



# CITY COUNCIL & URBAN RENEWAL AGENCY

## AGENDA

MONDAY, MARCH 27, 2023

*Where Life is Sweet*

COUNCIL CHAMBERS - 180 NE 2ND ST.

---

*Other ways of viewing or participating in live meetings are available through:  
YouTube at: <https://bit.ly/HermistonYoutube>*

*Zoom with Meeting ID: 862 2614 4112 Passcode: 203345 Telephone number to join is: 1 253  
215 8782; or submitting comments to [meetings@hermiston.or.us](mailto:meetings@hermiston.or.us)*

1. **CALL REGULAR MEETING TO ORDER – 7:00 PM**
2. **DECLARATION OF QUORUM**
3. **FLAG SALUTE**
4. **PROCLAMATIONS, PRESENTATIONS AND RECOGNITIONS**
  - A.** Recognition- Life Saving Award: Corporal Jarrod Flatau and Officer Nathaniel Jimenez
  - B.** Recognition- Lifesaving Award: Officer Christian Jackson and Officer Kieron Carlson
5. **CITIZEN INPUT ON NON-AGENDA ITEMS**

*Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Please limit comments to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Chair.*
6. **CONSENT AGENDA**
  - A.** Committee Vacancy Announcements
  - B.** Minutes of the March 13, City Council Work Session & Regular Meeting
7. **ITEMS REMOVED FROM CONSENT AGENDA**
8. **PUBLIC HEARINGS**
  - A.** Supplemental Budget #3 - Fiscal Year 2022-2023 (See Resolution No. 2262)
9. **ORDINANCES AND RESOLUTIONS**
  - A.** Resolution No. 2262 to Supplement FY2023 Budget

- B.** Resolution No. 2263 – Assessing Latecomer Fees for Public Improvements to the Diamond Run Subdivision
- C.** Resolution No. 2264 – Assessing Latecomer Fees for Public Improvements to the Hermiston Mini-Storage project on E Elm Ave.
- D.** Ordinance No. 2346 – Amending Title IX of the Hermiston Municipal Code

**10. COMMITTEE REPORTS**

**A.** City Committee and Liaison:

Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks and Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory, Community Enhancement, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC

- B.** Council President's Report
- C.** Council Report
- D.** Youth Advisory Report
- E.** Assistant City Manager's Report

**11. ADJOURN CITY COUNCIL MEETING AND CONVENE URBAN RENEWAL AGENCY MEETING**

**12. CALL TO ORDER**

**13. NEW BUSINESS**

- A.** Public Hearing: Supplemental Budget - Fiscal Year 2022-2023 (See HURA Resolution No. 17)
- B.** Resolution No. 17 to Supplement the FY2023 HURA Budget

**14. ADJOURN URBAN RENEWAL AGENCY MEETING**

**\*\* AMERICANS WITH DISABILITIES ACT NOTICE\*\***

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



# LIFESAVING AWARD

Presented to  
**Corporal Jarrod Flatau and Officer Nathaniel Jimenez**

for their actions on back to back work days, above and beyond the normal call of duty by offering assistance to two separate Hermiston residents in crisis on November 26, 2022, and November 27, 2022.

On November 26, 2022, Corporal Flatau and Officer Jimenez were dispatched to assist with an overdose medical call involving a 33-year old male. Both arrived before paramedics and both participated in active CPR which provided just enough time for EMS to arrive and transport the male to the hospital where he recovered.

On November 27, 2022, Corporal Flatau and Officer Jimenez were dispatched to assist with an overdose medical call involving a 44-year old male. Again, both arrived before paramedics, both participated in CPR, and Narcan was administered whereby saving the life of the individual.

Let it be known this 27th day of March 2023, that Corporal Jarrod Flatau and Officer Nathaniel Jimenez have set an example for city employees, residents, and the law enforcement profession on how to selflessly help a person in need.

A blue ink signature of Jason Edmiston, consisting of several loops and a long horizontal stroke.

**Jason Edmiston,**  
Hermiston Police Chief

A blue ink signature of Dr. Dave Drotzmann, featuring a large, stylized 'D' and 'D'.

**Dr. Dave Drotzmann,**  
Hermiston Mayor

A blue ink signature of Byron Smith, written in a cursive style.

**Byron Smith,**  
Hermiston City Manager



# LIFESAVING AWARD

Presented to

**Officer Christian Jackson and Officer Kieron Carlson**

for their actions saving the life of a 19-year old female who had fallen into the Umatilla River at Riverfront Park.

On March 8, 2023, at 7:45 PM, Officer Christian Jackson and Officer Kieron Carlson heard Umatilla County Fire District 1 dispatched to Riverfront Park on a report of a female in the river and unable to get out. Both officers arrived before paramedics and located the female with only her head and one arm above the water. Without hesitation and despite only being 34 degrees outside, Officer Jackson went into the water and began to assist the female to the shoreline. Officer Carlson assisted and was able to pull the female completely out of the water. Officer Carlson then focused on getting Officer Jackson out as he was sinking in the mud.

Paramedics transported the female to Good Shepherd Hospital where she was treated for hypothermia. Both officers secured the service dog of the female and were able to reunite the animal with the owner at the hospital.

Let it be known this 27th day of March 2023, that Officer Christian Jackson and Officer Kieron Carlson displayed true courage to save the life of a stranger. Their efforts are noticed and very much appreciated.

**Jason Edmiston,**  
Hermiston Police Chief

**Dr. Dave Drotzmann,**  
Hermiston Mayor

**Byron Smith,**  
Hermiston City Manager



# PUBLIC ANNOUNCEMENT

The City is accepting applications for the following Committees:

**1) Faith-Based Advisory Committee**

- Position 5: 3-year term ending December 31, 2025 (Advertised as of 11/02/2022)

**2) Recreation Projects Fund Advisory Committee (Citizen at Large)**

- Position 1: 3-year term ending December 31, 2025 (Advertised as of 11/02/2022)

**3) Hispanic Advisory Committee**

- Position 5: 3-year term ending June 30, 2025 (Advertised as of 04/19/2022)

**4) Library Board**

- Position 3: remaining 4-year term ending June 30, 2025 (Vacant as of 04/05/2021)

**Deadline to apply for all Committees: Open Until Filled**

Interested persons are asked to submit an application to City Hall, 180 NE 2<sup>nd</sup> Street, Hermiston, or at [lalarcon-strong@hermiston.or.us](mailto:lalarcon-strong@hermiston.or.us) . Application forms are available at City Hall or on the City’s website at <https://hermiston.or.us/volunteer> . If you have questions, please call Lilly Alarcon-Strong at 541-567-5521.

Proposed appointment and confirmation of these positions are made by the City Council. All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating \$7,500 or more in any one calendar year. Preference for appointees shall be given to city residents.



*Where Life is Sweet*

## CITY COUNCIL

### Work Session Meeting Minutes March 13, 2022

Mayor Drotzmann called the regular meeting to order at 6:00pm. Present were Councilors Hardin, Peterson, Primmer (arrived at 6:11pm), Barron, Duron, Linton, Myers, and McCarthy. Municipal Court Judge Bendixsen was also in attendance, as well as City staff to included: City Manager Byron D. Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Finance Director Mark Krawczyk, Court Administrator Jillian Viles, Parks and Recreation Director Brandon Artz, IT Systems Network Engineer Jeremiah Gard, Assistant City Recorder Heather La Beau, and City Recorder Lilly Alarcon-Strong. Youth Advisory Member Stormie Richmond was also in attendance.

#### **Animal Control**

City Manager Smith presented information regarding the current animal ordinance, Humane Society of Eastern Oregon AKA Pet Rescue Contract, process and procedures if and when animals are impounded, annual budget and fees associated with the animal ordinance and Human Society contract, and a public survey regarding animal control that will run during the month of March. Those results will be presented at a future meeting with further discussion and recommended action on how the Council would like to proceed with this issue.

Chief Edmiston presented information (attached) regarding calls involving animals, from complaints of running at large, barking, maintaining vicious dog(s), etc. Procedures in place to handle these complaints, criminal citations against owners and those associated citation fee amounts, as well as conversations about animal control officers.

#### **Annual Goal Prioritization**

City Manager Smith and Sara Singer-Wilson of SSW Consulting reviewed the Council Goals as delineated at the Goal Setting Session in February and asked for clarification on specific goal items.

City Manager Smith and Sara Singer-Wilson stated this item would be discussed during the regular City Council meeting where the Council will categorize their goals into priorities through live polling.

#### **Adjournment**

Mayor Drotzmann adjourned the work session meeting at 6:49pm and stated the Council will take a short break before starting the regular City Council meeting at 7:00pm.





# CITY COUNCIL

## Regular Meeting Minutes March 13, 2023

Mayor Drotzmann called the regular meeting to order at 7:00pm. Present were Councilors Hardin, Peterson, Primmer, Barron, Duron, Linton, Myers, and McCarthy. City staff in attendance included: City Manager Byron D. Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Finance Director Mark Krawczyk, Court Administrator Jillian Viles, Parks and Recreation Director Brandon Artz, IT Systems Network Engineer Jeremiah Gard, and City Recorder Lilly Alarcon-Strong. Youth Advisory Member Stormie Richmond was also in attendance. The pledge of allegiance was given.

Mayor Drotzmann announced the agenda would be amended to have item 12C, Review and Prioritization of Council Goals, be presented after 6A, Presentation- Hermiston School District Updates.

### **Presentation- Hermiston School District Updates**

Hermiston School District (HSD) Assistant Superintendent Jake Bacon gave updates regarding: Total HSD enrollment, conferences, spring break, 2023-24 HSD calendar, Hermiston High School (HHS) annex construction, spring sports, winter sports achievements, Dance Team and bowling accomplishments.

There was some discussion regarding the Mayor reading to children at Rocky Height Elementary School for Dr. Suess Week, parking at HHS, and student attendance.

### **Review and Prioritization of Council Goals**

City Manager Smith and Sara Singer-Wilson of SSW Consulting reviewed the Council Goals as delineated at the Goal Setting Session in February, asked for clarification on specific goal items, and helped the Council categorize their goals into priorities through live polling. The proposed prioritized goals will be presented for approval at a future meeting.

### **Public Comment**

Jess Terry, 910 S. Townsend Rd- please use bigger print when presenting so the audience can read it easier.

### **Citizen Input on Non-Agenda Items**

Jess Terry, 910 S. Townsend Rd- asked that the City consider placing bollards around the fire hydrant at the corner of Diagonal and Elm at the Diamond Run development as many vehicles are crashing into the fire hydrant when roads are icy.

### **Consent Agenda Items**

Councilor Duron moved and Councilor McCarthy seconded to approve Consent Agenda items A-C, to include:

- A. Committee Vacancy Announcements
- B. Committee Re-Appointment Confirmations for the Planning Commission of Patrick Collins, position 4; Joshua Burns, position 5; and Dean Fialka, position 6- terms ending March 31, 2026
- C. Minutes of the February 27th City Council & Urban Renewal Agency Work Session and Regular Meeting

Motion carried unanimously.



# CITY COUNCIL

## Regular Meeting Minutes March 13, 2023

**Public Hearing- Home Run Land LLC has requested latecomer assessments in conjunction with public improvements installed as part of the Diamond Run Subdivision**

After hearing no declarations of conflict of interest from the Council, Planning Director Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:41pm.

Planning Director Spencer and Anderson Perry Engineer Joshua Lott gave information regarding the Hermiston municipal code which contains provisions for reimbursement of development costs when infrastructure improvements benefit properties beyond the development itself, in this case, water and sewer improvements to neighboring properties from the Diamond Run Subdivision development.

Public Testimony

Janet Terry, 910 S. Townsend Rd- spoke in opposition stating her property has been in her family for five generations and she has no intentions of annexing into city limits.

City staff clarified that neighboring properties would only have to pay the latecomer assessments if they developed and requested city services.

No other parties wished to give public testimony and Mayor Drotzmann closed the hearing at 7:51pm.

After further discussion, Councilor Primmer moved and Councilor Linton seconded to adopt the assessments as requested. Motion carried unanimously.

**Public Hearing- Eastern Oregon Development LLC has requested latecomer assessments in conjunction with public improvements installed as part of the Hermiston Mini-Storage project on E Elm Ave**

After hearing no declarations of conflict of interest from the Council, Planning Director Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 8:01pm.

Planning Director Spencer and Anderson Perry Engineer Joshua Lott gave information regarding the Hermiston municipal code which contains provisions for reimbursement of development costs when infrastructure improvements benefit properties beyond the development itself, in this case, water improvements to neighboring properties from the Hermiston Mini-Storage project.

Public Testimony

John Eckhardt, Hermiston- spoke in opposition stating he allowed an easement to go through his property for this development not knowing a latecomer assessment would be a requirement to annex his property into the City, which he is planning on doing soon.

Steve Richards, Hermiston Mini Storage Developer- stated Mr. Eckhardt was his contractor and he would be happy to work with him on these fees.

Dalia Villegas, 678 E Elm- stated she plans to annex her property into the city soon and would like to discuss possible costs reductions for the latecomer assessments.





# CITY COUNCIL

## Regular Meeting Minutes March 13, 2023

City Staff directed her to speak with Steve Richards.

No other parties wished to give public testimony and Mayor Drotzmann closed the hearing at 8:09pm.

After some discussion, Councilor McCarthy moved and Councilor Myers seconded to adopt the assessments as requested. Motion carried unanimously.

### **Resolution No. 2261- Award Construction Contract for E Penney Ave. Extension**

Assistant City Manager Mark Morgan stated the resolution would award the E Penney Ave Extension construction contract to the lowest qualified bidder, James Dean Construction.

After some discussion, Councilor Primmer moved and Councilor Duron seconded to adopt Resolution No. 2261 and lay upon the record. Motion carried unanimously.

### **Preliminary findings regarding a potential North Highway 395 Urban Renewal Area**

City Manager Smith, Planning Director Spencer, and Anderson Perry Joshua Lott gave information regarding the possible future development of a North Highway 395 Urban Renewal Agency in a newly created area with an east/west street connection from Highway 395 at the Home Depot driveway to NE 4<sup>th</sup> Street at NE Aspen Drive.

### **Public Comment**

Josh Roberts, Hermiston – expressed concerns stating intersections and roads at 395 and Elm, Theater Lane, and Harper Road are dangerous with frequent vehicle crashes. His worry is that this proposed new lighted intersection will be insufficient to address further vehicle accidents and asked that the Council consider placing bollards along some of these areas on 395 like what was placed near Starbucks to help mitigate accidents.

After some discussion, Councilor Barron moved and Councilor Primmer seconded to direct staff to begin preparation of the relevant urban renewal planning documents. Motion carried unanimously.

### **February 2023 Financial Report**

Councilor Hardin moved and Councilor Duron seconded to accept the February 2023 Financial Report as presented by Finance Director Mark Krawczyk. Motion carried unanimously.

### **Committee Reports**

Parks and Recreation Committee- Councilor Myers and Councilor McCarthy spoke regarding Legacy Park, swim lesson sign up changes, stolen equipment at Riverfront Park, and the HERO's Project at EOTEC.

Stepping Stones Alliance (not a city committee)- Mayor Drotzmann stated Stepping Stones is working on their 5-year plan; is working with Mike Atkinson, owner of the current building their sleep center is located in, to remain in this building until they are able to move into their permanent location; volunteers are needed to build conestoga huts each weekend from April through May, please contact Umatilla City Hall for more information.



Where Life is Sweet

# CITY COUNCIL

## Regular Meeting Minutes March 13, 2023

### Mayors Report

Mayor Drotzmann spoke regarding:

- Distinguished Citizens Award Banquet (DCAB)
- Westend Mayors and Managers meeting
- OPB meeting and interview
- Oregon Bridge Podcast Interview
- Martha’s House open house event
- Thanked HPD officers for their heroic efforts saving lives

### Council Reports

Councilor Peterson spoke regarding their Oregon Disability Commission position and thanked Hermiston for being proactive in disability accommodations and accessibility within and throughout the city.

Councilor Duron thanked the Chamber of Commerce for the excellent work they did at the DCAB, all first-responders who quickly responded to the fire at HHS, and UCFD1 for their acknowledgement of females in their organization in appreciation of International Women’s Day.

Councilor McCarthy also thanked the Chamber of Commerce for their efforts in making DCAB a success.

### Youth Advisory Report

Youth Advisor Richmond spoke regarding:

- Dance Team competitions and achievements
- March 9<sup>th</sup> HHS fire, thanked HPD and UCFD1 for their quick response
- Band concert
- Sadie Hawkins Dance

### City Manager’s Report

No report given.

### Adjournment

Mayor Drotzmann adjourned the City Council meeting at 9:11pm as there was no other City business.

SIGNED:

\_\_\_\_\_  
Doug Primmer, Council President

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, City Recorder



# HPD 2022 Animal Calls

**Patrol officers handled 599 calls for service (5% of annual calls) involving animals**

**Of that, 519 calls were specific to dogs**

**From that total (599), 104 police reports were written. It should be noted even on calls where a formal report was not taken, there is an incident number and that incident allows officers/dispatch to add detailed notes.**

**A total of (19) charges were filed in 2022. This is roughly 20% of the cases taken.**

**Can more enforcement be done? Yes. But (and not trying to make excuses), all city ordinance violations (dog at large, maintaining a vicious dog, dog barking, etc.) MUST BE WITNESSED by the officer. The only way around that is if the citizen who witnessed said violation would sign the actual citation (there is a line on our citations for this) and in essence, promise to appear in court. This is not a department policy decision or city decision, rather, it is a court decision for the State of Oregon.**



*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of March 27, 2023

**Title/Subject**

Resolution No. 2262 to Supplement FY2023 Budget

**Summary and Background**

Resolution No. 2262 authorizes appropriations and expenditures in three funds as follows:

General Fund	\$230,800
Street Fund	\$161,000
Reserve Fund	\$905,000

Exhibit A (Attached) provides additional detail regarding these requests.

**Tie-In to Council Goals**

Fiscal Prudence

**Fiscal Information**

**03 – GENERAL FUND**

Authorize an increase of \$40,000 in Federal Police Grant for Cops Grant proceeds; Authorize an increase of \$3,400 for Hermiston City Taxi-Work to recognize increased customer utilization; Authorize an increase of \$1,500 for Hermiston Zip Taxi to recognize increased customer utilization; Authorize an increase of \$12,500 for Hermiston Plus Taxi to recognize increased customer utilization; Authorize an increase of \$2,900 for Senior Taxi Ticket Sales to recognize increased customer utilization; Authorize an increase of \$48,000 in County Taxi Grant for receipt of grant funding; Authorize an increase of \$2,500 in State Tax to recognize increased customer utilization; Authorize an increase of \$85,000 in Airport Gas & Oil Sales to recognize increased fuel sales in excess of the budget; Authorize an increase of \$35,000 in Interest on Investments to recognize increased interest earnings in excess of budget;

Authorize an increase of \$9,000 in City Planning - Miscellaneous Contractual for unbudgeted expenses; Authorize a decrease of \$5,500 in City Planning - Office Supplies to recognize decrease in expected expenditures; Authorize an increase of \$3,200 in City Planning – Leased Vehicles to recognize unbudgeted increase in monthly lease expenses; Authorize a decrease of \$3,200 in City Planning – Nuisance Abatement to recognize a decrease in expected expenditures; Authorize an increase of

\$30,000 in Airport – Motor Vehicle Fuel & Oil for unbudgeted expenses due to higher fuel costs; Authorize an increase of \$11,000 in Airport Improvements for unbudgeted repair of fuel tank pump motor; Authorize an increase of \$114,800 in Transportation – General Citizen Taxi Program for unanticipated expenses in excess of budget; Authorize an increase of \$4,000 in Police Operations - Other Professional Services for unanticipated expenses in excess of budget; Authorize an increase of \$19,000 in Police Operations - Repairs Motor Vehicles for unanticipated expenses in excess of budget; Authorize an increase of \$5,000 in Police Operations - Miscellaneous Contractual for unanticipated expenses in excess of budget; Authorize an increase of \$12,000 in Police Operations – Motor Vehicle Fuel & Oil for unanticipated expenses in excess of budget; Authorize an increase of \$31,500 in Non-Departmental – Miscellaneous Contractual for unanticipated expenses in excess of budget; Increase Federal Police Grant \$40,000; Increase Hermiston City Taxi-Work \$3,400; Increase Hermiston Zip Taxi \$1,500; Increase Hermiston Plus Taxi \$12,500; Increase Senior Taxi Tickets Sales \$2,900; Increase County Taxi Grant \$48,000; Increase State Taxi Grant \$2,500; Increase Airport Gas & Oil Sales \$85,000; Increase Interest on Investments \$35,000; Increase City Planning Miscellaneous Contractual \$9,000; Decrease City Planning Office Supplies \$5,500; Increase City Planning Leased Vehicles \$3,200; Decrease City Planning Office Nuisance Abatement \$3,200; Increase Airport - Motor Vehicle Fuel & Oil \$30,000; Increase Airport Improvements \$11,000; Increase General Citizen Taxi Program \$114,800; Increase Police Operations Other Professional Services \$4,000; Increase Police Operations Repairs – Motor Vehicles \$19,000; Increase Police Operations Misc. Contractual \$5,000; Increase Police Operations Motor Vehicle Fuel & Oil \$12,000; Increase Non-Departmental Misc. Contractual \$31,500.

**04 – STREET FUND**

Authorize an increase of \$161,000 in STP Allocation for unanticipated revenue; Authorize an increase of \$23,500 in Salaries & Wages for unanticipated expense of personnel transfer; Authorize a decrease of \$23,500 in Contingency; Increase Federal Exchange \$161,000 for unanticipated funding; Increase Salaries & Wages \$23,500, Increase Federal Exchange \$161,000; Decrease Contingency \$23,500.

**06 – UTILITY FUND**

Authorize an increase of \$16,353 in various Utility – Recycled Water Plant Maintenance Personnel Services accounts due to the transfer to full-time status for an employee; Authorize an increase of \$500 in Accounting & Auditing expense to recognize unbudgeted increase in this expense; Authorize an increase of \$35,000 in Travel & Training for unbudgeted training expenses; Authorize an increase of \$22,000 in Property & Liability Insurance for unbudgeted increase in allocation; Authorize an increase of \$96,000 in Electricity to recognize unbudgeted increase in this expense; Authorize an increase of \$4,600 in Telephone to recognize unbudgeted increase in this expense; Authorize an increase of \$32,000 in Repairs to Machinery/Equipment for unexpected repairs; Authorize an increase of \$93,000 in Miscellaneous Contractual for unbudgeted increase in this expense; Authorize an increase of \$79,000 in Billing/Mailing Service for increased expenditures for billing costs and interchange fees; Authorize an increase of \$45,000 in Chemicals for unexpected price increases for needed chemicals; Authorize an increase of \$5,000 in Lube – Other Than Vehicles to recognize unbudgeted increase in this expense; Authorize an increase of \$44,000 in Medical Lab Supplies to recognize and unbudgeted increase in this expense; Authorize an increase of \$26,000 in Minor Safety Equipment for unbudgeted increase in this expense; Authorize an increase of \$500 for Paint and Paint Supplies for price increases in materials; Authorize an increase of \$2,000 in Plumbing and Sewage Supplies for unbudgeted increase in this expense; Authorize an increase of \$1,000 in Dues and Membership for unexpected membership cost increases; Authorize an increase of \$2,000 in Food & Miscellaneous for unbudgeted increase

in this expense; Authorize a decrease of \$503,953 in contingency for total adjustments in Recycled Water Plant.

Increase various Recycled Water Plant Maintenance Personnel Services \$16,353; Increase Accounting & Auditing \$500; Increase Travel & Training \$35,000; Increase Property & Liability Insurance \$22,000; Increase Electricity \$96,000; Increase Telephone \$4,600; Increase Repairs to Machinery/Equipment \$32,000; Increase Miscellaneous Contractual \$93,000; Increase Billing & Mailing Service \$79,000; Increase Chemicals \$45,000; Increase Lube – Other Than Vehicles \$5,000; Increase Medical/Lab Supplies \$ 44,000; Increase Minor Safety Equipment \$26,000; Increase Paint/Paint Supplies \$500; Increase Plumbing/Sewage Supplies \$2,000; Increase Dues and Memberships \$1,000; Increase Food & Miscellaneous \$2,000; Decrease Contingency \$503,953."

**08 – RESERVE FUND**

Authorize an increase of \$100,000 in Federal Reimbursement – FEMA for unexpected increase in reimbursement amount; Authorize an increase of \$805,000 in AWS Reimbursement for unbudgeted construction pass-through expense reimbursement.

Authorize an increase of \$28,365 in Sewer Dept. Equipment for unplanned expenditures; Authorize an increase of \$157,762 in RWTP – Pump & Motor Replacement for an unbudgeted increase for this expense; Authorize a decrease of \$186,127 in Contingency to cover the aforementioned increases in expenditures; Authorize an increase in AWS Cooling Discharge of \$805,000 for this un-budgeted expenditure; Authorize a decrease of \$100,000 in Lift #5 Wetwell Upgrades to offset the Lift #3 Alternative expenditures; Authorize a decrease of \$300,000 in McDonald’s & 395 Main Replacement to offset the Lift #3 Alternative expenditures; Authorize a decrease of \$380,000 in E. Evelyn Gravity Replacement; Authorize a decrease of \$100,000 in RWTP Pump/Motor Repairs project to offset the Lift #3 Alternative expenditures; Authorize an increase of \$880,000 in Lift #3 Alternative expenditures; Authorize an increase of \$100,000 in Reserves – Park SDCs for unbudgeted expenditures.

Increase Federal Reimbursement FEMA \$100,000; Increase AWS Reimbursement \$805,000; Increase Sewer Dept Equipment \$28,365; Increase RWPT – Pump & Motor Replacement \$157,762; Decrease Contingency \$186,127; Increase AWS Cooling Discharge \$805,000; Decrease Lift #5 Wetwell Upgrades \$100,000; Decrease McDonalds & 395 Main Replacement \$300,000; Decrease East Evelyn Ave. Gravity Replacement \$380,000; Decrease RWTP Pump/Motor Repairs \$100,000; Increase Lift #3 Alternative \$880,000; Increase Parks Reserve SDC \$100,000.

**Alternatives and Recommendation**

Alternatives

- 1. Do not supplement the FY2023 Budget
- 2. Supplement the FY2023 Budget in the amount of \$1,296,800
- 3. Supplement the FY2023 Budget by a different amount



Recommended Action/Motion

Staff recommends Resolution No. 2262 be approved/adopted as presented

Request a motion to adopt Resolution No. 2262

**Submitted By:**

Mark Krawczyk

Director of Finance

**RESOLUTION NO. 2262**

WHEREAS, ORS 294.471 permits the governing body of a municipal corporation to adopt a supplemental budget for the fiscal year for which the regular budget has been prepared if an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning or creates a pressing necessity for prompt action; and

WHEREAS, the conditions requiring a change in financial planning are listed in Exhibit A attached to and made a part of this resolution.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That due to the conditions listed in Exhibit A that were not known at the time the budget was prepared, the total budget for the City of Hermiston for the fiscal period beginning July 1, 2022 is hereby supplemented in the amount of **\$1,296,800**. The amounts for the purposes shown below are hereby appropriated:

*Supplementing the Budget*  
**GENERAL FUND**

<b>Requirements:</b>	
City Planning	3,500
Transportation	114,800
Airport	41,000
Police Operations	40,000
Non-Departmental	31,500
<b>Total Requirements:</b>	<b>230,800</b>

**STREET FUND**

<b>Requirements:</b>	
Personnel Services	23,500
Materials & Services	161,000
Contingency	(23,500)
<b>Total Requirements:</b>	<b>161,000</b>

**UTILITY FUND**

<b>Requirements:</b>	
Recycled Water Department	503,953
Contingency	(503,953)
<b>Total Requirements:</b>	<b>-</b>

**RESERVE FUND**

<b>Requirements:</b>	
Materials & Services	100,000
Capital Outlay	991,127
Contingency	(186,127)
<b>Total Requirements:</b>	<b>905,000</b>

<b>Total Appropriations</b>	<b>1,296,800</b>
-----------------------------	------------------

2. This resolution shall become effective immediately upon its passage as of the date and year set out below.

PASSED by the Common Council this 27<sup>th</sup> day of March, 2023.  
SIGNED by the Mayor this 27<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER

EXHIBIT A

<b>Fund No.</b>	<b>Description</b>	<b>2022-23 Adopted Budget</b>	<b>Budget Supp #1 Res 2232</b>	<b>Budget Supp #2 Res 2251</b>	<b>Budget Supp #3 Res 2262</b>	<b>2022-23 Amended Budget</b>
2	Bonded Debt Fund	634,018	-			634,018
3	General Fund	16,705,588	-	264,450	230,800	17,200,838
4	Street Fund	1,843,007	-	-	161,000	2,004,007
5	Transient Room Tax Fund	998,800	-	-	-	998,800
6	Utility Fund	11,806,391	-	-	-	11,806,391
7	Recreation Fund	-	-	-	-	-
8	Reserve Fund	15,468,683	-	6,499,400	905,000	22,873,083
10	Muni Court Fund	-	-	-	-	-
11	Misc Spec Rev Fund	141,000	-	-	-	141,000
12	Conference Ctr Fund	-	-	-	-	-
13	Energy Services Fund	12,495,134	-	-	-	12,495,134
15	Regional Water Fund	1,874,653	-	-	-	1,874,653
19	Christmas Express	35,000	-	-	-	35,000
20	Law Enforcement Fund	84,014	-	-	-	84,014
21	Library Fund	33,000	-	-	-	33,000
22	Revenue Bonded Debt	-	-	-	-	-
23	Enterprise Zone Project Fund	1,648,699	-	-		1,648,699
25	EOTEC Operations	627,793	-	328,523		956,316
26	IT Fund	-	670,800	135,200		806,000
32	Sr Center Const Fund	-	-	-	-	-
33	2016 FF&C- ELECTRIC	-	-	-	-	-
34	2017 FF&C - Sewer & Water	-	-	-	-	-
35	2017 FF&C - HURA	-	-	-	-	-
37	CITY HALL CONSTRUCTION FUND	877,836	-	-	-	877,836
38	LID Fund	-	-	-		-
	<b>Total</b>	<b>65,273,616</b>	<b>670,800</b>	<b>7,227,573</b>	<b>1,296,800</b>	<b>74,468,789</b>

	<b>2022-23 Adopted Budget</b>	<b>Budget Supp #1 Res 2232</b>	<b>Budget Supp #2 Res 2251</b>	<b>Budget Supp #3 Res 2262</b>	<b>2022-23 Amended Budget</b>
<b>03 GENERAL FUND</b>					
Taxes & Assessments	6,786,900	-	144,450	-	6,931,350
Licenses & Franchises	1,434,800	-	-	-	1,434,800
Fines & Penalties	400,000	-	-	-	400,000
Interest	15,000	-	-	35,000	50,000
From Other Agencies	3,012,500	-	-	175,500	3,188,000
Service Charges	1,904,000	-	-	20,300	1,924,300
Other	105,000	-	-	-	105,000
Transfers In	1,945,689	-	120,000	-	2,065,689
Cash Forward	1,101,699	-	-	-	1,101,699
<b>Total Resources</b>	<b>16,705,588</b>	<b>-</b>	<b>264,450</b>	<b>230,800</b>	<b>17,200,838</b>
City Council	67,027	-	100	-	67,127
Manager/Legal	1,010,363	-	21,150	-	1,031,513
City Planning	431,372	-	9,000	3,500	443,872
Finance	654,929	-	4,100	-	659,029
Court	833,378	-	2,400	-	835,778
Transportation	297,000	-	-	114,800	411,800
Airport	339,000	-	-	41,000	380,000
Building Inspection	600,157	-	3,100	-	603,257
Parks	731,981	-	3,100	-	735,081
Landscaping	66,861	-	200	-	67,061
Pool	585,615	-	1,700	-	587,315
Municipal Building	145,173	-	800	-	145,973
Library	1,024,415	-	4,100	-	1,028,515
Recreation	874,159	-	2,900	-	877,059
Community Center	256,122	-	700	-	256,822
Harkenrider Center	64,064	-	200	-	64,264
Public Safety Building	62,000	-	-	-	62,000
Police Operations	6,169,885	-	90,900	40,000	6,300,785
Transfers Out:					
Bonded Debt Fund	208,819	-	-	-	208,819
Reserve Fund	450,000	-	-	-	450,000
LID Fund	-	-	-	-	-
Sr. Center Const Fund	-	-	-	-	-
IT fund		157,000	-	-	157,000
Capital Outlay	-	-	-	-	-
Non-Departmental	1,322,174	(157,000)	120,000	31,500	1,316,674
Debt Service	457,825	-	-	-	457,825
Contingency	53,269	-	-	-	53,269
Unappropriated Ending Fund Bal	-	-	-	-	-
Reserve for Future Expenditure	-	-	-	-	-
<b>Total Requirements</b>	<b>16,705,588</b>	<b>-</b>	<b>264,450</b>	<b>230,800</b>	<b>17,200,838</b>

	<b>2022-23 Adopted Budget</b>	<b>Budget Supp #1 Res 2232</b>	<b>Budget Supp #2 Res 2251</b>	<b>Budget Supp #3 Res 2262</b>	<b>2022-23 Amended Budget</b>
<b>04 STREET FUND</b>					
From Other Agencies	1,805,168	-	-	161,000	1,966,168
Transfers In	-	-	-	-	-
Cash Forward	37,839	-	-	-	37,839
<b>Total Resources</b>	<b>1,843,007</b>	<b>-</b>	<b>-</b>	<b>161,000</b>	<b>2,004,007</b>
Personnel Services	643,037	-	3,722	23,500	670,259
Materials & Services	885,150	(4,000)	-	161,000	1,042,150
Capital Outlay	20,000	-	-	-	20,000
Transfers Out:					
General Fund	164,619	-	-	-	164,619
Reserve Fund	100,201	-	-	-	100,201
IT Fund	-	4,000	-	-	4,000
Contingency	30,000	-	(3,722)	(23,500)	2,778
Reserve for Future Expenditure	-	-	-	-	-
<b>Total Requirements</b>	<b>1,843,007</b>	<b>-</b>	<b>-</b>	<b>161,000</b>	<b>2,004,007</b>

	<b>2022-23 Adopted Budget</b>	<b>Budget Supp #1 Res 2232</b>	<b>Budget Supp #2 Res 2251</b>	<b>Budget Supp #3 Res 2262</b>	<b>2022-23 Amended Budget</b>
<b>06 UTILITY FUND</b>					
Taxes & Assessments	-	-	-	-	-
Interest	-	-	-	-	-
Service Charges	10,398,000	-	-	-	10,398,000
Transfers In	377,500	-	-	-	377,500
Cash Forward	1,030,891	-	-	-	1,030,891
<b>Total Resources</b>	<b>11,806,391</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>11,806,391</b>
Sewer	2,546,281	(29,000)	7,500	503,953	3,028,734
Water	2,266,372	(15,000)	5,200	-	2,256,572
Capital outlay	-	-	-	-	-
Transfers Out:					
Bonded Debt Fund	-	-	-	-	-
General Fund	585,585	-	-	-	585,585
Reserve Fund	2,142,000	-	388,140	-	2,530,140
IT Fund	-	44,000	-	-	44,000
Debt Service	2,109,850	-	-	-	2,109,850
Contingency	2,156,303	-	(400,840)	(503,953)	1,251,510
<b>Total Requirements</b>	<b>11,806,391</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>11,806,391</b>



	<b>2022-23 Adopted Budget</b>	<b>Budget Supp #1 Res 2232</b>	<b>Budget Supp #2 Res 2251</b>	<b>Budget Supp #3 Res 2262</b>	<b>2022-23 Amended Budget</b>
<b>08 RESERVE FUND</b>					
Interest Earnings	-	-	-	-	-
From Other Agencies	6,953,900	-	550,000	-	7,503,900
Service Charges	145,000	-	-	-	145,000
Miscellaneous Revenue	1	-	-	-	1
Non Revenue	562,500	-	3,949,400	905,000	5,416,900
Transfers In	3,134,651	-	388,140	-	3,522,791
Cash Forward	4,672,631	-	1,611,860	-	6,284,491
<b>Total Resources</b>	<b>15,468,683</b>	<b>-</b>	<b>6,499,400</b>	<b>905,000</b>	<b>22,873,083</b>
Materials & Services	575,000	-	-	100,000	675,000
Capital Outlay	12,271,239	-	6,499,400	991,127	19,761,766
Transfers Out:					
Street Fund	-	-	-	-	-
HES Fund	-	-	-	-	-
Gen Fund	-	-	-	-	-
Debt Service	-	-	-	-	-
Contingency	1,528,050	-	-	(186,127)	1,341,923
Reserve for Future Expenditures	1,094,394	-	-	-	1,094,394
<b>Total Requirements</b>	<b>15,468,683</b>	<b>-</b>	<b>6,499,400</b>	<b>905,000</b>	<b>22,873,083</b>
<b>Total Budget</b>	<b>65,273,616</b>	<b>670,800</b>	<b>7,227,573</b>	<b>1,296,800</b>	<b>74,468,789</b>
<b>Total Appropriations</b>	<b>65,273,616</b>	<b>670,800</b>	<b>7,227,573</b>	<b>1,296,800</b>	<b>74,468,789</b>



*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of March 27, 2023

**Title/Subject**

Resolution No. 2263 – Assessing Latecomer Fees for Public Improvements to the Diamond Run Subdivision

**Summary and Background**

The City Council held a public hearing on March 13, 2023, on the request of Home Run Land LLC for latecomer assessments in conjunction with public improvements installed as part of the Diamon Run Subdivision. After taking testimony and deliberating the matter, the City Council accepted the proposed costs and agreed to set assessments to four landowners that may benefit from future connection to the public improvements. A resolution assessing the latecomer fees was to follow at the next City Council meeting.

**Tie-In to Council Goals**

N/A

**Fiscal Information**

There is no financial impact to the city. Should assessed property not connect within the 10-year window, then the city may retain the assessed money for use in the utility funds. The total water assessment is \$89,497.68 divided over four properties. The total sewer assessment is \$126,376.24 on one property.

**Alternatives and Recommendation**

Alternatives

1. Approve Resolution 2263
2. Reject Resolution 2263

Recommended Action/Motion

Motion to approve Resolution 2263

**Submitted By:**

Richard Tovey

**RESOLUTION NO. 2263**

**A RESOLUTION ASSESSING LATECOMER FEES IN CONJUNCTION WITH PUBLIC IMPROVEMENTS INTALLED AS PART OF THE DIAMOND RUN SUBDIVISION**

WHEREAS, Home Run Land, LLC is required to extend certain public facilities, which is the installation of a water main and related fixtures and installation of a sewer main, and its related fixtures as part of the Diamond Run Subdivision; and

WHEREAS, the City Council finds that Home Run Land, LLC has installed the necessary water and sewer mains, as per a development agreement with the City of Hermiston as indicated in Exhibit “A” attached hereto. A 12-inch water line was extended in E Diagonal Blvd from NE 10th Street eastward to E Elm Ave. This line has capacity to service future development east of the site. The sewer line installed in E Diagonal Blvd extends slightly less than 1,000 feet to the intersection of NE 11th Street and Diagonal; and

WHEREAS, developers who install water or sewer mains that may benefit other developable properties are entitled to recoup a portion of their investment in those mains from “latecomers” who connect service lines to those mains; and

WHEREAS, HMC 157.164(F) states that were improvements installed by a developer benefit other properties, the city and the developer shall reach a mutually agreeable settlement to identify benefitting properties, actual costs charged and the method of repayment to the developer; and

WHEREAS, notice of potential assessment was sent to potential benefitting property owners, and a public hearing was held March 13, 2023, wherein the council took testimony and deliberated the issue; and

WHEREAS, the City Council did find that the properties indicated on Exhibit “A” benefit from the installation of the water or sewer main; and

WHEREAS, the City Council did find that \$89,497.68 is reasonable for the cost of the water main extension and that \$126,376.24 is reasonable for the cost of the sewer main extension; and

WHEREAS, benefitting properties may not able or desire to fully utilize this water or sewer main at the present time.

**NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:**

1. That the following costs shall be prorated to the benefitting properties, and such improvement costs shall be paid to the City upon connection and reimbursed to Home Run Land, LLC, its successors and assigns, for a period of not to exceed ten (10) years from the passage of this resolution. That the installation cost of the water line of \$89,497.68 and the installation cost of the sewer line of \$126,376.24 shall be assessed to the properties below as benefitting properties:

<b>Property Owner</b>	<b>Tax Lot</b>	<b>Water Assessment</b>	<b>Sewer Assessment</b>
Hermiston SD	4N 28 12B TL 302	\$73,026.71	\$126,376.24
Home Run Land LLC	4N 28 12BA TL 377	\$2,152.65	\$0
Joyce Langley	4N 28 12A TL 801	\$10,034.78	\$0
Janet and Jesse Terry	4N 28 12A TL 800	\$4,283.54	\$0

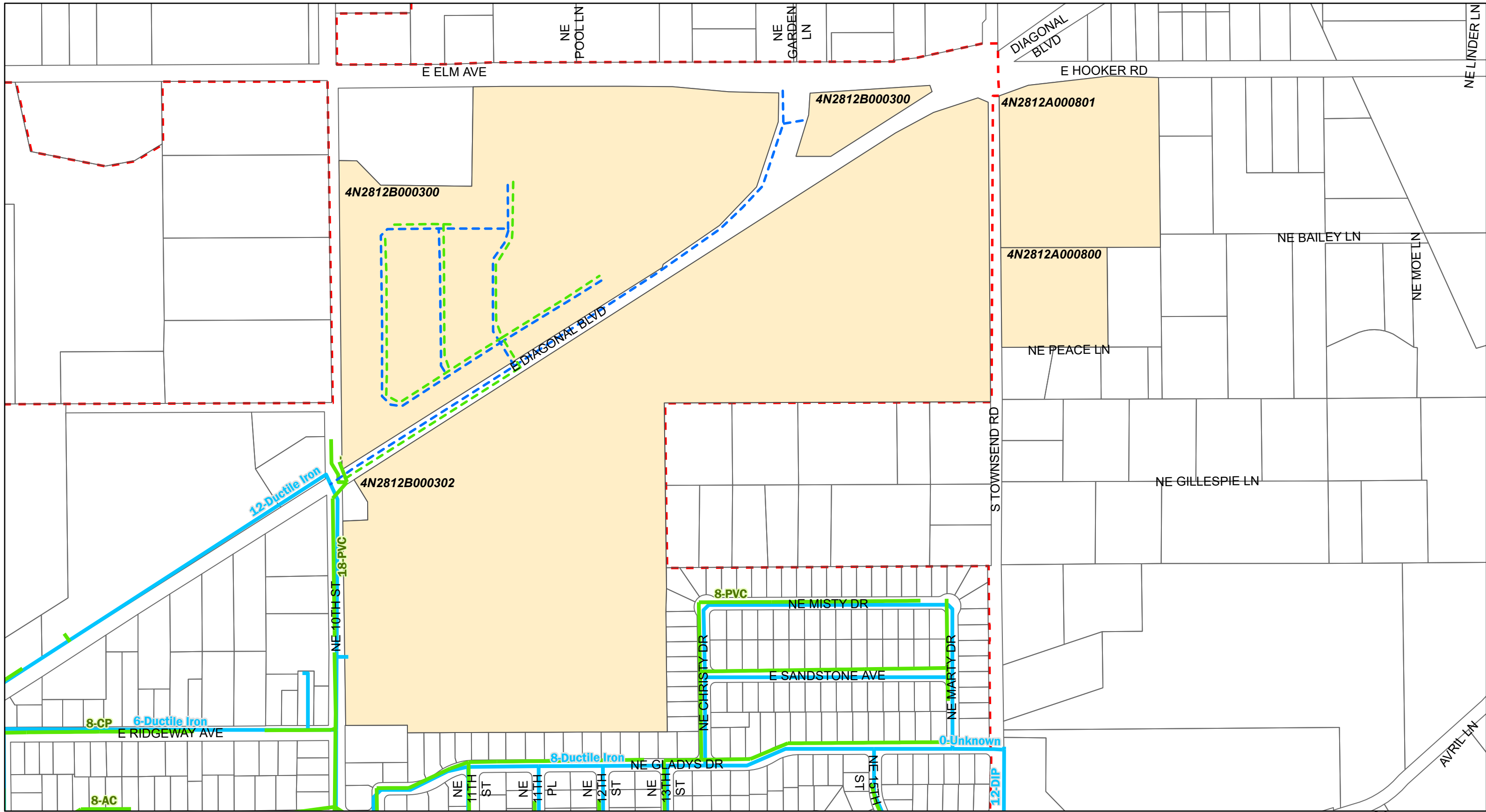
- 2. That any property identified in this resolution shall be required to pay the specified charges prior to connecting to and receiving water or sewer service from the specified line in conjunction with any other fees and/or SDC charges required when connection to the system is made.
- 3. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 27th day of March 2023.  
SIGNED by the Mayor this 27th day of March 2023.

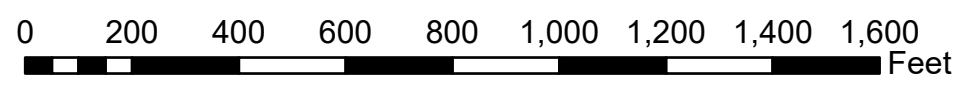
\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER



- Diamond Run Sewer Installation
- Diamond Run Water Installation
- Existing Sewer Main
- Existing Water Main
- City Limits
- Benefiting Property





*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of March 27, 2023

**Title/Subject**

Resolution No. 2264 – Assessing Latecomer Fees for Public Improvements to the Hermiston Mini-Storage project on E Elm Ave.

**Summary and Background**

The City Council held a public hearing on March 13, 2023, on the request of Eastern Oregon Development LLC for latecomer assessments in conjunction with public improvements installed as part of the Hermiston Mini-Storage project on E Elm Ave. After taking testimony and deliberating the matter, the City Council accepted the proposed costs and agreed to set assessments to seven properties that may benefit from future connection to the public improvements. A resolution assessing the latecomer fees was to follow at the next City Council meeting.

**Tie-In to Council Goals**

N/A

**Fiscal Information**

There is no financial impact to the city. Should assessed property not connect within the 10-year window, then the city may retain the assessed money for use in the utility funds. The total water assessment is \$27,713.31 divided over seven properties.

**Alternatives and Recommendation**

Alternatives

1. Approve Resolution 2264
2. Reject Resolution 2264

Recommended Action/Motion

Motion to approve Resolution 2264

**Submitted By:**

Richard Tovey



**RESOLUTION NO. 2264**

**A RESOLUTION ASSESSING LATECOMER FEES IN CONJUNCTION WITH PUBLIC IMPROVEMENTS INTALLED AS PART OF THE HERMISTON MINI-STORAGE PROJECT ON EAST ELM AVENUE**

WHEREAS, Eastern Oregon Development, LLC is required to extend certain public facilities, which is the installation of a water main and related as part of the Hermiston Mini-Storage Project located on East Elm Avenue; and

WHEREAS, the City Council finds that Eastern Oregon Development, LLC has installed the necessary water main, as per a development agreement with the City of Hermiston. A 12-inch water line was extended in East Elm Avenue from NE 4th Street eastward approximately 1300 feet to the end of the development area, as indicated in Exhibit “A” attached hereto; and

WHEREAS, developers who install water mains that may benefit other developable properties are entitled to recoup a portion of their investment in those mains from “latecomers” who connect service lines to those mains; and

WHEREAS, HMC 157.164(F) states that were improvements installed by a developer benefit other properties, the city and the developer shall reach a mutually agreeable settlement to identify benefitting properties, actual costs charged and the method of repayment to the developer; and

WHEREAS, notice of potential assessment was sent to potential benefitting property owners, and a public hearing was held March 13, 2023, wherein the council took testimony and deliberated the issue; and

WHEREAS, the City Council did find that the properties indicated on Exhibit “A” benefit from the installation of the water main; and

WHEREAS, the City Council did find that \$27,713.31 is reasonable for the cost of the water main extension; and

WHEREAS, benefitting properties may not able or desire to fully utilize this water or sewer main at the present time.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the following costs shall be prorated to the benefitting properties, and such improvement costs shall be paid to the City upon connection and reimbursed to Eastern Oregon Development, LLC, its successors and assigns, for a period of not to exceed ten (10) years from the passage of this resolution. That the installation cost of the water line of \$27,713.31 shall be assessed to the properties below as benefitting properties:

<b>Property Owner</b>	<b>Tax Lot</b>	<b>Water Assessment</b>
John Eckhardt	4N 28 02CD TL 700	\$2,271.53
UK Properties	4N 28 02CD TL 800	\$2,271.53
City of Hermiston	4N 28 11BA TL 102 & 202	\$8,927.10
Juliana Mendoza	4N 28 11BA TL 200	\$3,293.71
Quentin Ketchersid	4N 28 11BA TL 201	\$4,134.18
David Hackler	4N 28 11BA TL 101	\$6,815.26

- 2. That any property identified in this resolution shall be required to pay the specified charges prior to connecting to and receiving water service from the specified line in conjunction with any other fees and/or SDC charges required when connection to the system is made.
  
- 3. That this resolution is effective immediately upon its passage.

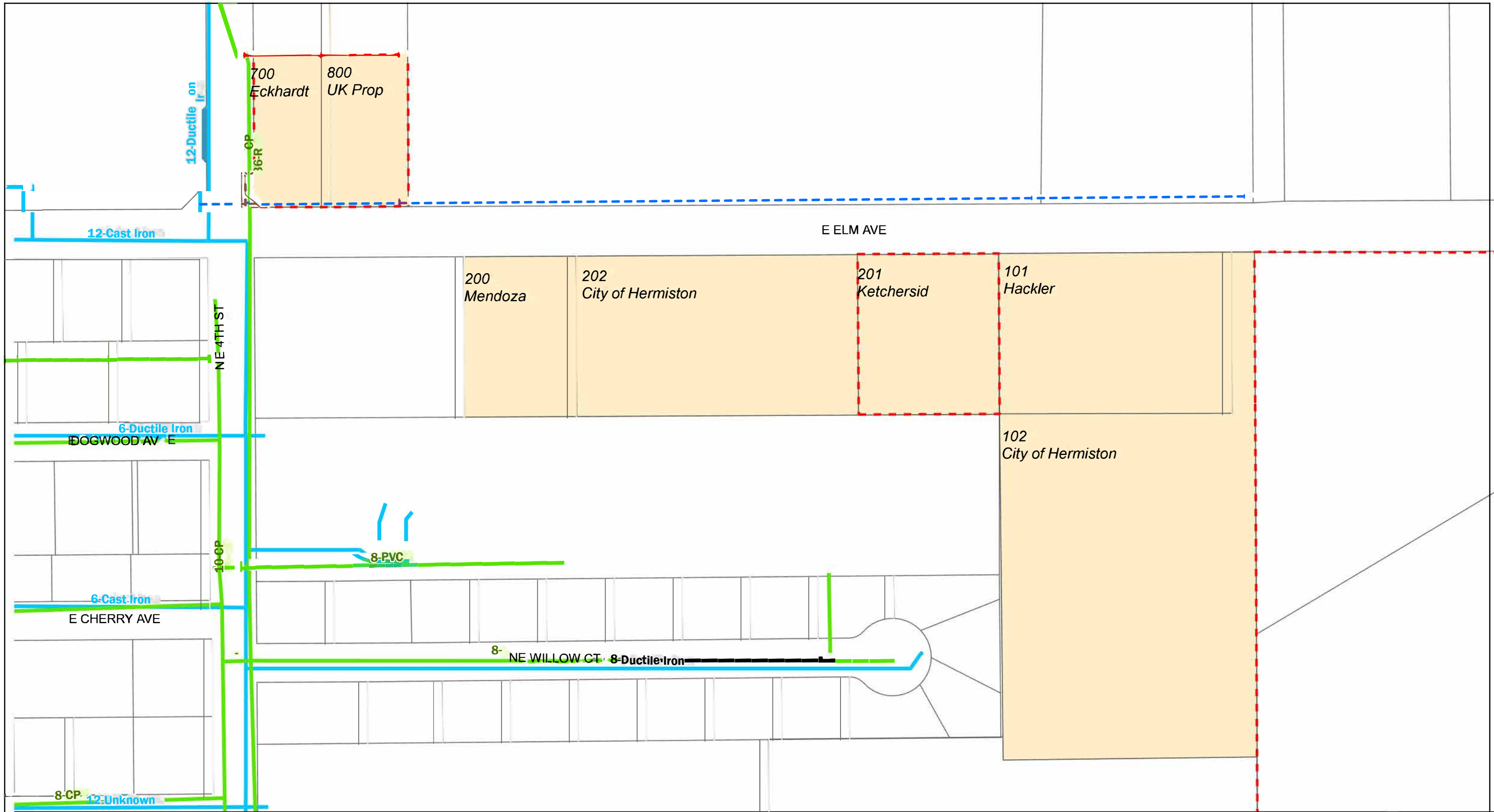
PASSED by the Common Council this 27th day of March 2023.  
SIGNED by the Mayor this 27th day of March 2023.

\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER

# Exhibit A



- - Eastern Oregon Development Water Installation
- Existing Water Main
- City Limits
- Benefitting Property





*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of March 27, 2023

**Title/Subject**

Ordinance No. 2346 – Amending Title IX of the Hermiston Municipal Code

**Summary and Background**

As part of on-going efforts to update city ordinances, Title IX, General Regulations was reviewed. The following changes include:

- Chapter 92 – Nuisances, with an amendment to 92.29(E) to add exemption language that allows for “Maintenance, cleaning, snow and/or ice removal, repairs or excavations of bridges, roads, streets, highways, or City owned parking lots by or on behalf of the City, state, or federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience render it impractical to perform work between 7:00 a.m. and 7:00 p.m.”
- Adds a new chapter, Chapter 96 -Rules of Conduct for City Property. This chapter will be added to provide standard rules of conduct for city properties and to allow for a uniform means of ejecting or excluding individuals from city properties that violate the law or the rules of conduct.

**Tie-In to Council Goals**

N/A

**Fiscal Information**

N/A

**Alternatives and Recommendation**

Alternatives

1. Adopt Ordinance 2346

- 2. Amend Ordinance 2346
- 3. Reject Ordinance 2346
- 4. Table and request more information

Recommended Action/Motion

Motion to adopt Ordinance 2346 as proposed

**Submitted By:**

Richard Tovey

**ORDINANCE NO. 2346**

**AN ORDINANCE AMENDING TITLE IX OF THE HERMISTON MUNICIPAL CODE BY AMENDING CHAPTER 92 ENTITLED “NUISANCES” AND BY ADDING CHAPTER 96 ENTITLED “RULES OF CONDUCT FOR CITY PROPERTY”**

**WHEREAS**, the staff of the City of Hermiston (City) is conducting a review of the City’s Code of Ordinances (Code); and

**WHEREAS**, an amendment to Chapter 92 is necessary to allow City staff to effectively maintain, clean, remove snow and/or ice, repair or excavate the City’s bridges, roads, streets, highways, and parking lots; and

**WHEREAS**, the City desires that residents, visitors, and staff should be free in accessing public buildings and facilities and free in accessing city services without disruption; and

**WHEREAS**, the City has determined that Code lacks an ordinance establishing general rules of conduct for City properties and in response has created Chapter 96 – Rules of Conduct for City Property; now therefore,

**THE CITY OF HERMISTON ORDAINS AS FOLLOWS:**

(New language is in red and underlined and repealed language has ~~a line through it.~~)

**Section 1.** Section 92.29 of the Hermiston Municipal Code is amended to read:

**92.29 EXEMPTIONS.**

Sounds caused by the following are exempt from the prohibitions of § 92.28 and are in addition to the exemptions specifically set forth in that section:

- (A) Motor vehicles on highways or premises open to the public; provided, that the prohibition in §§ 92.28(H) and (K) continues to apply.
- (B) Repairs of utility structures which pose a clear and immediate danger to life, health or significant loss of property.
- (C) Sirens, whistles, or bells lawfully used by emergency vehicles, or alarm systems used to signal an emergency, provided the prohibition under § 92.28(K) continues to apply.
- (D) The emission of sound for the purpose of alerting individuals to the existence of an emergency or the emission of sound in the performance of emergency work.



(E) Maintenance, cleaning, snow and/or ice removal, ~~r~~Repairs or excavations of bridges, roads, streets, ~~or~~ highways, or City owned parking lots by or on the behalf of the City, state, or federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience render it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

(F) Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to school athletic and school entertainment events.

(G) Outdoor gatherings, public dances, shows, and sporting events, and other similar outdoor events; provided, that a special permit has been obtained, beforehand, from the City’s proper permitting authority; or the event is being sponsored by the City; or the event has been sanctioned by the City on City owned property.

(H) Noise emanating from the combustion, detonation, or concussion caused by using lawful fireworks or other similar devices, from July 1 until July 5 of each year.

**Section 2.** Title IX of the Hermiston Municipal Code is amended by adding Chapter 96, “Rules of Conduct for City Property” as follows:

96.01 Purpose

96.02 Definitions

96.03 Designation of Persons-in-Charge

96.04 Rules of Conduct at City Property

96.05 City Property Exclusions

96.06 Violation – Criminal Trespass

**96.01 Purpose**

The purpose of this chapter is to protect citizens in their use of city property and to authorize the city to exclude persons violating applicable rules, ordinances, and laws from specific public places where such conduct is disruptive to other users. Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or U.S. Constitution. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law or rules of conduct, shall be subject to exclusion as provided by this section.

**96.02 Definitions**

The following definitions may apply:

(A) “City Property” means any city owned or leased building, structure, facility, or land (excluding City Parks), including but not limited to buildings/facilities currently referred to as

City Hall, Hermiston Public Library, the Community Center, EOTEC, Harkenrider Center, and city parking lots within Hermiston.

(B) “Public Place” means any public property, including city property.

(C) “Rules of Conduct” means rules and regulations implementing this chapter, including but not limited to HMC 96.04, or adopted by the City Manager under the authority of HMC 96.04.

**96.03 Designation of Persons-in-charge**

(A) The City Manager may delegate his or her authority and assign a person or persons to be in charge of the various city properties for the purpose of enforcing rules of conduct. In addition, police and authorized employees shall have the authority to enforce the rules of conduct on city property, as deemed necessary by the person in charge, or when observed by the police officer or authorized employee.

(B) Delegation to a designee shall be made in writing. Any person so designated shall be a Person-in-Charge as that term is defined in ORS 164.205(5) until the delegation is terminated or the designated person ceases to be an employee or officer of the City of Hermiston.

(C) For purposes of ordering persons to leave a public meeting of a City board or commission, the following are Persons-in-Charge:

(1) The presiding officer of the public meeting of a City board or commission.

(2) Any person providing security services at the public meeting of a City board or commission.

(3) Any person designated as a Person-in-Charge in Subsection 96.04(A).

(D) The authority granted to a Person-in-Charge by this Chapter are in addition to, and not in lieu of, any other authority granted under this Code.

**96.04 Rules of Conduct at City Property**

(A) To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, and safety of all persons at City Property, the Rules of Conduct in this Section apply and are to be enforced at all City Property except where specific rules of conduct or prohibitions have been adopted for designated real property the City owns or has a property interest or property management responsibilities.

(B) The Rules of Conduct for City Property are as follows:

(1) No person shall engage in any activity that would constitute a violation of federal, state, or local law or regulation.

(2) No person may deface, damage, or destroy City Property or City-owned personal property.

(3) No person shall enter, attempt to enter or remain in any areas of City Property designated as secured or restricted, or closed to public access.

(4) No person shall engage in activity that disrupts or interferes with the normal operation or administration of City business at City Property; lawful use by City employees and authorized users at City Property; or City permitted activities.

(5) No person shall refuse or fail to obey any reasonable direction of a Person-in-Charge of a City Property. A direction of a Person-in-Charge is reasonable: if it directs a person to obey or to cease a violation of any rule of conduct, law, or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the City Property, or to the prevention of damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of City operations or permitted activities, including dangerous or threatening behavior as defined in the Code.

(7) No person shall smoke or carry any lighted smoking instrument at City Property. Smoking instrument additionally includes inhalant delivery system that delivers nicotine in the form of vapor or aerosol, and electronic cigarette, personal vaporizer, or electronic nicotine delivery system. Smoking additionally includes inhaling or exhaling from a smoking instrument.

(8) No person shall make use of facility materials, equipment, furniture, or fixtures of a City Property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.

(9) No person shall interfere or obstruct free passage of City employees or authorized visitors in or on City Property, including but not limited to placing objects that impede free passage.

(10) No person shall use City Property for unauthorized storage of personal property or leave personal property unattended.

(11) No person shall make or continue a noise disturbance as defined under HMC 92.23 or operate sound producing device or sound producing equipment except as permitted by the property manager of the City Property. Bullhorns and megaphones are not permitted in the interior of any building on City Property, or within the loggia or portico of any structure on City Property, except as permitted by the property manager for the City Property.

(12) No person shall use, sell, distribute or deliver any alcoholic beverage on City Property, except as permitted by the property manager for the City Property.

(13) No person shall use, sell, distribute or deliver any controlled substances on City Property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in Chapter 475 of the Oregon Revised Statutes.

(14) No person may bring animals onto City Property, or leave animals tethered or unattended at City Property, except as permitted by the City Manager, or designee. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or task the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the property manager for the City Property.

(15) No person shall solicit for or conduct business at City Property except as permitted by the City Manager, or designee.

(16) No person shall use any wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, inside the property boundary of City Property. All persons must dismount at City Property boundary. No bicycles and motorized wheel devices are allowed in the interior of any building on City Property except as permitted by the City Manager, or designee. The prohibition in this Paragraph does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.

(17) No person shall use City Property for housing or camping except as permitted by the City Manager, or designee, and provided such use conforms with land use, zoning, building and other property regulations.

(18) No person shall misuse or damage the City’s technology systems or network, including its telecommunication equipment and data.

(19) No person shall enter, attempt to enter or remain in any areas of City Property for purposes other than to conduct legitimate business with City offices or tenants located at City Property, to enjoy the publicly accessible amenities at a City Property when the City Property is open to the public, or to lawfully assemble for social or public interaction at portions of City Property specifically designated for such assembly. The City Manager or director of the department with property management responsibility for the City Property may adopt space use policy to manage conditions for property use including but not limited to establishing a reservation protocol, priority regarding uses and users, hours of use, and fees for use.

(C) The City Manager or a designee is authorized to make such rules and regulations implementing HMC 96 and not otherwise inconsistent or in conflict with other law as the City Manager finds necessary for the better control and management of city property, including buildings, structures, parking facilities, and open space. The rules of conduct may be posted at various city properties in abbreviated form and are not meant to be all-inclusive of the conduct prohibited or required by this chapter. Any person aggrieved by a rule or regulation may appeal to the City Council to amend or repeal a rule by filing with the City Recorder a petition which shall be presented to the City Council at its next regular meeting. Until and unless amended or repealed by the council, any rule or regulation made by the City Manager or a designee shall be in full force and effect as if it were an ordinance, as of the date of notice from the City Manager adopting the rule or regulation.

**96.05 City Property Exclusions**

(A) The exclusion procedures in this Section shall be used for City Property subject to the Rules of Conduct in Section 96.04.

(1) If a person violates any law or Rule of Conduct at City Property described in Section 96.04 while in or upon City Property, any Person-in-Charge may eject and direct the person to leave the City Property for a period of 24 hours.

(2) In addition, the City Manager may also issue an exclusion for any period of time up to 1 year from City Property.

(B) Notwithstanding this Section, if public meetings of the City Council, or of City Boards and Commissions are held in a City Property, an ejection from the public meeting must comply with the Rules of Order and Procedure for the City Council. Any further exclusion from public meetings shall follow the procedure set forth in this chapter.

(C) Before an issuing an ejection or exclusion under this section, the Person-in-Charge shall first give the person a warning and opportunity to desist from the violation of law or Rule of Conduct. An ejection or exclusion shall not be issued if the person promptly complies with the direction and desists from violating the law or Rule of Conduct. Notwithstanding the provisions of this section, no warning shall be required if the person is to be ejected or excluded for engaging in conduct that:

(1) Is classified as a misdemeanor or felony crime.

(2) Otherwise involves a controlled substance or alcoholic beverage.

(3) Is conduct for which the person previously has been warned or excluded for committing in a public place.

(C) In determining the appropriate length of exclusion under this Section, the City Manager shall consider: the seriousness of the conduct that led to the exclusion; prior instances of violations of the Rules of Conduct at City Property by the person to be excluded; the availability of alternative means for the person to conduct business with City officials and offices; and any other facts or circumstances that the person issuing the exclusion deems relevant.

(D) The notice of exclusion shall be in writing, signed by the City Manager and served on the person excluded by a police officer. The notice shall identify the provision of law or rule of conduct the person has violated and contain a brief description of the offending conduct, the places of exclusion, and the start date and end date of the exclusion period. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.

(E) A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with Chapter 136 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Chapter 136, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person-in-Charge who requested the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person-in-Charge at the appeal hearing.

(F) A person receiving a notice of exclusion may request a limited modification from the City Manager for the purpose of attending a City Council or other public meeting or conducting specific business with a City official or office located at a City Property identified in the exclusion notice. The request must be in writing and must identify good cause for the desired modification. The City Manager may deny the request if the business with the City official or office may be conducted through alternate means or deferred until the exclusion period ends, or may deny the request on any reasonable basis. If modification is allowed, the City Manager may impose reasonable conditions for the limited entry and may include a requirement that the person arrange with the City Manager to be escorted into and out of the location where the meeting is to be held or the business is to be conducted.

**96.06 Violation – Criminal Trespass**

No person shall enter or remain in any public place at any time during which there is in effect a notice of exclusion issued under this chapter excluding that person from that place. A person who knowingly violates a notice of exclusion from public places under this chapter commits the crime of criminal trespass. (ORS 164.245)

**Section 3. Effective Date.** This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 27th day of March 2023.

SIGNED by the Mayor this 27th day of March 2023.

\_\_\_\_\_  
Dr. David Drotzmann, Mayor

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC City Recorder



*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of March 27, 2023

**Title/Subject**

Resolution No. 17 to Supplement the FY2023 HURA Budget

**Summary and Background**

Resolution No. 17 authorizes appropriations and/or expenditures in one fund as follows:

General Fund            \$496,000

**Tie-In to Council Goals**

Fiscal Prudence

**Fiscal Information**

Authorize the receipt of \$496,000 from an IFA loan for purposes of beginning Water & Sewer system design for SHURA (South Hermiston Urban Renewal Agency); Authorize an increase in Materials and Services of \$496,000 in SHURA Misc. Contractual; Authorize a decrease in HURA Non-Dept. Misc. Contractual of \$10,056; Authorize an increase \$10,056 in HURA Way Finding Signs Misc. Contractual as this expense was not budgeted.

Increase IFA loan proceeds \$496,000; Increase SHURA Misc. Contractual \$496,000; Increase HURA Misc. Contractual Way-Finding signs \$10,056; Decrease HURA Non-Departmental Misc. Contractual \$10,056"

**Alternatives and Recommendation**

**Alternatives**

1. Do not supplement the FY2023 HURA Budget
2. Supplement the FY2023 HURA Budget in the amount of \$496,000
3. Supplement the FY2023 HURA Budget by a different amount.

Recommended Action/Motion

Staff recommends Resolution #17 be approved/adopted as recommended.

Request a motion to adopt Resolution No. 17

**Submitted By:**

Mark Krawczyk

Director of Finance



**RESOLUTION NO. 17**

WHEREAS, ORS 294.471 permits the governing body of a municipal corporation to adopt a supplemental budget for the fiscal year for which the regular budget has been prepared if an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning or creates a pressing necessity for prompt action; and

WHEREAS, the conditions requiring a change in financial planning are listed in Exhibit A attached to and made a part of this resolution.

NOW, THEREFORE, THE HERMISTON URBAN RENEWAL AGENCY RESOLVES AS FOLLOWS:

1. that due to the conditions listed in Exhibit A that were not known at the time the budget was prepared, the total budget for the Hermiston Urban Renewal Agency for the fiscal period beginning July 1, 2022, is hereby supplemented in the amount of **\$496,000**. The amounts for the purposes shown below are hereby appropriated:

*Supplementing the Budget*

**GENERAL FUND**

**Requirements:**

Materials & Services

496,000

**Total Requirements:**

**496,000**

2. This resolution shall become effective immediately upon its passage as of the date and year set out below.

PASSED by the Urban Renewal Agency this 27<sup>th</sup> day of March, 2023.

SIGNED by the Mayor this 27<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
Dr. David Drotzmann, Mayor

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, City Recorder

EXHIBIT A

Fund No.	Description	2022-23 Adopted Budget	Budget Supp #1 Res 17	2022-23 Amended Budget
92	<b>92 HURA FUND</b>	<b>2022-23 Adopted Budget</b>	<b>Budget Supp #1 Res 17</b>	<b>2022-23 Amended Budget</b>
	Property taxes	270,759	-	270,759
	From Other Agencies	-	-	-
	Non Revenue	-	496,000	496,000
	Cash Forward	374,903	-	374,903
	<b>Total Resources</b>	<b>645,662</b>	<b>496,000</b>	<b>1,141,662</b>
	Materials & Services	481,000	496,000	977,000
	Capital Outlay	-	-	-
	Debt Service	110,687	-	110,687
	Contingency	53,975	-	53,975
	<b>Total Requirements</b>	<b>645,662</b>	<b>496,000</b>	<b>1,141,662</b>
	<b>Total Budget</b>	<b>645,662</b>	<b>496,000</b>	<b>1,141,662</b>
	<b>Total Appropriations</b>	<b>645,662</b>	<b>496,000</b>	<b>1,141,662</b>