person of the duty to abate the nuisance.
- D. The abatement of a nuisance is not a penalty for violation this chapter, but is an additional remedy. Private abatement within the time allowed may relieve the person responsible from the imposition of any fine under subsection A of this section.

PASSED and ADOPTED by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2018.

Voting yes, Council Members: \_\_\_\_\_

Voting no, Council Members: \_\_\_\_\_

Absent Council Members: \_\_\_\_\_

Abstaining Council Members: \_\_\_\_\_

And SIGNED in authentication by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Daren Dufloth, Mayor

ATTEST:

\_\_\_\_\_  
Nanci Sandoval, City Recorder

./Community Development/Code Enforcement/ Final Version 09/13/2018



# City of Umatilla

700 6<sup>th</sup> Street, PO Box 130, Umatilla, OR 97882  
City Hall (541) 922-3226 Fax (541) 922-5758

September 13, 2018

## MANAGERS REPORT FOR September 18, 2018 CITY COUNCIL MEETING

### COMMITTEE REPORTS

**6.1 Code Enforcement Report** the committee appointed by Mayor Dufloth, Councilor Mel Ray and Councilor Ashley Wheeler, met with staff, Tamra Mabbott and Tisa Coffey and City Attorney Phillip Spicerkuhn on August 1<sup>st</sup> and on September 12<sup>th</sup>. The committee reviewed several background memos, the existing ordinance and the draft proposed ordinance. At the request of Councilors Ray and Wheeler, staff developed a flow chart that illustrates the code enforcement process. Revisions were made to the Ordinance and flow chart. The final versions are attached to the Council packet with a recommendation of support. The Ordinance is not scheduled for formal adoption at the September 18<sup>th</sup> meeting rather, it will be presented as a discussion topic. Councilors Ray and Wheeler will request the Mayor authorize the committee to continue work for a period of time in order to develop a recommendation regarding a citizen group to replace the Code Enforcement Board. The concept is to retain a citizen group but to redefine the role to function as an advisory group focused on overall city beautification as well as code compliance.

### NEW BUSINESS

**7.1** Request to authorize approval of a loan for the 6<sup>th</sup> Street Waterline Project. Staff is still comparing bids and will provide more information at the meeting.

### CITY MANAGER BRIEFING ON ACTIVITIES IN AND AROUND THE CITY

#### Public Works

Jason Barron's last day of employment with city is Friday, September 14<sup>th</sup>. We wish him the very best in his new endeavor. City of Hermiston is extremely lucky to have him on staff. Leon Scheel has been appointed Interim Public Works Operations Manager, a position he will hold until the new Public Works Director is hired and familiar with city operations. The Personnel and Public Works Committees will interview three candidates for Public Works Director on September 20<sup>th</sup> and 21<sup>st</sup>.

#### Community Development

A team from the City (Mayor Dufloth, CDD/Interim City Mgr Tamra Mabbott and Finance Director/Deputy City Manager Melissa Ince, Shae Talley, JUB Engineers and Nick Ducote, Ducote Consulting) made a presentation to the Port Commission on Tuesday, September 11<sup>th</sup>. The purpose



was to share information and inform the Commission about the city water and wastewater planning and development, facilitate understanding of how the Regional Water System (owned by Port and managed by City of Hermiston) impacts city infrastructure development. The purpose was NOT to discuss specific terms of an agreement or the legal merits of a franchise agreement. The goal was to foster goodwill and understanding and to lay the groundwork for collaboration and partnership between Port and City. As part of the presentation, we described the evolution of infrastructure in city, from a focus on providing service to residential customers to an expanded role as providing water and wastewater infrastructure and services to major industrial customers similar to the role at Port of Morrow. Staff also described the history of land annexations, permitting, Enterprise Zone and Strategic Investment Program with one large industrial development. The presentation was well received by Port Manager and Port Commissioners and follow up discussions about partnerships and collaboration are underway.

Staff continues to work closely with VaData on design, financing and development of infrastructure for both sites in city limits.

#### Parks and Recreation Committee

Parks and Recreation Committee met on September 11<sup>th</sup> to review Matthew Tsui's legacy project, a draft Trail Plan. It is a very comprehensive document the committee will be reviewing and editing over the next few months. A final document is expected to be ready for adoption by the end of the year. This will set the stage for securing grants and other funding and collaborating with local partners such as Umatilla Chamber and Good Shepherd Health Foundation and Good Shepherd Prescription Trails Program, state and regional partners on trail improvements, signage, etc. Facebook users can track Matthew's cross-country journey back to Philadelphia.

#### Army Corps of Engineers (ACOE)

Last week staff met with three representatives of the ACOE for a site inspection of the Marina. It was a positive and productive meeting. ACOE shared some ideas and will be sending a report. Bob Adams, CRIS Inc. was a valuable resource on the tour, and joined Jason Barron, Esmeralda Horn and myself from city.

#### Safety Committee

City Safety Committee has resumed meeting after a two or so year hiatus. The group will meet about every other month, at the Police Department. A big thank you to Kylie Baker, PD, Xavier Leos, Streets, Lupe Mendoza, Wastewater Plant, Jackie Caldera, City Hall and Derek Huntington, Parks, for stepping up to serve on the committee.

#### Leadership

Last week Mayor Dufloth and I attended the monthly West End Mayor and Managers meeting in Echo. The location rotates among the four West County cities. We were able to share some highlights from Umatilla and learn about projects in Hermiston, Stanfield and Echo as well as in Umatilla County. It is a good forum for building camaraderie and support for regional projects and sharing resources.

Mayor Dufloth was successful in communicating with Commissioner and county and city will be having a meeting next week to discuss the relationship between city and county and to identify ways in which we can work together more effectively on economic development, housing and infrastructure.

Mayor Dufloth, myself had a fun time on our monthly radio time at KOHU hosted by Jennifer Colton. We teamed up this month with Umatilla Chamber President Mark Ribich and Vice President Craig Simson. Umatilla time slot is always the first Friday of the month at 8:05. Councilor Ashley Wheeler joined me for the August 3<sup>rd</sup> program. It's always nice to have a member of council or staff participate with the City Manager. The next program will be October 5<sup>th</sup>.

#### City Manager Recruitment

The recruitment process has been keeping staff and Council Committee busy. A big thank you to Umatilla Chamber for hosting the Thursday reception.

./Tamra/Interim City Manager/September 18, 2018 Managers Report