

Local

City Council approves grant

BY GINA K. SWARTZ
Gina@TheBakerCountyPress.com

Tuesday evening City Council met for its regularly scheduled bi-monthly meeting. Mayor Downing called the meeting to order, then led the Pledge of Allegiance followed by the invocation.

City Recorder/Human Resource Manager Julie Smith Called roll. All Councilors were present except Councilor Joseph. Mayor Downing then turned to the Consent Agenda that consisted of minutes from the regular meeting September 26, 2017, minutes from the regular meeting October 11, 2017 and minutes from the special meeting October 12, 2017.

Councilor Thomas moved to approve the minutes as they were with no additions or corrections. Councilor McQuisten made a second. A unanimous vote followed. Mayor Downing called for citizen participation. Seeing none he proceeded into the evenings agenda.

Justice Court Update
Trial Court Administrator Michael Finney addressed Council. He advised that revenue was up only slightly over last year at this same time.

He spoke of the new cell phone law that recently went into effect where drivers could be charged with a Misdemeanor if caught violating the new law for a third time. He stated that he had talked with the Deputy District Attorney about the matter but was still unsure if that crime would be filed in Justice Court or Circuit Court.

He addressed the concern of property abatements telling Council that the current budget to clean up court ordered abatement properties was inadequate and explained that there were currently about five properties that were ordered for cleanup, however, the budget would only allow for two to be done.

He explained how that was problematic for the Court system and asked Council, "If there is any way, find a way to increase that budget," so that the system could work as intended.

He told Council the Court was exploring the addition of a LEDS terminal for easier access to driving records for Defendants but acknowledged that the cost of having that capability may make that impossible. Finney advised Council that he understood the Baker City Police Department was considering the possibility of moving in the direction of e-citations.

Finney urged Council to support this decision and told them that they had been using the e-citation system for some time with other agencies and it was very efficient in that citations were uploaded into their system quickly, there were not "lost" citations that ended up getting dismissed because they weren't filed with the court and most importantly they were legible. "I don't know if you've seen some of the officer's writing?" he asked.

Finney also advised that Judge Williams would not be running for another

term when his current term expires.

Ordinance #3359 Development Code Update

Holly Kerns Planning Director with the planning department spoke to Council regarding proposed changes to the development code for the freeway overlay district to reflect changing community conditions and needs. Larger signs were also being requested so that they could be seen by freeway traffic.

The new Grocery Outlet Store going in on the east side of the freeway was a driving force behind these requested changes.

In addition, the term billboards was recommended to be changed as the term that is being used now is outdoor advertising signs.

The Planning commission has met concerning the matter and advertised for public comment before this was brought before Council for a final decision.

As required, Mayor Downing opened a public hearing on the matter. Tom Muller of Baker City stepped forward and spoke stating that he felt if exceptions for some businesses were made regarding bigger signs then everyone would follow suit and if denied lawsuits could follow.

"Keep the signs small. Promote your mom and pop places," Muller said. "I'm afraid you're opening Pandora's box."

Megan Alameda also approached Council questioning height requirements that may obstruct our City's views and questioned what are we saying to travelers about Baker? These signs are not advertising our local community.

Mayor Downing then closed the public hearing. Councilor Abell moved to have a first reading of the ordinance with a second by Councilor McQuisten.

A 5:1 vote was cast for hearing the first reading with Councilor Nilsson being the only Councilor to vote no.

Before Kerns read the ordinance, City Manager Warner added that he had been to one of the planning commission meetings and voiced his concern about changing the approved signage for everyone.

Warner stated that one business that was affected the most by being in a spot that was very difficult to see from the freeway was the new Grocery Outlet going in.

He stated that he had suggested that rather than change the development code for everyone that a variance be made for this one instance, but stated the planning commission had not been in favor of that idea.

It was also noted that signs were prohibited from being digital or having any moving components.

Kerns read the Ordinance in full.

Councilor Abell moved to accept the first reading with a second by Councilor McQuisten.

Again, there was a 5:1 vote with Nilsson opposing, but passing the motion. A motion for a second reading was not heard.

SAFER Grant Analysis
City Manager Warner addressed Council providing them with a print out of what he said was "My final

analysis—I hope."

He told Council that the County had voted to partner with the City and help fund the grant match. In Warner's analysis he noted a few more things to consider before the final vote to accept the grant.

First, he noted the base pay that would be offered at \$40,650 noting that these were entry level positions and were highly unlikely to be eligible for family insurance or will have advanced certification.

Second, he stated that it would most likely prove difficult to hire three additional firefighters in the time frame they have.

Due to the relatively low pay scale Warner said, "We will probably be hiring personnel with little to no experience."

He lastly noted that due to the nature of the grant there would be risk that at the end of the grant, if the City and County had not come up with a solution to retain these positions there was risk of having to pay out unemployment.

Warner stated that believed that taking the grant was still the best option and felt that the City and County both were compelled to work together to find a final solution that would be beneficial and sustainable to all involved.

He recommended Council approve acceptance of the grant. Tom Muller again addressed Council. He expressed his opposition to the taking of this grant.

Muller spoke of how he felt the City Manager and City Councilors were unable to handle the City's finances effectively.

He spoke to the recently added Public Safety Utility Fee that was added to City water bills and how that had negatively affected many of the elderly and citizens on fixed incomes.

He said, "I hope you are all voted out of office."

Councilor McQuisten moved that the City accept the SAFER grant but continue discussions with the County for a more permanent solution.

Councilor Andersen voiced a second.

Councilor Nilsson stated that while he agreed with Muller in regard to saddling the citizens with a fee to offset costs he felt it would be irresponsible for the City to not take this grant.

Councilor Abell stated that she felt some of what was heard at the joint City/County meeting about the grant was compelling and voiced another second to McQuisten motion. The vote was unanimous to accept the grant.

2018 EPA Brownfield Grant Application

Megan Alameda, Baker High School and BTI Science instructor approached Council. For five years she has been working with students on Brownfield projects.

It all started when property was donated to the school district.

That property was researched and found to need environmental remediation.

Since that time, it was learned that Baker County was the second highest in the state for Brownfield sites according to an EPA list based on properties prior uses.

Alameda and the City

have partnered together and applied for a grant that, will if awarded, will allow her students to research and identify potential Brownfield sites in Baker City in the areas of Main Street, Broadway Avenue, and 10th Street. Alameda stated clearly to Council that there was no cost to the City with this grant. She indicated that the grant was written with much student involvement and praised her students for their level of involvement.

She said, "Some these kids were looking to get out of Baker, now they are looking at "How can I make my community better?" According to Alameda the students are responsible for all efforts to clean up identified brownfield locations. She also noted the work that her students have done out at the old Lime plant.

They are working to restore the property and hope to one day see the County-owned land sold and redeveloped.

Alameda was recently commended for her work with the students being honored by the EPA and the White House Council on Environmental Quality by receiving the Presidential Innovation Award for Environmental Educators.

Before the Council voted whether or not to support the grant application Councilor Thomas posed the question, "Do we have the second highest locations because we are looking for them?"

Alameda explained that a list was compiled off of data that indicated property land use that was potentially contaminating to the land. She cited the logging and mining industries as being large contributors to the reason such a high number of sites exist here.

Councilor McQuisten moved to approve Council's support with Councilor Thomas seconding. Council unanimously passed the motion. Alameda advised that the deadline to apply for the grant was fast approaching and that they would not know until the spring if they received the grant.

City Manager/Director Comments

City Manager Warner quickly advised Council that an agreement was in the works to bring power to the business park east of the freeway.

He also advised that he and Councilor Andersen were going to the watershed with some of the forest service representatives to rally physically look at the watershed and identify projects for this upcoming spring that can be worked on.

Council Comments.

Councilor Nilsson spoke stating some personal issues he felt he need to speak on were that he felt strongly that the City take another look at the Marijuana industry as a way to increase revenue.

If not actual outright dispensaries, then maybe some of the other necessary industrial ties to the legal recreational use.

He also spoke to the train noise level in Baker City and assured that he was still working on that.

He also commended Councilor Andersen for his unwavering commitment to cleaning up the watershed.

Van Sickle pleads guilty

On October 19 in Baker County Circuit Court, Kira Van Sickle of Meridian, 27, pled guilty to Criminally Negligent Homicide in relation to the death of an infant she was caring for September 20, 2014.

Van Sickle was sentenced to 42 months in prison by Baker County Circuit Court Judge Greg Baxter. The plea followed a settlement conference between the parties on October 19, 2017. The plea agreement allowed the parties to argue for a prison sentence between the range of 16 to 55 months in prison. Following the sentencing arguments, Judge Baxter sentenced Van Sickle to 42 months in prison to be followed by three years post-prison supervision.

The standard sentencing guidelines sentence for Criminally Negligent Homicide is 18 months in prison, or if the death involves driving under the influence of intoxicants, up to 36 months in prison. The agreed upon higher range, was based on the Assault First Degree and Murder Charge being dismissed as part of the plea agreement.

Although the injuries to the child occurred in September of 2014, the child later died due to complications with pneumonia in June of 2016. The child had been transferred from Idaho to a facility in Utah where she suffered significant issues due to her head injury prior to her death.

Van Sickle was originally indicted in June of 2015 for Assault in the First Degree and Criminal Mistreatment. Following the victim's death, a grand Jury indicted Van Sickle for Murder and First Degree Manslaughter as well as Assault in the First Degree. Judge Baxter indicated in his decision the 42-month-sentence was warranted due to the plea being based on facts related to the death of a child and brain injury.

"We felt this was a fair result in considering that the Defendant's actions in injuring the child were likely done under duress and in a spontaneous moment of frustration. This agreement allowed the court to consider all aspects of the case from the defendant's lack of criminal history to the gravity of the loss of life of an infant," said District Attorney Matt Shirtcliff. "We also wanted to make sure that there was a homicide-related conviction in the case as opposed to just assault, so that there was recognition of the loss of life."

Shirtcliff added, "We are going to be aggressive in filing charges where there is clear evidence of child abuse but will be fair in looking at what sentence is appropriate where the crime does not involve intentional conduct. Medically based cases with expert witnesses are difficult so it is good to ensure a conviction and accountability. All of our expert witnesses were out of state so although cost is not a primary factor in case decisions, once you are in the sentencing range that is appropriate it is good to be able to resolve the case in a way that also benefits the county."

Man arrested for shooting

On the afternoon of October 20, 2017, 32 year old John Day resident Kevin J. Rapp was arrested for the shooting of Kyler Weisenback and lodged at the Grant County Jail for the charges of Attempted Murder, Assault in the 1st Degree, Unlawful Use of a Weapon, and two outstanding warrants.

During the early morning hours of October 16, 2017, 27 year old Eugene resident Kyler Weisenback was awoken while camping and shot twice with a small caliber firearm. Weisenback was camping at the Dixie Creek Campground near the Dixie Summit, located east of Prairie City, Oregon.

Weisenback was first flown to a Bend area hospital and subsequently transferred to a Portland area hospital for treatment.

The investigation is active and further information will be released as it becomes available.

Boards need volunteers

Baker County is seeking volunteers for the following boards/committees:

- Baker Valley Vector Control Board
- Baker County Museum Commission
- Baker County Compensation Board
- Wolf Depredation Advisory Committee—The Committee is seeking volunteers for the co-exist position.
- Northeast Oregon Housing Authority
- Northeast Oregon Economic Development District (NEOEDD)
- Baker County Budget Board
- Western Heights Special Road District

For additional information please contact the Commissioner's Office at 541-523-8200 or by emailing hmartin@bakercounty.org.



Kira Van Sickle



Kevin J. Rapp