

MINUTES  
CITY COUNCIL REGULAR MEETING  
PUBLIC HEARING  
July 22, 2020  
6:30 – 9:09 p.m.

MAUPIN CIVIC CENTER  
507 GRANT  
MAUPIN, OREGON  
AND VIRTUALLY - ZOOM

**PRESIDING:** Mayor Lynn Ewing

**COUNCIL PRESENT:** Lynn Ewing, Tom Troutman, Susan Wright, Mike Foreaker, and Carol Beatty

**COUNCIL ABSENT:** Jon Helquist, One Vacancy

**STAFF PRESENT:** City Manager Kevin Lewis, City Recorder(s) DeOra Patton, Christine Kurtz, Attorney Paul Sumner, City Planner Dan Meader, Planner Kirk Fatland

**VISITORS PRESENT:** Rani McPhearson, Amy O’Neal, Tammy Creel, John Bildsoe, Medy Gantz, Christine Fruehling, Randy Klettke, Todd Gruener, Kathy Peck, Mark Allen, Ellen Ragan, Rod Woodside, Christine Wolfe, Richard Mindt, Gary Burnett, Suzanne Knapp, Ralph Wimmer, Way Yin, Stephanie Anderson (Chamber Coordinator), Scott Hege (County Commissioner)

**CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE.** The meeting was called to order by Mayor Ewing at 6:30 p.m. Roll call of Council and staff was conducted by Recorder Patton. Mayor Ewing led council and audience in Pledge of Allegiance.

**CONSENT AGENDA: A) Approval of Minutes of July 13, 2020; B) Mayor/Councilor Monthly Finance Report; C) Payment of Invoices for June 2020.** It was moved by Councilor Foreaker, Seconded by Councilor Wright, and passed unanimously on a 5 to 0 vote (Ayes: Foreaker, Beatty, Troutman, Ewing, Wright; Nays: none); the Council approves Consent Agenda as presented.

**AUDIENCE PARTICIPATION:** Richard Mindt asserted the city was not being governed equally, that Suzanne Knapp quit the council because she was unable to bring rules into compliance, and that there was an abuse of the complaints process.

## **REPORTS.**

**Mayor.** Mayor Ewing reported that there are reported COVID cases in Maupin and elsewhere in South Wasco County. He advised that citizens follow business rules to stay safe and keep them open. Mayor Ewing summarized the new COVID order released by the Governor effective July 24, 2020, it does apply to whitewater rafters. Mayor Ewing will be sending out a letter to all local businesses with COVID response recommendations.

Mayor Ewing reminded everyone that there is a commissioner opening on Planning Commission and that the 2020 Census is still underway. He urged everyone who has not responded to do so right away. Mayor Ewing reported that the Deschutes River Athletic Complex (DRAC) is commencing work on August 2, 2020 with the arrival of the Oregon National Guard Army Corps of Engineers.

**Public Works.** City Manager Kevin Lewis reported that progress had been made on installing new fire hydrants, and that there were 3 more yet to be installed. Weed abatement has been completed and the City received a nice thank you letter from the Rivercrest HOA.

**Chamber.** Chamber Coordinator Stephanie Anderson reported that she has been emailing businesses the last couple weeks about the MCED COVID grant opportunities. Ms. Anderson reported that many people in Maupin have received grant money. Ms. Anderson also reported the arrival of the Army Corps of Engineers who are working on the DRAC and is coordinating a welcome gift bag. Valerie White has joined the Chamber of Commerce Board; the board still has 2 additional vacancies. Stephanie has been emailing businesses as mandates from the Governor become available.

**Library.** City Manager Kevin Lewis reported the library is working on additional programming. Their first virtual event is coming up, Evening Reading Program. The library continues to provide curbside pickup. The Southern Wasco County Library Foundation is recruiting for board members.

**Parks.** Councilor Beatty reported that the City Park ambiance is very enjoyable and mellow. In discussion with Cheryl Mojzer, City Park Administration Manager, she reports that 4 cameras are operational and 4 more are in the process of being added as the electricity is completed. Councilor Beatty thanked City Manager Kevin Lewis for using his unpaid time off to paint the City Park bathrooms inside and out. Councilor Beatty reported seeing a greater number of people wearing masks in the public parks.

**City Attorney.** City Attorney Paul Sumner reported during public hearing, no additional new to report.

**City Manager.** City Manager Kevin Lewis reported progress is being made on setting up a remote server, Quickbooks integration, getting the old City Hall prepared for transition in

sale, electrical work at City Park, and facilitating DeOra Patton's retirement. He reports that they were able to remove the old safe from the old City Hall and install it in the new Civic Center.

**RECEIVE RESIGNATION OF COUNCIL MEMBER.** Mayor Ewing acknowledged the Council receipt of Councilor Suzanne Knapp's resignation letter. It was moved by Councilor Foreaker, Seconded by Councilor Beatty, and passed unanimously on a 5 to 0 vote (Ayes: Foreaker, Beatty, Troutman, Ewing, Wright; Nays: none); the Council accepts Suzanne Knapp's resignation. Councilor Beatty thanked Suzanne Knapp for her service to the City.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING OPERATIONAL RULES AND REGULATIONS FOR VACATION RENTALS IN THE CITY, ESTABLISHING A PERMITTING PROCEDURE AND A PROCEDURE FOR DEALING WITH VIOLATIONS.** For the record, public notice was published on the City Website and posted locally. The ordinance was available for public inspection, posted on the City Website and provided to Council in advance.

Mayor Ewing read the Ordinance by title and announced the rules of procedure and presentation of the hearing process. He then opened the hearing and called for staff report.

City Attorney Paul Sumner summarized the development and design of the proposed ordinance. Mayor Ewing called on Proponents of this ordinance to give testimony. He asked Mark Allen to summarize his written testimony offering revisions to some of the rules.

Proponents expressed the following concerns:

- The responsibilities and availability of a single Contact Person should be revised
- The onus of enforcement is unfairly being applied to a single business industry
- Short term vacation rentals would boost the economy
- In an unofficial poll of Deschutes Ave property owners, a majority endorsed the concept of allowing vacation rentals in town
- There is an existing market of buyers for short term vacation rental properties

Mayor Ewing called for opponents of the proposed ordinance to give testimony. He asked Way Yin to summarize his written testimony. Opponents expressed the following concerns:

- Current ordinance information is not easily available for citizens to know existing rules and regulations
- The City of Maupin does not have law enforcement or a code enforcement program/officer to enforce existing or future ordinances
- A Nuisance Abatement Officer should be required in the rules and regs
- Limited access for the community to engage in this rule making process due to COVID
- The decision to pass the ordinance should be a referendum on the ballot
- The City should not bare any financial responsibilities in administering short term vacation rental industry

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- There exists a preference to attract full time residents who will engage in the community opposed to out-of-town property owners with a single business interest in The City of Maupin
- The City undertaking liability as a licensing agent

Mayor Ewing called for any public testimony. City Recorder Patton reported no written testimony submitted.

Mayor Ewing closed the public portion of the hearing and opened deliberation to Council. He clarified the license is one year as stated in ordinance, the City has contracted with a company to codify the City's ordinances and put on website, who and what the contact person is and being different from a code enforcement officer, and of the quiet time being what is in the City's Noise Ordinance. Council discussed the following:

- Work session changes were reflected in the current version of the proposed ordinance
- The rules requirements of, duties of, and compensation of the ordinance "Contact Person" and the rules requirements of, duties of, and compensation of the City Nuisance Abatement Officer needs to be strengthened. Several suggestions were discussed on how to achieve this including: shifting budgetary funds, hiring seasonally, charging fines for code enforcement, and a City joint partnership with a property management entity.
- Clarified with City Attorney Paul Sumner the City's liability as a licensing agent
- Suggestion of OSHA inspection requirement for public safety
- Possibility of adopting the Hood River model of requiring short term vacation rental owners to be residents of The City of Maupin
- Difficulty in reaching a decision prior to completing community goal setting and visioning exercises.
- Possibility of further limiting the quantity of vacation rentals within approved zones.

Councilor Foreaker disclosed potential conflict of interest. He owns a motel/hotel in town. Attorney Sumner acknowledgement correction that this hearing is legislative, not quasi-judicial, and the rule of conflict does not apply, but suggested continuing with hearing if there are any objections from Council or public to Councilor Foreaker participating in decision. Mayor Ewing called for any objections to Councilor Foreaker deliberating and voting. No objections from Council. No objections from the public.

There being no further discussion by Council, Mayor Ewing announced the options for decision; to pass, to deny, to pass with modifications, or continue decision to another specific date and time meeting.

Councilor Foreaker motioned to render a decision at the next City Council meeting on August 26, 2020 at 7 pm. for full Council to be present. Councilor Beatty seconded. Motion failed on vote of 3 to 2 (Ayes: Foreaker, Wright, Beatty; Nays: Ewing, Troutman). Motion requires four votes to pass. Discussion on the motion consisted of what would be accomplished

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by setting over to another meeting and what the process would be for amending the ordinance in the future.

Councilor Troutman motions to pass ORDINANCE 310 ESTABLISHING RULES AND REGULATIONS as presented. Mayor Ewing seconded. Motion failed 2 to 3 (Ayes: Troutman, Ewing; Nays: Foreaker, Beatty, Wright).

Council Foreaker motioned to continue Council Deliberations to August 26, 2020 at 7 pm. Councilor Beatty seconded. Motion passed with a vote of 4 to 1 (Ayes: Foreaker, Wright, Beatty, Ewing; Nays: Troutman).

Additionally, Councilor Beatty motioned to continue Council deliberation of ORDINANCE 310 ESTABLISHING RULES AND REGULATIONS to August 12, 2020 at 6:30 pm in City Council Work Session to allow Council further discussion. Seconded by Councilor Troutman Motion passed unanimously 5 to 0 (Ayes: Foreaker, Beatty, Wright, Ewing, Troutman; Nays: none).

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE TO ALLOW SHORT TERM RENTALS IN THE COMMERCIAL ZONES OF THE CITY AND MAKING OTHER ADJUSTMENTS AS NECESSARY TO COMPLETE THAT REVISION AND DECLARING AN EMERGENCY.** For the record, public notice was published on the City Website and posted locally. The ordinance was available for public inspection, posted on the City Website and provided to Council in advance.

Mayor Ewing opened the public hearing.

Councilor Foreaker motioned to continue this Public Hearing on ZONING ORDINANCE AMENDMENT to August 12, 2020 at 6:30 pm in a Council Work Session for further Council discussion and to August 26, 2020 at 7 pm during the regularly scheduled City Council meeting. Councilor Wright seconded. Motion passed 5 to 0 (Ayes: Foreaker, Beatty, Wright, Ewing, Troutman; Nays: none).

**DISCUSS COUNCIL GOAL SETTING AND COMMUNITY VISIONING PLANS:**

Mayor Ewing stated the challenges of conducting community forums during COVID gathering restrictions. Calls for any ideas, professional groups, and tools to help accomplish it. Councilor Wright suggested using questionnaires, providing technical assistance to community on ZOOM, and having a sense of urgency for scheduling with a tight window between the end of rafting season and snow birds leaving for the Winter.

**APPROVAL OF BANK ACCOUNT SIGNATORIES:** Based on employment transitions, City Recorder Patton proposed Council approve new bank signatories to include new city recorder Christine Kurtz, City Manager Kevin Lewis, City Mayor Lynn Ewing, and City Council

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President Thomas Troutman. Councilor Foreaker motioned to authorize the bank signatories as proposed. Councilor Beatty seconded. Motion passed by unanimous vote of 5 to 0 (Ayes: Ewing, Troutman, Foreaker, Beatty, Wright; Nays: none).

**COMMUNICATIONS:** Elections Officer Patton announced that City Candidate elections are in November. She is currently accepting Candidate applications for 3 Council positions and one Mayor position. There is still a vacant position in the Planning Commission of which applications are being accepted.

**SUGGESTED TOPICS FOR NEXT MEETING:**

- A. Set a Date for Community Goal Setting & Visioning Plan
- B. Push out City Employee Handbook Revisions to September Meeting

**EXECUTIVE SESSION PER ORS 192.660 (1)(a) TO CONSIDER EMPLOYEE**

**REVIEW:** Mayor Ewing called Council into Executive Session at 8:43 p.m. and reconvened the regular meeting at 9:07 p.m.

**ACTION SUBSEQUENT TO EXECUTIVE SESSION:** Councilor Foreaker motioned the Council accepts the employee evaluation on City Manager Lewis. Councilor Beatty seconded. Motion passed unanimously 5 to 0 (Ayes: Ewing, Troutman, Wright, Foreaker, Beatty; Nays: none).

**NEXT MEETING:** Wednesday August 12, 2020 Work Session at 6:30 pm

**ADJOURN.** Mayor Ewing adjourned the meeting at 9:09 p.m.

Respectfully submitted by  
Christine A. Kurtz, Recorder

SIGNED: \_\_\_\_\_  
Lynn Ewing, Mayor

ATTEST: \_\_\_\_\_  
Christine A. Kurtz, Recorder