

Umatilla County moves to shut down strip club

By PHIL WRIGHT
STAFF WRITER

Zen-Den, on the outskirts of Umatilla, is fighting for its right to party. But the strip club and fitness studio is bucking county officials.

Umatilla County counsel Doug Olsen said Friday the business lacks a permit to operate, a violation of land use regulations.

"We have issued a stop use order," Olsen said last week. "And that should be served on the occupants [Friday, Aug. 18]."

Sheriff Terry Rowan said a deputy found no one at the business and posted the notice on the front door.

But Zen-Den spokesperson Justin Evans contends the business does not need the permit. He said this is a case of bossy local governments trying to close down a new establishment they don't like.

Zen-Den has been operating since December 2016 at 82084 N. Highway 395 in Power City, Evans said. The site is outside Umatilla's city limits but inside its urban growth boundary. Olsen said the location means Zen-Den still needs a city business license, and the county's code enforcement division handles that for the city.

Umatilla City Manager Russell Pelleberg said Umatilla has not issued any sort of permit or permission for Zen-Den. Olsen added the building needs improvements to meet code before it can host customers.



STAFF PHOTO BY E.J. HARRIS

The Zen-Den has been operating an adult entertainment based business without a business license since last December in Power City.

Evans countered that the location means the city does not have the authority to issue a license, and there is no reason to pay for a land use assessment or make upgrades to the building because use is not changing.

"Essentially, we're still a retail business," he said. Evans said he does not own Zen-Den, but his book-

ing agency provides the exotic dancers. He is in contact with the business owner and the attorney representing Zen-Den, he said, but would not reveal who they were. The Oregon Secretary of State's online business database shows no registration for Zen-Den. Evans, who is also a boxer and mixed-martial artist, said the site has multiple uses.

"The Zen-Den is dedicated to the pursuit of Zen," Evans said. "Who's to say what that is, right? But to date, we have exotic danc-

ing, pole dance fitness, martial arts and yoga."

Zen-Den does not serve alcohol, and the few drinks available are pre-packaged bottled water and energy drinks. There is a cover and one-drink minimum to get in. The stage with a dance pole juts from one wall, chairs near the railings ready for customers. The DJ booth sits at the opposite end. Some tables and chairs make up the rest of the spartan accommodations.

Evans was at the club Thursday night and in

charge of most operations. Another man worked as security while the "house mom" took the cash to get in and helped Evans with the four dancers.

He said since the "grand opening" around a couple of weeks ago, Zen-Den had maybe 20 customers. The pace picks up around 1 a.m., he said, when folks leave the Riverside Sports Bar and Lounge, one of the other adult entertainment venues in Umatilla.

The city's mayor, Daren Dufloth, owns the Riverside. And Steve Bunn owns Honeybunnz Hideout, the other strip club in the city. Like Zen-Den, Honeybunnz serves no alcohol.

Bunn and Evans have a history of conflict that in early 2015 resulted in a felony assault conviction for Evans. That history led Milton-Freewater months later to reject Evans' application to open a strip club there.

Zi Chen of Hermiston is buying the property where Zen-Den is located. He owns the Fortune Garden restaurant on Hermiston's north end. He said he heard a couple weeks ago about the adult entertainment club but was not aware it lacked a business license. He said he pays Preferred Property Management Inc., Hermiston, to oversee the site.

Randy Randall is the

principal broker of Preferred Property and is chair of the Umatilla County Planning Commission. He said he has yet to see evidence Zen-Den has been a problem or is violating any rules or laws.

"Without a citation, I can't take action," he said.

The people working in the two secondhand and gift shops next to Zen-Den said they have seen no problems with their newest neighbor and didn't even know who worked there. Evans said the business is open to the public 9 p.m. to 3 a.m. Thursdays through Sundays.

"By the time we open there's not a single other business in Power City that is open," he said. "We are completely out of sight, out of mind as far as the mainstream community is concerned. ... I don't know why anybody would have a problem or a complaint with the facility or the location of it."

The sheriff's office last Saturday responded to the club after an anonymous caller report of a fight. But there was no fight.

"What we believe is going on is the competitor in Umatilla is falsely reporting," Rowan said.

Rowan didn't specify which competitor that might be. Evans said he had no doubt that was the case and illustrates the unfair treatment Zen-Den is receiving.

Umatilla County moves toward tobacco licensing

By PHIL WRIGHT
STAFF WRITER

Umatilla County health officials want cities to require retailers to have a license to sell tobacco and nicotine.

Mariah Hinds, the county health department's tobacco prevention coordinator, said the licensing program is about preventing sales to youth.

Hinds spoke to the county board of commissioners about the plan Aug. 16 in Pendleton. The county program would include a retail license for the sale of tobacco, Hinds explained, and a prohibition on the

sale of tobacco to minors. The County Environmental Health Department would inspect each retailer at least once per year. She said other areas of the country have established similar local laws and experienced major declines in youth obtaining tobacco.

Hinds said a licensing program allows the county to oversee tobacco and nicotine sales in their jurisdictions. The county board voted 3-0 to allow health department staff to ask cities and other jurisdictions for that approval.

The move comes almost two years after the U.S. Food & Drug Adminis-

tration ran 60 stings at 51 stores in the county and found 14 did not verify the buyer's age and sold cigarettes to a minor.

Under the draft of the proposal, the retailer would face fines and license suspensions. County counsel Doug Olsen explained that per state law, a violation of a county ordinance starts at \$500.

"There could be additional penalties assessed in addition to the fine," he stated.

The regulations also would prohibit tobacco retailers from operating within 1,000 feet of each other or a school, with exceptions

for those already in business.

The proposal calls for the board to set the price of the license each year. That fee would have to be enough to cover the cost of administration and enforcement. Hinds said a survey of local retailers showed they make \$200-\$5,000 per week on tobacco, so even a \$200 license would be affordable.

She also said Morrow County is interested in the program, and that would work well because Umatilla County handles much of its western neighbor's environmental health regulation.

Stanfield updating nuisance ordinance to address odor

By JADE MCDOWELL
STAFF WRITER

A month after voting to try and shut down 3D Idapro Solutions' dehydration plant in Stanfield, the city council acknowledged the unpleasant smell coming from the plant has lessened.

"The council has been active on this issue in meeting with the company and have seen improvements," said Councilor Susan Whelan.

The council still voted during its meeting Aug. 15 to direct staff to update the city's nuisance ordinance, using Hermiston's as a template. City Manager Blair Larsen said Stanfield's current ordinance does not do a good job of specifying how to measure whether a property is emitting an odor offensive enough to merit a fine. Mayor Thomas McCann agreed, noting if the city does pursue legal action it has to have an

ordinance in place that will stand up in court.

"You can't just do things willy-nilly when you get before a judge," he said.

Councilors noted that representatives of 3D Idapro Solutions, including the company CEO, have met with councilors and given them tours, and Councilor Jason Sperr said he felt more comfortable that the company was making good faith efforts that were starting to work.

Leland Winebarger, who works near the plant, was less pleased.

"Why doesn't someone from this city do something?" he asked during the public comment section, referencing a recent explosion at the plant and calling its potato-dehydrating operations "basically a hydrogen bomb."

Voices were raised during an exchange between Winebarger and the city manager when Winebarger demanded answers

from Larsen and said he expected Larsen to have reports for him from the Department of Environmental Quality and Occupational Health and Safety Administration.

"You make it sound like these people work for me. They don't," Larsen said, adding that he didn't know why Winebarger hated him.

Winebarger continued to press Larsen and said he was not doing his job. McCann banged his gavel and told Winebarger to be quiet.

"I take umbrage with what you say," McCann said. "If I was a judge I would hold you in contempt of court."

Kevin Andreson of 3D Idapro Solutions apologized on behalf of the company for the unpleasant odor that the plant has caused to waft over Stanfield and outlined a number of steps the company has taken or will soon imple-

ment, including shipping in fresher potato products, shortening storage times, sending trucks in through a back route, using a deodorizer and building a new scrubber that is expected to be done in November.

"We're trying to be good neighbors," he said.

He said the company would try to be proactive in keeping the community updated on improvements, would close down during community events like football games and would be happy to give a tour to anyone in the community who wanted to know more.

PUBLIC SAFETY LOG

TUESDAY, AUG. 15

1:40 a.m. — A woman reported someone was inside her house at Southeast Sixth Street, Hermiston.
4:59 p.m. — A suspicious male was reported at North First Street, Hermiston.

WEDNESDAY, AUG. 16

4:15 a.m. — A man was reported stealing from 7-Eleven at South Highway 395, Hermiston.
11:33 a.m. — A caller said she'd like HPD to come pick up a dog she found at Riverfront Park last night. She said the dog was small, dark brown and black, and was missing her right ear and left hind foot.
6:06 p.m. — An assault was reported at East Newport Avenue, Hermiston.
9:30 p.m. — Suicidal subject reported at East Newport Avenue, Hermiston.

THURSDAY, AUG. 17

12:12 p.m. — A woman on Northeast 11th Street reported that her ex keeps coming to her residence and harassing her, and that she is being followed around town by his relatives.
2:28 p.m. — A caller reported a pit bull in a car with the windows cracked about an inch, at East Hurlburt Avenue, Hermiston.

FRIDAY, AUG. 18

3:32 a.m. — A 1-year old baby with a red mark on its head was reported at East Reeder Drive, Hermiston.
12:28 p.m. — An assault was

reported at South Highway 395, Hermiston.

2:06 p.m. — A suicidal subject was reported at South First Street, Hermiston.

SATURDAY, AUG. 19

9:08 p.m. — A caller reported that he found a hidden camera set up in his house, at East Newport Avenue, Hermiston.
10:07 p.m. — A runaway was reported at East Main Street, Hermiston.
10:23 p.m. — A man with a knife was reported at West Joseph Avenue, Hermiston.
10:33 p.m. — A runaway was reported at Southwest 11th Street, Hermiston.

SUNDAY, AUG. 20

7:15 a.m. — A woman reported her son missing.
9:38 p.m. — A runaway was reported at Southwest Desert Oak Drive, Hermiston.
10:07 a.m. — A fight was reported at East Elm Avenue and Northeast Fourth Street, Hermiston.
10:16 p.m. — A caller reported he was being chased, and was in a field off East Sunset Drive. Officers were unable to locate the incident.

MONDAY, AUG. 21

12:11 p.m. — A man was yelling and cussing at a woman in the Affac building on East Hurlburt Avenue.
10:49 p.m. — A fight was reported at the Walmart parking lot, at North First Street, Hermiston.

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