

**Public Hearing and Regular Council Meeting Minutes
May 3, 2023**

The public hearing and regular meeting of the Arlington City Council was held on May 3, 2023, in the Council Chambers of the Municipal Building and via telephone conference.

Presiding: Mayor Jeffery Bufton.

Council Present: Denise Ball, Marshall Swope, Matthew Irby, and Mark Davidson.

Council Absent: Kayla Rayburn and Jerry Hanan.

Staff Present: Recorder Kari Hayter, Public Works Superintendent Shanna Gronquist, Attorney Ruben Cleaveland and Planner Kirk Fatland.

Guests: Pat Shannon, Lori Wyman, Jed Crowther, Madilyn Hayter, Rita Maciak, John Sallee, Mary Sallee, Lee Docken, and Vanessa Williamson.

Call to Order: Mayor Bufton called the Public Hearing to order at 6:00 p.m.

Mayor Bufton stated the public hearing is now open for the purpose of considering Ordinance No. 435, an ordinance consenting to annexation of territory legally described as parcels 1 & 2 of Partition Plat 2003-01 and annexing the territory into the City of Arlington. The procedure I would like to follow tonight is Planning Department Staff Report, members of the audience who wish to speak on the proposal, proponents first, followed by opponents, other public agency reports, and close the hearing. Does any member of the Council wish to disclose any prehearing contact or conflict of interest? If so, do they wish to recuse themselves? Mayor Bufton stated I hear none. Does anyone in the audience object to any of the City Councilors hearing this application? Mayor Bufton stated I hear none. Oregon Land Use Laws require that all issues be raised if the issues are to be appealed; failure to raise the issues at this hearing may invalidate their further appeal. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised no later than the close of the record at or following this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence of sufficient specificity to afford the City decision makers and the parties an adequate opportunity to respond to each issue. The Council may, at the request of a participant, or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments or testimony related to the approval criteria.

Mayor Bufton stated will the Planning Staff please present their Staff Report. Planner Fatland presented the Staff Report and gave an overview of the Procter property and City property where the water infrastructure sits to be annexed. Planner Fatland stated, currently the property is in the County and currently zoned as EFU. When the property comes into City limits it will be zoned R-1. The total is about 40 acres. Attorney Cleaveland stated this is a straightforward process. Mayor Bufton stated any questions from the Council? Mayor Bufton stated I hear none. Now is the time for public testimony. Are there any members of the audience who wish to speak in favor of this proposal? Jed Crowther, Port of Arlington, stated he is speaking in favor of the annexation he appreciates Planner Fatland laying out the process and criteria. The roads and access points will be discussed when we plat the property. This is the first step before development. Mayor Bufton stated are there any questions of the applicant? Are there any members of the audience who wish to speak against the proposal? Mayor Bufton stated I hear none. Any questions of the applicant? John Sallee stated who are the two land owners? Planner Fatland stated the City owns the smaller portion where the water tower is located and Tom and Proctor Nancy own the bulk of the Land.

Jed Crowther stated the Port of Arlington is under contract to purchase the Proctor property. Mayor Bufton stated are there representatives from public agencies that would like to testify regarding the proposal? Mayor Bufton stated I hear none. If there is no further testimony, the Public Hearing is now closed at 6:10 p.m. Mayor Bufton stated deliberation, decision, and next item.

Councilor Ball stated I think this is a great idea and a good addition to the growth of our City. Councilor Irby stated I think it is a good idea, but I see some issues with access down the road. What happens if the Proctors decide not to sell? Ruben stated there is a possibility the sale doesn't go through. They are under contract to sell; it could fail at closing for some other reason. Councilor Irby stated would if this were put to a public vote? Council Davidson stated rather than the Council decide? My feeling is we would have a larger audience if the public was against this. Planner Fatland stated your charter gives you the option to put it to the public vote. Attorney Cleaveland stated Oregon State statute states if you don't have the consent of the property owners and electors that live in the territory to be annexed, it doesn't necessarily put it to a vote of the entire town. In this situation it wouldn't be worthwhile to do a vote. Mayor Bufton stated anything else on this subject? Do we put this on the agenda to adopt the ordinance? Attorney Cleaveland stated yes, put this on the June agenda. End of deliberation at 6:15 p.m.

Call to Order: Mayor Bufton called the regular meeting to order at 6:30 p.m. **Pledge of Allegiance Recited.**

1. PUBLIC COMMENT

Vanessa Williamson: There is a need for youth activities in the community. I received a Gilliam County Cultural Grant for a Pan Drum Party; a musician plays steel drum music. There will also be other youth activities. The event will be on Friday, June 30th at the Earl Snell Park. Councilor Ball stated I think this is a great idea, good job.

2. CONSENT AGENDA - Consent agenda consisted of the following items:

- a. Approval of Minutes - Regular Meeting April 5, 2023.
- b. Approval of Minutes – Joint Work Session March 16, 2023
- c. Approval of bills as listed.

Councilor Davidson motioned to approve the consent agenda and the bills as listed, motion seconded by Councilor Ball. Motion passed unanimously.

3. LORI WYMAN, PACIFIC POWER, FRANCHISE RENEWAL: Lori Wyman stated I am here to renew the Pacific Power Franchise agreement. What would you like to do for the franchise fee? I understand inflation has hit everyone and I am here to renegotiate. Mayor Bufton stated we do five years with all of our franchise agreements. Council Ball stated we're at three in a half percent currently with Pacific Power. Ruben stated the cap is around seven percent. Mayor Bufton stated I think it is reasonable to request a five percent (5%) fee. Lori Wyman stated I understand with inflation the City needs additional funds. Mayor Bufton stated will this affect the rates Arlington residences of pay? Lori stated City of Arlington residents will not see rate increases because of the increased franchise fee. **The consensus of the Council was to raise the Pacific Power Franchise fee to five percent (5%).**

4. COMMISSIONER SHANNON, FEMA FLOOD PLAIN: Commissioner Shannon stated FEMA is being forced through the endangered species act to modify the National Flood Insurance Plan, which has significant impacts throughout Gilliam County. Mayor Bufton stated he was unable to find information online about this program. Commissioner Shannon stated there are three exempt counties because they don't have migrating fish. This is concerning for the City's old motel property and all of Shutler Station is in the flood zone. They are hitting the deadline and FEMA is trying to push this through with a broad-brush approach. If you build in a flood zone that has something in it, you can't over build the existing footprint. I have a response from Pillar Consulting about

this. It will probably go into effect the end of 2025. Councilor Ball stated does this have to go through Congress? Commissioner Shannon stated this is how FEMA has decided to address the endangered species act. Mayor Bufton stated this could affect our re-visioning plan for the downtown area. Commissioner Shannon stated Gilliam County submitted a letter opposing these regulations. **The consensus of the Council was to authorize Mayor Bufton to submit a letter on behalf of the City Council opposing the FEMA Flood Plain proposed regulations.**

5. **BRAD BAIRD, ANDERSON, PERRY & ASSOCIATES** – Engineer Baird was unable to attend.

6. **COUNCIL ACTION**

- a. LS Networks Franchise Extension – Attorney Cleaveland stated LSN wanted to renew for the next five years. This will extend the Franchise agreement to June 6, 2028. **Councilor Ball motioned to approve the LS Networks Franchise extension renewal with the same franchise fee of five percent, motion seconded by Councilor Swope. Motion passed unanimously.**
- b. Surplus Property Award: Recorder Hayter stated no bids were received for the 1976 CAT. The minimum bid was \$3,000. **The consensus of the Council was to keep the CAT for the time being.**
- c. Sewer line Repairs and Maintenance Responsibility: Councilor Ball stated it seems like when we previously discussed this, we had an exceptional case where the mainline was a long way away. Mayor Bufton stated when the town was laid out there was not much of a plan. Councilor Swope stated a lot of people in town can't pay to fix their line all the way to the mainline and pay to replace the street. Councilor Davidson stated they are getting good at repairing sewer lines without digging up the entire street. Mayor Bufton stated I know the City has helped in the past and provided the backhoe and manpower to dig up the line. Councilor Davidson stated I don't want to see a property owner get stuck with a \$30,000 repair bill. I was under the impression that it was the property owner's responsibility to the property line, until public works told me otherwise. I have been under the impression part of the utility charge was to cover these types of repairs. Councilor Ball stated we have a lot of rocky ground and elevations. I think the majority of people believe the lines on my property are my responsibility once it hits public right of way, sidewalks or streets that is the City's responsibility. Apparently, that is not the general rule. Attorney Cleaveland read from the Ordinance and stated how do we want to make it clear what the situation is? The Council can amend the Ordinance. Councilor Ball stated could we put maximum footage on this? Councilor Davidson stated could we figure from the center of the street? PWS Gronquist stated some of them are so deep we can't touch them. We'd have to bring in a contractor, we don't have the equipment or the training to replace them. There is one that is approaching 30 feet. We have seven or eight right now that need to be replaced. Councilor Irby stated Mayor can we share the cost? Attorney Cleaveland stated you can make the policy state the City shares the cost whenever possible. Councilor Davidson stated the property owner furnishes materials and the City will furnish labor. Mayor Bufton stated the Council needs to think about the options discussed. Attorney Cleaveland stated the City needs to develop a policy about this; we can exclude or consider special instances. The City should have some basic parameters written out.

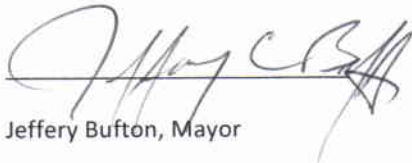
7. **COUNCILOR REPORTS**

- Councilor Davidson – The State Fire Marshall came back options. Houses must be within 600 feet of a fire hydrant by the way a vehicle would travel. We can restrict the addition of trailers until the fire hydrant is working. We cannot make them fix the hydrant. People aren't sure that hydrant was ever alive. The two-inch line that feeds the park might not be enough.
- Councilor Rayburn – absent.
- Councilor Hanan – absent.

- Councilor Irby – The basketball court cement is finished; the hoops will be up soon. Kip Krebs was a major help.
- Councilor Swope- no report.
- Councilor Ball – no report.
- PWS Gronquist – The fire road west of town will be mowed by Joe Claughton. The Sheriff's Office is almost done.
- Attorney Cleaveland – no report
- Recorder Kari Hayter – We were approved for the OSFM Fire Grant in the amount of \$210,500. The Budget committee Meeting is May 17th at 5:30 p.m.
- Mayor Bufton – no report.

Executive Session opened at 7:51 p.m. pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the Governing body to negotiate real property transactions. Executive session closed at 8:06 p.m.

Regular meetings closed at 8:07 p.m.



Jeffery Bufton, Mayor



Kari Hayter, City Recorder