

MINUTES
STANFIELD CITY COUNCIL
REGULAR MEETING
TUESDAY, AUGUST 15, 2017
STANFIELD COUNCIL CHAMBERS
150 WEST COE AVENUE

CALL TO ORDER

The regular meeting of the Stanfield City Council was called to order at 7:00 p.m. by Mayor Tom McCann at the Stanfield City Council Chambers, located at 150 West Coe Avenue, Stanfield, Oregon.

ROLL CALL

Members present were Mayor Tom McCann and Councilors Don Tyrrell, Pam McSpadden, Susan Whelan, Del Manley, Jason Sperr, and Jack Huxoll. City Staff present were City Manager Blair Larsen, Public Works Director Scott Morris, Librarian Cecili Longhorn, Finance Director Jerry Carlson and Police Chief Bryon Zumwalt.

PASSING OF JIM ELLENGERGER

Mayor McCann announced the passing of former council member Jim Ellenberger and expressed the Council's condolences to his family.

Mayor McCann also noted that there is now a sign-up sheet for those who want to speak during the public comment period.

FLAG SALUTE

Mayor Tom McCann led the audience and members of the Council in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM JULY 18, 2017

Mr. Larsen said that there was a new version with typos corrected. Mayor Tom McCann approved the minutes for the July 18, 2017 council meeting as corrected.

PRESENTATION FROM OSU EXTENSION IN PENDLETON REGARDING A PROPOSED 4H AND AGRICULTURAL RESEARCH EXTENSION SERVICE DISTRICT

Claire Sponseller, from the OSU Extension office in Pendleton and Darcy Sexton, a citizen who lives right outside of Stanfield, gave a presentation on the proposed 4H and agricultural research extension service district. They outlined the benefits of the extension service, and the need for independent funding. The extension service is seeking to create a special service district that would have its own permanent tax rate, rather than relying on Umatilla County, as it does currently. They asked the City Council to pass a resolution supporting the creation of the new service district, and including the City of Stanfield in its formation.

Councilor McSpadden asked about the tax rate, and if it is permanent. Ms. Sponseller replied that it was a new permanent rate of \$0.33 per thousand of assessed value. Councilor Sperr asked if the funding change is a one to one ratio when compared to what they received previously from the County. Ms. Sexton said she does not know what happens to the funding from the County, but that the new tax rate brings in the amount of money that will support the extension service long-term. Mayor McCann commented that many people don't seem to understand that this is not limited to the City, but is spread out over a large area. He said that there is some misinformation going around.

The Council, staff, and audience discussed property taxes, compression, and the effect of the formation of a service district on the City and other taxing districts.

RESOLUTION NO. 08-2017: A RESOLUTION APPROVING UMATILLA COUNTY ORDER TO INITIATE FORMATION OF UMATILLA COUNTY EXTENSION SERVICE DISTRICT

Councilor Whelan suggested that the Council table the matter and include this resolution on the agenda for the next meeting for discussion and a vote. The consensus of the Council agreed with this plan.

RESOLUTION NO. 09-2017: ODOT SPECIAL CITY ALLOTMENT

Mayor McCann read the resolution. Councilors Huxoll and McSpadden moved and seconded to adopt the resolution. Ayes: McSpadden, Whelan, Tyrrell, Manley, Sperr and Huxoll. Nays: None. Motion carried.

DISCUSSION ON POTENTIAL MODIFICATIONS TO CITY'S NUISANCE ORDINANCE

Mayor McCann proposed that the Administrative Committee meet with the City Manager to research and review possible changes in the ordinance and present options to the council at the next meeting.

FINANCING OPTIONS FOR THE CITY'S NEW PUBLIC WORKS STORAGE BUILDING

Mr. Larsen explained that there are two contenders for financing institutions. Banner Bank proposed a 5 year loan with a rate of 5.5% and a \$500 loan fee, and Old West Credit Union proposed a 5 year loan with a rate of 5.25%, no fee, but a required \$25 balance in a savings account. He said that lenders require a motion at a Council meeting approving the loan.

Councilors Sperr and Manley moved to authorize City Manager Blair Larsen to approve a loan with Old West Federal Credit Union for up to \$90,000, to open the required savings account with a minimum balance of \$25 and list Blair Larsen, Mayor Tom McCann, Council President Don Tyrrell and Councilor Jack Huxoll as signers on the account. Councilor McSpadden asked how long the City would be paying for this loan. Mr. Larsen said that the loan term is 5 years. Councilor Whelan commented that there is no building in town with Old West Federal Credit Union's name on it, and that rubs her the wrong way to bank with someone else, and that \$500 and 0.25% on the rate is not enough difference, in her opinion.

Ayes: Tyrrell, Manley, Sperr and Huxoll. Nays: McSpadden and Whelan. Motion carried.

COMMITTEE REPORTS

Police/Court: Chief Zumwalt submitted the police report in writing. He also drew the Council's attention to a news release regarding an arrest. He said the top number of calls were from Pilot Travel Center and Stanfield RV. He said that they are continuing to work on code enforcement at Pilot RV. Councilor Sperr asked about Officer Toombs' progress. Chief Zumwalt said that he is working up to 4 hours of unrestricted duty per day. Mr. Larsen said that Officer Toombs is scheduled to go back up to full time next week. Councilor Whelan asked if Echo School District supported the School Resource Officer position. Chief Zumwalt said yes.

Mayor McCann commended the department on a successful National Night Out.

Public Works/Building: Mr. Morris said that the Public Works staff has been busy with routine summer duty. He said that the panoramic ridge subdivision was paved today, and they will be building homes soon. He said that they are working with the Fire District on flow testing fire hydrants. He said about half of them are done, and next half will be done this week. He said that crosswalks are done, but that is only on side streets. He said ODOT is responsible for the crosswalks on 395, and still needs to do them. He said that they fixed some water leaks, and are starting to do grading for the new building. Councilor McSpadden asked about salvaging parts from the old building. Mr. Morris said that some parts of the old building will be surplus, but other parts will be used in new building, like the heating system.

Finance/Administrative: Councilor McSpadden asked about payments to the Main Street Market. One was for the summer lunch program. Councilor McSpadden also asked about payments for Inflatable Fun and the Humane Society. Councilor Whelan said that Inflatable Fun was for the summer lunch program, and was grant funded. Mr. Morris said that they City pays the humane society to take care of stray dogs that we catch. Councilors Sperr and Manley moved to pay bills in the amount of \$198,620.42. Ayes: McSpadden, Whelan, Tyrrell, Manley, Sperr and Huxoll. Nays: None. Motion carried.

Councilors Sperr and Manley moved and seconded to approve the finance report for July 2017. Ayes: McSpadden, Whelan, Tyrrell, Manley, Sperr and Huxoll. Nays: None. Motion carried.

Safety: None.

Library: Cecili Longhorn said that they just finished the summer reading program and the summer lunch program. She said they had 200 people at the summer party, and lots of people showed up two days in a row the next evening at National Night Out. She said that 140 kids participated, and 69 completed reading goals. She said that the library was closed part of last week for carpet cleaning. She said she is working on the state report right now, and will give the Council a copy when it is finished.

Councilors Huxoll and Manley moved and seconded to approve all committee reports. Ayes: McSpadden, Whelan, Tyrrell, Manley, Sperr and Huxoll. Nays: None. Motion carried.

COMMENTS FROM THE AUDIENCE

Mr. Jack Bell said that he would like to see a yellow line put down Harding. He said that one side of the street is wider than the other side, and lots of people drive down the middle of the street, which means you almost get hit half the time. Mr. Morris has contacted Stripe Rite, and they will do the work as soon as they are available. He said that the fire yesterday could have been prevented if weeds were cut down. Chief Zumwalt said that the Code Enforcement Officer is working on those issues, and addresses complaints first. He said that if citizens want an immediate and trackable response, they need to submit a complaint.

Mr. Leland Winebarger said that he has been to three council meetings and asked what the Council was going to do about the smell. He said that at the last council meeting, the Council resolved to work with the City Attorney to get a cease and desist order.

Mayor McCann explained efforts that are being made to eliminate the smell, including a deodorizer. Mr. Winebarger asked what the chemical was being sprayed. Mayor McCann said that he asked DEQ about it that morning, and was told that the chemical was safe to use and appears to be working. Mr. Winebarger said that it still smells right now. Mayor McCann said that Mr. Winebarger had previously asked about environmental impact studies, and that he learned that DEQ did not require one. Mr. Winebarger asked about fines for the explosion from OSHA. Mayor McCann replied that there has not been a fine levied. Mr. Larsen said that the fire district handles that. Mr. Winebarger said that there is a huge hazard in town, basically a hydrogen bomb. Mayor McCann said that the City is talking with the company and with state agencies about it. Mayor McCann said that this issue has been discussed with the towns in Idaho and Wisconsin, and they were told that things were fine. Mayor McCann said that the City is doing what it can, and it doesn't change in 24 hours. Mr. Winebarger asked if there was a stack monitoring system in place, and said that residents don't know what the company is putting into the air. Mayor McCann said DEQ knows, and the City met with them earlier that day. Mr. Winebarger also complained about dust blowing. He said that he has called everyone about this. He said the water supply is not big enough either. Mayor McCann said that the City has gotten approval from the railroad to put in a bigger water line. Mr. Winebarger asked why the plant is allowed to continue to operate without a sufficient water supply. Mayor McCann said that the engineers have concluded that there is sufficient water. Mr. Winebarger said that he would come by City Hall and expected to receive a report from OSHA. Mr. Larsen said that he is not a part of OSHA, and can't demand reports from OSHA. Mr. Winebarger claimed that the City Manager is not doing his job. Mayor McCann said that he is tired of the personal attacks, and ordered Mr. Winebarger to sit down and be quiet.

Mayor McCann asked if representatives from 3D Corporate Solutions if they would like to make a statement. Kevin Andreson apologized for the odor, and explained their approach to fixing the problem. He said that the first is to fix the site grading, the second is to cover the receiving area, which will make their system fully enclosed, and the third project is to install a new air scrubber to replace the system that was destroyed last February. He said that this new scrubber is being custom designed, and will be installed by November. He said that he lives in a small town, and they are doing everything they can to operate the plant safely. He said that they are trying to do the right thing and be good neighbors. He said that they want to be a part of the community for the next 25 years, and they have invested a lot of money in the plant. He said that they are trying to be proactive, and have put a plan out to DEQ. He said that their goal is to be a good neighbor. He said that they bought out the original company last year, and they have the capital to invest in the plant. He said that they installed a new air scrubber in their plant in Wisconsin, and they have had good results. He said that they are sorry for the problems, and they want to clean it up, but if they shut down for four months, then they don't have a customer left and the whole thing unravels. He said that he appreciated everyone's patience.

Councilor McSpadden asked why this wasn't all taken care of before they started up. Mayor McCann said that an environmental impact statement was not required by DEQ. Mr. Andreson said that original equipment was lost in the fire in February, and they purchased an undersized air scrubber to get running again. He invited everyone to come and see the facility. He said that they are dehydrating potatoes, and the stuff coming out of the stack is water vapor. He said that

the original material is pieces of potato that the french fry plants can't use. Councilor McSpadden said that the odor is preventing new businesses and development from happening, and this is hurting existing businesses. She said that when the air quality was bad, and the plant was still running.

Mayor McCann said that there has been some improvement. Resident Kevin Covert said that he hadn't noticed the smell where he lives for about three weeks. He asked if the company was still up and running at that time. Marc Johnson from 3D Corporate Solutions said that they were down for a few days, but were up for most of that time. Mr. Covert said that in the past few days, he noticed the smell again, and he asked if something had changed. Mr. Johnson said that they have not changed anything with their production recently, but the wind might have changed. He said they are trying to figure out why the smell changed.

Mr. Winebarger said that the last three weeks has been great, and asked 3D why. He said that the explosion shut the plant down for three weeks. Mr. Johnson said no, they were only shut down for four days.

Martha McClusky asked why some trucks smell more than others when they drive by, and asked if they could be more selective in the raw material that they use. Mr. Anderson said that they have changed the raw material that they are using, and they stopped using material that caused more odor. He said that the material that comes in today is more fresh, and is no more than two to three days old by the time it is processed. Councilor Tyrrell said that the trucks are not supposed to come through town anymore, but occasionally a trucker is new and doesn't realize that he is supposed to use a different route. Mr. Johnson asked that people let them know if trucks are taking the wrong route through town.

Mayor McCann said that the City is planning on getting the nuisance ordinance amended to make sure that it will satisfy the courts.

Councilor Whelan said that the Council has been active on this issue, and has met with the company on it. She said that they have seen improvements, and they understand now what the company's plans are. She said that they all have been actively working on this.

Mr. Larsen explained that Mayor McCann formed an ad hoc committee consisting of himself, Councilor Whelan, and Councilor Sperr to work on this and meet with the company. He said that the other councilors were not involved in that meeting and suggested that Councilor Whelan give a recap of that meeting. Councilor Whelan explained that they met with four representatives of the company, including the president who all flew out from Monett, Missouri to meet with the City. She said that the company is taking this very seriously, and she believes that they are committed to fixing this problem. She said that they discussed the plans for improvements and the timeline, but unfortunately it will be fall before it is all fixed. She said that they have agreed to stop operations on certain days for events like football games. She said that the company has a place to pump water from in case of fire. She said that the company is addressing all of these issues. Councilor Sperr said that he was concerned about the potential for fires, and he asked them about this at the meeting and when he was touring the facility. He said that they have preventative measures in place that he has seen on site. He said that the original company was trying to put things in fast to get production going, but the current owners are working toward putting in the right equipment to get the problems taken care of long-term. He believes that the company is taking measures to improve the problem right now, in addition to what they will have in place by November. He said that he doesn't think that the system is perfect right now, he wants everyone to be able to enjoy themselves outside, but he thinks the company is making strides to correct these issues. He thanked the public for holding the Council accountable.

Mayor McCann concurred with Councilors Whelan and Sperr. He said that the deadline for compliance to renew permits is November-December. Councilor Whelan said that it will be fully enclosed from the time the material comes in to the time when it leaves in a rail car. Mayor McCann said that the weather will be a factor, and the smell may not carry as much when the air gets cooler.

Mr. Jack Bell asked about dust control when rail cars are being loaded. Mr. Johnson said that they have started putting the spout lower and they are skirting it as well.

Another citizen asked for regular updates on the agenda of future council meetings. Mayor McCann agreed that that was a good idea, and that more information should be put out through

the media. Mr. Larsen said that an article would be in the next City newsletter that would be included in the September utility bills.

Mr. Johnson said that new silos and an extended rail spur would be done in December, and that would allow for better loading of rail cars.

OTHER BUSINESS

Mr. Larsen said that he neglected to include a matter on the agenda. He said that Kevin Covert has volunteered to serve on the Planning Commission to fill a vacancy that has been open for quite some time. He said that Mr. Covert is the only resident who has expressed interest in that position. Councilors Sperr and McSpadden moved and seconded to appoint Kevin Covert to the Planning Commission. Ayes: McSpadden, Whelan, Tyrrell, Manley, Sperr and Huxoll. Nays: None. Motion carried.

Mr. Larsen said that he found from checking on problems in Burley, Idaho, he found that one of the problems that City had was their nuisance ordinance, and one of the reasons that City lost a lawsuit is because their ordinance had inadequate mechanisms for detecting odors. He said that is one of the reasons why the ordinance needs to be examined to ensure that it will hold up in court. He said this will protect the City and make it easier to issue citations. He apologized for this not being done already, but explained that they realized the deficiency only recently.

COMMENTS FROM THE COUNCIL

Councilor McSpadden asked about updates on El Dorado apartments. Chief Zumwalt reported that an engineer has done an inspection of it which specifies needed repairs. Mr. Larsen said that he had received the report, and that the problem was that the second floor has more weight on it than the building was designed for. Mr. Larsen said that it is still a code issue. Chief Zumwalt said that progress is being made. Mr. Larsen said that the building will not be occupied until the needed improvements are made.

Councilor Whelan said that she would like to transform the council from an El Dorado and Idapro council and move on. Mayor McCann said that that will happen.

Councilor Sperr said that he would like think about not debating the public and only hear public comments. He said that is something that needs to be practiced. He said everyone needs to practice at restraining themselves during the public comment period, and speak later. He commended Bryon and Cecili for great public events in the last few weeks. He thanked the representatives from 3D Corporate Solutions for meeting with the City and for offering the tour of their facility. He said that he wanted to take action on playground equipment. He said that the City has a \$5,000 grant, and thinks that the Council should do some homework on that. Mr. Larsen said that he has materials on playground equipment at City Hall. Councilor Sperr said that he wants to have a number that the can put toward matching the playground grant at the next meeting. He said that he would like to paint some buildings and wanted Mr. Morris to get a quote on painting the Council Chambers a neutral color, and also wants to paint the building across 395 from City Hall. He said he would like to see positive things done.

Councilor Sperr said that he would like Mr. Larsen to provide regular updates on the situation with the 3D Corporate Solutions plant without any debate. Mr. Larsen said that he didn't want to use the reader board to announce to everyone passing through the problems that the City is facing. He wants to keep everyone informed, but wants to keep the reader board positive. He said he will get it up on Facebook and the City's website, but the problem was directing the City toward those things. Mayor McCann suggested updates at the post office and library bulletin boards.

Councilor Huxoll said that he toured the plant and he saw that there is a dust problem, but it's being looked at. He said that the company is working toward fixing the problems.

Mayor McCann said that he is leaving Thursday and will not be back until September 1st.

ADJOURNMENT

With no other business to consider, Mayor Tom McCann adjourned the regular meeting of August 15, 2017 at 8:38 p.m. The next meeting was scheduled for September 5, 2017.

Respectfully Submitted,

W. Blair Larsen, City Manager/Recorder

Attest: _____

Date of Approval: _____

Mayor