

Council raises franchise fees to pay for street projects

By **JADE McDOWELL**
STAFF WRITER

Hermiston residents will see an increase in some bills after the City Council voted to increase franchise fees.

The fees are part of an agreement that various companies selling electricity, natural gas, cable television, telephone landlines and internet have made with the city in exchange for placing cables and wires in the city's right of way. The money from the fee increase will be dedicated to the street department.

Assistant city manager Mark Morgan estimated the increases — in most cases from 3 percent to 5 percent — will increase the average Hermiston resident's electric bill by about \$1.70 per month. Other impacts are harder to estimate, he said, because not all households pay for things like cable or natural gas, but it should average out to about \$2.36 a month per resident for everything else combined.

The total impact will be about \$48.72 per year for the average Hermiston resident.

The move will raise an estimated \$413,000 per year for street projects. Currently the city's total budget for street improvements is about \$200,000 per year. At that rate, Morgan said, it would take the city 59 years to com-

plete its top seven capital improvement projects if it stopped spending money on any maintenance.

"Obviously, with inflation as it is, we would never actually catch up," he said.

With the extra money from the franchise fees, in addition to an anticipated \$400,000 a year from the gas tax increase passed by the legislature this summer, Morgan said that timeline shrinks to more like 11 years.

The city's five-year capital improvement plan for streets, which the city council also passed Monday, outlines those projects that will be a priority. During the 2018-2019 fiscal year the city plans to realign the confusing three-way intersection at Harper Road, Geer Road and North First Place behind Home Depot at a cost of about \$1.25 million.

Other top projects include major maintenance work around Newport Park, paving the unpaved portions of Theater Lane, widening North First Place, redesigning the intersections of Highland Avenue and North First Place by the high school and Orchard Avenue and North First Place by the fire station, paving and extending West Gettman Road and widening East 10th Street.

Franchise fee money will also go toward maintenance of current streets, such as a

grind and overlay of Hermiston Avenue planned for the coming fiscal year. City councilors said they don't like raising rates on Hermiston residents, but they also feel a need to make sure Hermiston's streets are maintained and that its street system can accommodate the city's growth.

"If you don't keep it up, you have to replace it, and that's much more expensive," council member Jackie Myers said.

Another council member, Doug Smith, said he recently hit a pothole on a county road that cost him more in payments to Les Schwab Tires than paying increased franchise fees will cost.

Not everyone was on board with the fee increase. Resident Cyndie Traner said utility payments were already too expensive for residents, and questioned why the city council could raise those fees without a vote of the citizens.

"I personally don't want to have any increase in my utilities," she said.

Steven Gerber, senior manager of government relations for Charter Communications, said the fee increase would not come out of Charter's pocket, but will be passed directly on to customers. He questioned the legality of the council's actions, particularly con-

cerning a separate ordinance that allowed the city to start charging franchise fees on Charter's internet and phone services instead of just the fees on cable it had previously been paying.

"Fees are imposed to recover costs, taxes are to raise revenue," he said. "It seems clear this is to raise revenue."

Rich Lorenz, the city's utilities attorney from Cable Huston, said the language in the ordinance matched language that the Oregon Supreme Court recently upheld in a legal battle between the city of Eugene and Comcast.

In the end the City Council voted on a series of resolutions raising franchise fees on Umatilla Electric Cooperative, Cascade Natural Gas, Charter Communications, Eastern Oregon Telecom, EZ Wireless, Inland Development Corporation, Windwave Communications and M2 Machmedia.

It also passed a resolution allowing the city to charge franchise fees on Charter's internet and phone offerings, a resolution dedicating 33 percent of all franchise fees to the street department, and a resolution adopting the city's five-year capital improvement plan for street improvements.

The increase will come into effect Oct. 1 for Umatilla Electric Cooperative and Jan. 1 for other companies.

THREE MINUTES WITH ...



JACLYN JENKINS

Umatilla County Chief Deputy District Attorney

When and why did you move to Hermiston?

I moved to Hermiston when I was 10, because my sister and I moved in with our aunt, who was a teacher here. I left for college (Whitman College in Walla Walla, Washington) and then law school (Hofstra University School of Law in Hempstead, N.Y.). I came back after law school because I missed my home, and also because I wanted to practice law and give back to the community that had given an awful lot to me.

What is your favorite place to eat in Hermiston?

La Palma! I can't wait until it opens again!

What do you like to do in your spare time?

When I have spare time, I have two dogs that I love to take up into the mountains. We try to get a good hike in every weekend. I love Zumba, and do it as frequently as I can! I try to run when I can. I also like visiting friends, traveling, going to concerts and working in my garden.

What surprises you about Hermiston?

Its growth. I can remember when I was younger growing up here, and it was just so much smaller. It's amazing how much this now not-so-little town has grown in a relatively short amount of time.

What was the last book you read?

The Alienist, by Caleb Carr.

What app or website do you use most often other than Facebook or Google?

Probably E-Courts, for work! I spend way too much of my Internet life there! But, for fun, probably Pandora. I love listening to music, and enjoy the variety.

If you could travel anywhere, where would you go?

I was lucky enough to get to go to New Orleans for a training. Because I was there for work, I did not get near enough time to sight-see. I would love to go back — what I was able to see and do was amazing!

What is the funniest/most embarrassing thing that's ever happened to you?

As I said, I like to take my dogs hiking in the mountains. One time, we had just finished a hike. I was in my car, with my dog (at that time I only had one), getting ready to go. A vehicle pulled up next to mine, such that the driver's side windows were facing each other. The driver, a man with no shirt on, asked me if there was anyone else on the trail. I told him no (because there was not). He then told me that he was not from Oregon. ... I was not prepared when he asked me if I was aware if it was legal in Oregon to hike naked! I was totally surprised, as hiking naked seemed to me to be a bad idea on multiple levels. Uncharacteristically short of words, I simply told him that I did not know that it was illegal to hike naked. He then asked me if it would bother me if he did (hike naked). I told him no, that we were leaving. He said, "We?" I said, the dog and myself. When I looked up, there he was, at the trailhead, in nothing but his hiking boots and socks. It was only later that I realized that he was probably naked THE ENTIRE TIME HE WAS TALKING TO ME!

What is one of your goals for the next 12 months?

I would like to run a half marathon.

What is your proudest accomplishment?

Professionally, in 2014 my boss, District Attorney Primus, and I, successfully tried a murder case (State v. Craigen) together. It was our first murder trial, and the defendant did not make that case easy. I feel like the conviction made the community safer, and also hope that the conviction gave the victim's family some small measure of peace. Personally, this summer, I did an overnight hike with some people up to Ice Lake in the Eagle Caps. I had been planning, and buying equipment, to do an overnight hiking trip for over a year. The hike was steep and beautiful and a lot of fun! I plan to do more in the future!

Fire damages Umatilla hotel

HERMISTON HERALD

Umatilla's Tillicum Inn was heavily damaged Wednesday, Sept. 6, by fire.

The hotel, located at 1481 Sixth Street, was the scene of hours of active fire-fighting and mop-up by fire departments from throughout the region, including those as far away as Pendleton.

The exact cause of the fire was not immediately known. But around 12:30 p.m., Umatilla Police Chief

Darla Huxel said it was thought to have been related to maintenance work.

"They were working on a water line, or doing some soldering," Huxel said.

She said she did not know if the person doing the maintenance work was an employee of the inn.

Huxel and other Umatilla police officers directed traffic as crews from Umatilla Fire Department battled the fire. They received mutual aid from Umatilla County Fire District 1 and Echo Ru-

ral Fire Department, Pendleton Fire Department and others.

Five or six people were staying in the motel at the time and were evacuated. Inn manager Josephine Kepich said she did not know details about what happened, and couldn't comment until she could get in touch with the owner.

Outside the hotel, employees were discussing how to re-house their guests. The hotel has an annex behind the main building.



PHOTO COURTESY TOM ROBERTS

The Tillicum Inn in Umatilla was seriously damaged by fire Sept. 6. Multiple fire departments reported to the scene.

Hermiston native nominated to federal judgeship

HERMISTON HERALD

A Hermiston native is among sixteen individuals nominated by President Donald Trump to federal judgeships.

Ryan Bounds was nominated to serve as a judge on the Ninth Circuit Court of Appeals. Bounds, a 1991 graduate of Hermiston High School, currently serves as an assistant U.S. Attorney for the District of Oregon, prosecuting criminal cases. He has also served as a special assistant U.S. Attor-

ney for the District of Columbia. Prior to working at the national level, Bounds practiced commercial law for Stael Rives LLP, a Portland firm. Bounds studied psychology and political science at Stanford University before earning his juris doctor from Yale Law School.

U.S. Rep. Greg Walden, who serves Oregon's second congressional district, applauded the nomination in a statement.

"The President's nomination of Ryan Bounds to

serve on the Ninth Circuit Court of Appeals is welcome news for rural Oregon," Walden said. "Ryan has never lost touch with his roots and understands how the way of life in our communities."

Walden noted the influence federal court decisions can have on life at the local level, such as Columbia River hydro-power operations and issues of federal land management.

"Ryan's deep roots in rural Oregon, respect for tradition, precedent and

deference to the political branches of the state and federal governments, will provide rural Oregon with that important voice on the bench," Walden said. "He is uniquely qualified for this judgeship."

Bounds will now have to be confirmed by the U.S. Senate. Oregon's senators Ron Wyden and Jeff Merkley have threatened to block the nomination on procedural grounds because Bounds was not vetted by the bipartisan judicial selection committee.

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