

MINUTES
STANFIELD CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 5, 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 Council President Don Tyrrell at the Stanfield City Council Chambers, located at 150 West Coe Avenue, Stanfield, Oregon.

ROLL CALL

Members present were Council President Don Tyrrell and Councilors Pam McSpadden, Susan Whelan, Jason Sperr, and Jack Huxoll. Mayor McCann and Councilor Del Manley were absent. City Staff present were City Manager Blair Larsen, Public Works Director Scott Morris and Police Chief Bryon Zumwalt.

FLAG SALUTE

Council President Don Tyrrell led the audience and members of the Council in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM AUGUST 15, 2017

Council President Don Tyrrell approved the minutes for the August 15, 2017 council meeting as corrected.

RULES FOR PUBLIC COMMENTS

Councilor Whelan read the following statement regarding rules for public comments:

We ask that anyone desiring to speak write their name and place of residence on the public comment sign-up sheet for today's meeting. During the public comment period, speakers will be heard in the order that they signed up. Each speaker will have 3 minutes to make their comment.

When speaking, please first state your name and place of residence before making your comment. If your comment is similar to previous comments and you have no new information to share, please briefly state that you are in agreement with a previous commenter, being sure to include the name of that person. If your comment includes questions for the City Council or Staff, please do not expect an answer during the comment period. Questions directed at the Council and Staff will be answered at a later time. This is a public comment period, not a conversation or debate between the public and the City Council or Staff. If by the end of the meeting your question has not been answered, please leave your question, name and phone number with the City Manager, and you will be contacted with an answer as soon as possible.

STATEMENT FROM THE CITY MANAGER REGARDING HIS ROLE AT CITY COUNCIL MEETINGS

Mr. Larsen read the following statement regarding his role at City Council Meetings:

Council Members and Residents of Stanfield,

Recent meetings and my conduct and interactions with others at those meetings have been weighing heavily on my mind, and I feel it important to explain my role at City Council meetings and make changes in how I interact with others.

City Council meetings are just that—City Council meetings. While City Staff are present at these meetings, our role is only to support the City Council and answer their questions. Mayor McCann runs these meetings, and calls on members of the Council, City Staff, or audience to speak as dictated by the agenda.

I have been appointed by the Mayor and Council to direct the day-to-day operations of the City, not to run Council meetings or interact with Citizens at Council meetings. I answer to the Mayor and Council, not individual citizens. It is not my place, nor the place of any other City employee, to respond to Citizens' questions or comments at City Council meetings unless so directed by Mayor McCann or whoever else may be running the Council meeting.

In the past, I have not acted properly in my role, and have engaged directly with audience members without being called upon by Mayor McCann. City Staff have likewise responded to citizens' comments and questions. This behavior, while well-intentioned and often helpful, is not conducive to an orderly Council meeting, and may give a mistaken impression of who is running things.

I am happy to respond to citizens' complaints, questions, and comments during business hours at City Hall, as that is a part of my job. However, I will no longer give a response at City Council meetings unless directed to do so by Mayor McCann, or the City Council. If called upon to address citizens' questions or comments, I will respond directly to the City Council, not individuals in the audience. I apologize in advance if some find this unfriendly or offensive, but it is necessary to promote an orderly City Council meeting.

RESOLUTION NO. 09-2017 A RESOLUTION APPROVING UMATILLA COUNTY ORDER TO INITIATE FORMATION OF UMATILLA COUNTY EXTENSION SERVICE DISTRICT

Councilor McSpadden asked if it was correct that this resolution was just to put it on the ballot, not recommend formation of the district. Councilor Sperr and Mr. Larsen confirmed that was correct. Councilor Sperr said that it would be similar to the Library special district. Councilor Whelan commented that any new district would not increase taxes because of compression. Councilor McSpadden asked if the district being formed meant that the County did not have to pay their share. A representative from OSU said that the County would be included, because if the district passed, it would be county-wide.

Councilors Whelan and Huxoll moved and seconded to adopt the resolution. Ayes: Whelan, Tyrrell, Sperr and Huxoll. Nays: McSpadden. Motion carried.

ECHO WASTEWATER AGREEMENT

Mr. Larsen explained that the City of Echo approached the City of Stanfield about connecting to Stanfield's sewer system in order to send pre-treated effluent to the City's wastewater treatment plant. He said in return, they would pay 60% of the residential rate for sewer. He said that the agreement includes protections for the City of Stanfield, and would be renegotiated if the system reached 85% capacity. He said that the Echo City Council voted in favor of the agreement.

Councilor Huxoll asked where the pipeline would be. Mr. Larsen said that was yet to be determined, but it is in the agreement that it will end at the manhole closest to Pilot. Mr. Morris said that they were looking at going along the federal canal. He said that it will be pretty simple to coordinate with Echo. He said most will be in the winter months. Councilor Huxoll said that he wanted to know where the pipeline would go, because he has property in that area. Mr. Morris said that doesn't have anything to do with the City of Stanfield. Councilor Sperr asked about the City's current capacity. Mr. Morris said that the City is roughly 100,000 gallons a day under our capacity right now, and this agreement would fit in well with that. He said that he does not see any issues with the agreement. Councilor Sperr said that he went to an Echo City Council meeting and spoke with them about it, and thought that the other councilors were in agreement. Mr. Larsen said that siting the pipeline would be done the same way the City would, they would have to get agreements, easements, and use public rights of way. Mr. Morris said that Echo would have additional storage as well, which would make it easier for them to control when they send effluent to Stanfield. Mr. Morris said that Stanfield's plant is built out for the next 20 years.

Councilors Whelan and Sperr moved and seconded to enter into the agreement with the City of Echo. Ayes: McSpadden, Whelan, Tyrrell, Sperr and Huxoll. Nays: None. Motion carried.

DISCUSSION REGARDING POTENTIAL MODIFICATIONS TO CITY'S NUISANCE ORDINANCE

Mr. Larsen introduced the potential changes to the nuisance ordinance, and explained that they were necessary because the current ordinance would not stand up in court when it comes to odor

violations. He said that the City Attorney is still reviewing the potential changes. He said that the problems were with how odors were detected, and the penalty assessed on odor violations, both of which were likely unconstitutional. He said that the proposed ordinances solve those problems, and institute a penalty of up to \$2,000 per violation per day. He said that the administrative committee met and talked about it, and these are the result. He said that the committee also identified noise violations as an area that should be updated, so he included a sample ordinance for the Council to review. Councilor Tyrrell proposed postponing it until the next meeting. Councilor Sperr asked the Council to review the detection process in the proposed ordinance and think about it. He said one method was with complaints from citizens in a certain time period, and another uses specialized equipment. Mr. Larsen said that he checked on Hermiston's method, and he said they use complaints only, and have not invested in the equipment because of the cost. Councilor Sperr also said that he likes the changes on penalties, because it is tied to state law. Councilor Whelan said that she sees some problems with only three people complaining triggering action, because that could be just one family. Councilor Huxoll said that he would like to wait until the City Attorney looks it over. Councilor Whelan said she would like to add in a section on excessive noise. Councilor Huxoll said that it should all be combined together in one ordinance. Mr. Larsen said that it is in two different ordinances is because it is two different issues, but he can combine them all in to one if the Council wishes. Councilor Sperr asked that other Councilors bring back comments on the ordinances. The consensus of the Council was to table the issue until the next meeting.

UPDATE ON ODOR ISSUES AT 405 N. HOOSIER LANE

Mr. Larsen said that there is a lot of information in the City newsletter, but the company that sends out the utility bills made a mistake and did not send out the newsletters. Mr. Larsen said that they have copies at City Hall, the Library, Post Office, and Bank. He said there were copies at the meeting available.

Kevin Andresen said that the grading will be done next week, and they launched a FaceBook site that will have updates on their construction projects. He said the next step was installing the cover on their receiving yard, and the final step is to get the new scrubber installed. He said that everything was on track according to the timeline they previously established.

DISCUSSION REGARDING POTENTIAL VOLUNTEER DOWNTOWN PAINTING PROJECT

Councilor Sperr said that he asked Mr. Morris to get a quote on what it would cost for the materials to paint the Council Chambers and the building across from City Hall. He said that it will cost about \$2,000 for paint and supplies, and \$500 for renting lifts. Councilor McSpadden asked if that included pressure washing. Mr. Morris said that there is more to it than that, the City would need to be careful about lead based paint. Councilor Sperr said that he would like to organize a volunteer group to get this done. The owner of 145 S. Main said that there is a lot of work that would be required on the wall before painting could be done. Councilor Sperr said that the City would look into that. The owner said she didn't care what color it was as long as it was not bright red. Councilor Sperr said that they are hoping to get this done on October 14th. Mr. Morris said that repairing the wall is too big a job for the City. The owner said that the front is multiple surfaces, wood, slat and concrete. She said that the window seals have all been repaired. Councilor McSpadden asked the owner if she could fund any improvement. She said she did not have the funds for that. Councilor Sperr said that he would like to do this project, and would work more with Mr. Larsen and Mr. Morris to ensure that the project is viable.

DISCUSSION REGARDING THE UPCOMING AUCTION OF THE ELEPHANT'S TRUNK AND THE BURK BUILDING

Mr. Larsen said that the auction of the buildings is scheduled for September 24th. He said that he would like the City to be prepared for whatever may happen at the auction. Mr. Larsen said that he feared that someone would buy the building and have no funds to invest in the building. He said that the building is the cornerstone of the City, and there would be a huge hole left if that building was gone. He said the question was if the City should be prepared to bid a certain amount and acquire the building. He said nothing needs to be done with it immediately, and he would rather the City own it and have it be vacant, rather than it be privately owned and demolished. He explained the buying process, and said that the City would have some time to

arrange financing if it decided to bid on the property. Councilor McSpadden said that she sees no reason to acquire the building, and the City would be too stretched if it owned it. Councilor Sperr agreed. Councilor Huxoll said that the City already owns a vacant building, and nothing has been done with it yet. Councilor Tyrrell agreed, and said he hoped someone would buy it and do something with it. The consensus of the Council was not to bid any money on the building. Councilor Huxoll said that the building would cost a fortune to do anything with it. Mr. Larsen said that he was thinking about the old high school, which the City passed on, and that building has been vacant ever since. He said if the City had acquired it, then there would have been options for grants and slow work to rehabilitate the building. Mr. Larsen said that historic buildings are worth preserving. He said that other cities have managed to revitalize their downtown because they have been willing to acquire properties and work to rehabilitate them. He said that it is the decision of the Council, and he asked that they think about it. Councilor Tyrrell asked that the City Council think about it, and if anyone changes their mind, they can discuss it at the next meeting.

COMMITTEE REPORTS

Police/Court: Chief Zumwalt submitted the police report in writing, and asked for questions. Councilor McSpadden asked if there were suspects in the investigation on the bomb threat in Echo. Chief Zumwalt said no. Councilor McSpadden asked how many hours the Community Resource Officer is spending on code enforcement. Chief Zumwalt said he doesn't have a number on that, but it has been reduced due to school starting. Councilor McSpadden asked where complaints are being received. He said that they can be received at City Hall or the Police Department, and complaint forms are available at City Hall.

Public Works/Building: Mr. Morris said that things are going along as usual, the new subdivision on Sloan is about completed, and the new phase of Panoramic Ridge is paved and ready, and waiting on power. He said that permits have been started for three homes. Councilor McSpadden asked how the new public works building is going. Mr. Morris said that they are waiting on the building permit. He said they were hoping to get started this week, but it hasn't gotten started yet.

Finance/Administrative: Councilors Sperr and Huxoll moved to pay bills for August in the amount of \$216,575.01 as funds become available. Ayes: McSpadden, Whelan, Tyrrell, Sperr and Huxoll. Nays: None. Motion carried.

Safety: None.

Library: None.

COMMENTS FROM THE AUDIENCE

Leland Winebarger said that at the previous meeting Councilor Tyrrell had said that the trucks to the starch plant were not going to be routed through the City anymore. He said that he didn't think you can ask a trucking company not to go through town, and he said he would prefer that they come through town because Stanfield Meadows Road doesn't have the base for that. He said that Councilor Whelan had said that the company had agreed to stop operations on certain days for events like football games. He said that you cannot ask a company to shut down for anything. Councilor Tyrrell said that the company volunteered to do that. Mr. Andresen, representing 3D Idapro, said that was correct. Mr. Winebarger said those were his two comments, that you can't ask a trucking company to go a certain route, and you can't ask them to shut down.

Shiloh Svetich said that she did not attend the last meeting, but she heard a lot about it. She said on 18th of August there was no smell at her house, but then she went downtown and smelled it. She reported that the City Manager said to her on that day that it was getting better, and she asked him to come outside and smell it. She said she could not describe it, and her daughter said that it smelled like vomit. She said that Mr. Larsen did not smell the odor at that time. She said it was horrid. She said that he told her to keep track of dates and times of where the smell was detected, and she brought that with her.

Stephanie Grogan reported she had talked to people around town, and the stench goes up the hill to her house, and she smells it every day, except for when the wind blows. She said she should not have to live her summer, her whole life, smelling this. She asked what is happening to

Stanfield. She said that if anyone wants to beautify this town, then the City should start by making it a better place to smell.

Steve Zabransky asked why the City Manager didn't ask the City Council about bringing the company in that would start this smell. He said it looks like cause for expulsion to him. He said that the Council said that they were going to order the plant to cease and desist. He said that now the plant is being given until November. He said that they should have a chance, but should not be allowed to run this plant forever. He said that the City is scared of their money and power. He said that the company doesn't care what 2,000 people in Stanfield smell.

Stephanie Grogan asked about the Facebook site and the cover building, and the air scrubber. She asked where she could get all this information. Mr. Andresen said that it is all in the newsletter.

Mr. Zabransky said that he has had headaches from the plant.

Councilor Tyrrell said that the City has looked into shutting down the plant, and that requires going through the courts, and that takes time.

Councilor Sperr said that they looked at doing a cease and desist order, and that would require a lawsuit and would drag on longer than it would if the City worked with the company to fix things. He told Mr. Winebarger that routing the trucks a different route was something the company offered to do to improve things. He said also that the Company offered to shut down during events. Councilor Sperr thanked citizens for their feedback, and said that the City is trying to run meetings more properly. He said that the City Manager has been working on this issue for the last few months, and attempting to get this problem resolved. He said the City is listening and trying to do its best. He said this comes up and is discussed regularly, and the company is trying to fix the problem, and there are some results, and they are making progress. He told Mr.

Zabransky that the City Manager is doing his job and he can't order the business to shut down legally. He said that the City is trying to do the best it can to work with businesses to make the City a better place. He said that the City is working on its nuisance ordinance, and wants to make sure that it is going to be effective, enforceable and hold up in court.

Councilor Tyrrell said that lawsuits will only cost citizens.

OTHER BUSINESS

The Council and Mr. Larsen discussed food trucks, and potential ordinances. Mr. Larsen said that a business owner has proposed to have a food truck parked on private property, and have permanent seating in the adjacent building. Mr. Larsen said that the City does not have an ordinance against this. He said that restaurant owners have approached him suggesting regulations. Mr. Larsen said that if the Council agreed, then an ordinance would need to be passed to give the City the tools to regulate such businesses. Councilor McSpadden said that such a business would not be fair to existing restaurants. Councilor Whelan said that she doesn't like that Hermiston's ordinance allows a food truck to be in the same location every day. Mr. Larsen said that Hermiston's ordinance allows food trucks to be in the same location every day, but they must leave at night. Councilor Whelan said that she talked to the owners of the Broken Barrel and El Eraderro about the issue. Mr. Larsen said that if the Council thinks there is a need for regulation, the options are for a committee to look at it, or ask the City Manager to draft something for the Council to review. Councilor McSpadden said that she would like the finance and administrative committee to review the issue.

Councilor Whelan asked if Mr. Larsen needed approval for his proposed training. Mr. Larsen said that he just wanted to make the Council aware of it. The consensus of the Council was to support Mr. Larsen in his professional training.

Mr. Larsen said that the City has funding available to add to the playground project, because the trail project was over-budgeted. He said that the grant is for \$5,000, and the City could re-allocated an additional \$6,000, for a total of \$11,000.

COMMENTS FROM THE COUNCIL

Councilor Sperr thanked everyone for coming and giving input.

Councilor Huxoll said that everyone gets their fair share of the smell, regardless of where they live. He said he doesn't like the smell, and nobody else does, but the City is trying to improve it.

Councilor McSpadden asked Mr. Andresen about efforts to add more track to the Union Pacific Spur and the water line across the tracks. Mr. Andresen said that they are working on it, but do not have the permits from Union Pacific yet.

ADJOURNMENT

With no other business to consider, Council President Tyrrell adjourned the regular meeting of September 5, 2017 at 8:20 p.m. The next meeting was scheduled for September 19, 2017.

Respectfully Submitted,

W. Blair Larsen, City Manager/Recorder

Attest: _____
Mayor

Date of Approval: _____