

City of North Powder Council Meeting
May 4, 2020
7PM Wolf Creek Grange

Attendance: Mayor Mike Wisdom, Councilors Logan McCrae, Mike (Big Mike) Morse, David (Shorty) Schwehr, Tanna Ingram, Jeff Grende, and Joyce Lawyer. City Recorder Beth Wendt, Librarian Maggie Guthrie, Public Works Director Rick Lawyer.

Others in attendance: Bill Miller, Nick Ducote and one unidentified caller.

Mayor Mike Wisdom called the meeting to order and the Pledge of Allegiance was said.

Public Comment- Bill Miller, candidate for County Sheriff, is originally from Baker County. He lived in North Powder for a about a year and eventually settled in Elgin. He felt it was important to bring stability back to the Sheriff's office and move it forward. He would also like to make Rural Patrol a high priority. He spent 10 years as narcotics detective and supervised the drug task force. It is important to meet and hear concerns from citizens all across the County. He wants deputies to have training and support and to learn to write search warrants. Mayor Mike felt North Powder needed to have citations for speeding and some drug busts. Mr. Miller wants to focus on drug crimes and try to get a facility for housing and treatment in Union County. There are a lot of people on waiting lists to get into treatment facilities and timing is critical. He would like to provide better coverage county wide.

Agenda-

Mayor Mike asked for amendments to the Agenda. Beth added an application from Vicky Day for a temporary OLCC permit. Big Mike made a motion to accept the agenda. Logan seconded. All were in favor.

Minutes – Mayor Mike asked for amendments to the minutes of the Council meeting on March 2, 2020 and a special meeting on March 23, 2020. Logan made a motion to accept the minutes from March 2nd & March 23rd. Big Mike seconded. Motion carried unanimously.

Accounts Payables- Beth noted the approved bills from came to \$13,372.94 plus late bills for \$3375.26. Draw #2 for Wastewater Grant was submitted and bills for \$20,878.14 have been paid. Draw #3 has been submitted for \$19,501.63 but we are still waiting on the funds in order to pay the bills. Because the Council Meeting is early in the month, there were several bills missing from the spread sheet. CenturyLink was \$299.59, OTEC - \$2243.37, Dan Van Thiel -\$275, Office Depot - \$95.97, The Observer -\$100.23, Technichem, Inc. -\$330, Commercial Tire- \$228.74, Eagle Office Concepts- \$80.99, and USA BlueBook -\$71.90. Because of all the additions, Beth didn't have a total for the current billing. Logan made a motion to pay the bills. Joyce seconded. All were in favor.

Library Report- Maggie was thankful for the quiet time from the shutdown. She has been able to get a lot of repairs done and has gone through a bunch of stuff that has been in storage.

Because of the stay-at-home order, Maggie needs to re-structure the Summer Reading Program to schedule sign-up and when packets can be picked up. She has already purchased supplies and prizes. Sign up will be June 1st.

Maggie clarified that at the current time you can't order books on sagelib.org but you can see what's available.

Public Works Report- Rick reported they will start flushing hydrants. They'll start at the well and work their way across town from 1st Street to 5th. Notices have been posted at City Hall and the Post Office.

Rick never received a second bid for the sewer at 2nd & C Streets and the storm drain at the school so we'll go with the original bid.

Rick contacted Jerry Gray and he was okay with the response he got from Scott Hartell regarding the right-of-way for the water line to the new Fire Station. We are still waiting on a 1" meter that should be here next week. Baker's Public Works people will help with cutting the asbestos pipe.

Rick will take the boat out at the lagoons to measure sludge. The "bugs" we got seem to be helping but there is still a lot of sludge. Last time it was dredged was in 1998. Rick thought it might need to be done again. Beth thought that could be done with the Wastewater Project.

City Recorder Report- Beth noted that the "If I Were Mayor" contest deadline was moved to June 5th so she moved the local deadline to May 6th. So far, no entries.

Everyone completed their Ethics filing on time.

Water overages in March were \$236.72 with \$85 in freeze credits. April overages were \$208.36 and no freeze credits were issued.

The CIS Annual Report was included in Council packets. It gave the breakdown for liability claims. North Powder scored about 72% on the Best Practices Survey for 2018-2019.

We received a thank you note from the North Powder Food Bank. The donation was greatly appreciated. Since City Hall has only been open four days a week, Beth extended the hours to 1:30PM (instead of 12:30PM). She hasn't noticed a slowdown in business.

Beth reported that the imaging belt broke on the copy machine. A new part has been ordered but because of the age of the machine we may not be able to get a replacement part in a reasonable time period.

We've had this machine for about 7 years. If we can't get the part or the repair is not cost effective, Beth asked for permission to look into a new printer/copier. Tanna thought that might be the best option. If we go with a new machine, Jeff thought we should shop around. Beth noted that our lease with Eagle Office Concepts provides maintenance and supplies. The consensus was to go ahead and check on a new lease if necessary.

Mayor's Message- Mayor Mike noted that we are plowing new ground with ordinance enforcement. He wondered if the Council felt it is worth going the distance. If we follow through, we can't let the heartstrings get in the way of doing the right thing. One of the issues is getting right-of-ways back. If we have something towed, we want to be sure that we don't have to pay to have it towed back. We need to get a citation book that is tailored to our needs. Logan thought we were getting more positive feedback than negative. Big Mike added that all cities have rules that need to be followed. Mayor Mike commented that we need to have our right-of-ways cleared for numerous reasons. Rick said there have been 27 vehicles moved voluntarily so far. Mayor Mike thought it might take seeing a vehicle towed for some people to realize we are serious. He wasn't going to back down on the RV next to the Post Office. And if we don't stick with enforcement, we will see things coming back. We need to say what we mean and mean what we say.

New Business-

City Clean-up Day- The Huckleberry Festival and the Eastern Oregon Livestock Show have been cancelled for this year. Beth reported that Les Schwab in La Grande has agreed to take tires but we need to find a trailer to haul them. Mayor Mike suggested having a second dumpster on standby. Beth thought we should get two to begin with. The Clean-up Day was rescheduled for Saturday, June 13th. Jeff asked what kinds of bins we get. Beth explained that we get a dumpster but have a trailer for tires and a place for e-cycle. Jeff had B&K bring in a bin for metal at the re-cycle center. It has been working out well. Mayor Mike felt it might be worthwhile to have another Clean-Up Day in the fall.

COVID-19 Info for Council- Logan reported that several Eastern Oregon Counties hoped to open this week but the Governor threw out the date of May 15th and provided some guide lines that are almost impossible to meet. Some business owners have asked for some liability immunity if they do their best to follow the guide lines but were told they wouldn't get it. May 15th is not set in stone but it is the earliest. Union and Baker Counties have submitted plans but the criteria has changed. They all assume that criteria will

continue to be changed so they aren't going to be able to meet criteria and guidance. Businesses are starting to open anyway. The toughest thing is that even though Union and Baker County are meeting criteria, they are tied to a group of counties and if one of the counties doesn't meet criteria, none of them will be allowed to reopen. It continues to be a moving target and people are getting really frustrated. Mayor Mike added that OHA has listed 2759 "presumptive" cases. There have been 109 deaths in the State. Union County still holds to 4 cases and Wallowa County has one. Baker has none. There is talk that the state of emergency will be extended to July 6th. Logan said the concept was originally to flatten the curve but now it seems to be zero tolerance. Mayor Mike was glad to see that CJ's has managed to stay open and was glad to see the Café get their drive up window open. Logan thought we would continue to see people being asked to social distance for at least a year.

2020-2021 Budget- The first Budget Committee Meeting will be May 18th at 6:30PM at the Grange. Beth thought we should set up video conferencing for those who would prefer that. Other meetings have been set for June 8th and June 22nd. Beth talked to Lance to see if we could use the school because they might have a bigger room, but they can't allow more than 10 people in a building. Casey Townsend has agreed to fill in one of the empty seats on the committee. The first meeting will be to receive and review the proposed budget. The second meeting will be for the committee to approve the budget and the third meeting is for the Council to adopt the budget.

Vicky Day- OLCC- Beth reported that Vicky Day is asking for approval for a special 90 day permit. It is a different type of license than she currently has and she wants to sell the beer she has in stock for take-out. Once her stock is gone, Vicky doesn't intend to renew this permit. Shorty made a motion to sign-off on Vicky's OLCC permit. Tanna seconded. Motion carried unanimously.

Playground- Since that last meeting, George contacted a couple of different playground equipment manufactures. We received some pictures and prices of equipment and one company, Northwest Playground, sent some design options. In April we applied for a Rapid Response Grant from Wildhorse. Last week a friend of George's surveyed the right-of-way around the playground. The committee met and decided on a design to recommend for the playground. The preferred option included a combination slide piece, a swing set, teeter-totter and merry-go-round. Jeff wondered where the money would come from to pay for everything. George said it will come from grant funds but we need a design before we can apply for them. So far we have money from the Masonic Lodge and we have applied for a Rapid Response Grant which is only \$1000 and it is for planning and pre-planning. Wildhorse has another grant that we can apply for that is up to \$20,000. George also plans to apply for the Oregon Community Foundation Grant. The playground plans need to be done by a certified engineer and the equipment must be certified by playground manufacturers. The budget includes equipment, installation, and surfacing. George suggested we add educational signs and see if there is anyone who would like to sponsor a sign. There is a lot of history here that we can put on signs. George noted that the committee needed some direction on who would make decisions for things outside of the playground design, such as colors, fencing, lighting, etc. The proposed designs fit within the right-of-way and there is some room for expansion. Joyce added that the quote didn't include parking or fencing. She felt we should concentrate on the playground itself for now and worry about expansion at a later date. We have a donation from the Masonic Lodge that has to be spent this year. Shorty asked if it would be done in phases. George added that we wouldn't get much for \$10,000 so we need at least one more grant for this year. Wildhorse funds in September so there is a chance that we could still get more funding for this year. Most grants fund in November or December for construction the following year. Leo Adler doesn't open their grant cycle until August. Joyce thought the Burkle Foundation would make a donation right away, but she didn't know for how much. We can apply for a grant at a later date. Tanna made a motion to accept "Option #4". Shorty seconded. Logan and Jeff thought it should be left to the committee to choose. Mayor Mike noted a motion had been made and seconded to accept option #4. Motion carried with 3 yes. Logan was opposed and Jeff and Big Mike

abstained. Logan made a motion to leave the rest of the decisions to the Playground Committee. Tanna seconded. Motion carried with 4 in favor. Big Mike and Joyce abstained as they were on the committee.

George noted that his friend Eric Shutes (sp?) did a bunch of surveying around town. He surveyed the park for free but he spent about 4 hours surveying around alleys and right-of-ways plus time to do some research. Tanna wondered how he came to do this. George explained that Eric is a registered surveyor and volunteered to survey the park for free. While he was here, he wondered if there was extra work he could do to cover fuel costs. Mayor Mike thought that was all it was supposed to cost. George said we didn't know he was going to take time off from work to do everything. Tanna made a motion to approve \$400. Joyce seconded. Motion carried with 5 in favor. Big Mike abstained. Beth suggested he send us a bill so we have something on record.

Wastewater Project – Nick noted that the Tribes are interested in our wastewater project. He needed some guidance from the Council on how to tackle a request from the Warm Springs tribe. Since we are using Federal money, one of the rules is that we have to reach out to all of the federally recognized tribes that have an interest the area and the State Historic Preservation Office (SHPO). We sent notifications and can usually expect to get clear responses within 30 days regarding what they expect. However, this time we didn't receive any responses and SHPO wasn't at all helpful. Even if the tribes don't respond now they can still respond at a later date. So, it's best to do as much as possible up front. The Warm Springs Tribe didn't say a lot but they are interested in the area because it's near a river. We will be digging about 1 ½ to 2 inches across 11.5 acres. Nick noted that we proposed to have a cultural monitor on site during the construction for about 2 weeks while the area is being dug up. We will have a plan in place in case something is found. The Warm Springs Tribe seemed to be okay with that. Anderson Perry anticipated the tribes would require subsurface testing which requires a permit from the state and they (AP) would prefer to subsurface testing in addition to the pedestrian survey. Anderson Perry seems to think we could get out of doing cultural monitoring by doing subsurface testing. Nick said, in his experience, that hasn't been the case. He wondered if the Council wanted to monitor during construction or do subsurface testing at this time. Logan felt there was a very good chance we would find something so it made sense to do monitoring during construction. If they find something they could potentially shut the project down while they decide what to do about it. Nick recommended that we continue with pedestrian survey and do cultural monitoring during construction. He thought monitoring would cost about \$8,000- \$12,000. Logan made a motion to do a pedestrian survey with cultural monitoring during construction and avoid subsurface testing if possible. Tanna seconded. Motion carried with 5 in favor. Mike Morse abstained. Nick commented that we also have to do a survey for "Howell's Spectacular", an endangered mustard weed. Because it only flowers every other year, it could be an issue. If it is found, it will have to be removed.

Anderson Perry should be finishing the wetlands report this week and it will need to be approved. Joyce asked how the project would be affected by the lagoons being filled with solids. Rick thought we might have to dredge it. Beth thought it could be included in the project because it is part of the wastewater system improvement.

Beth noted that the Union County Planning Department approved the partition request and the Conditional Use Permit for the evaporation pond.

Tagged Vehicles & RV/Mobile Home Committee Update- Mayor Mike noted that there is a tagged RV at the corner of 2nd and C and the time to move it is up in the next few days. He would like to be prepared to call to have it towed. He was concerned that we have no law enforcement officer to be on site if it is towed. Joyce noted that it has a tip out. Rick thought a tow company would be prepared. Shorty thought towing vehicles was usually for an abandoned vehicle and not somebody who owns the vehicle at the property. We need to go back to our steps of sending a letter. Beth noted that a letter was sent. Mayor

Mike added that it was tagged twice and Rick tried to speak to the person and was he was working on it. Dan Van Thiel was brought into it, too. There are actually 2 issues: the right-of-way and living in an RV. The letter we sent addressed both. Mayor Mike added that the ordinance regarding right-of-ways jumps around a lot and refers to some State Statutes. However, it does note that fines can be imposed upon conviction. Beth asked if the decision of "upon conviction" comes from the Council or the Court. Tanna thought it was something to look into. However, we have it down pretty good and have done what we were supposed to do with the letters and notices, and the attorney has been involved. So we should move forward. Jeff felt we need to figure out where to draw the line between fines and towing. Mayor Mike agreed but living in an RV illegally is pretty clear. The right-of-way stuff is not as clear. The problem with this situation is that he is living in the RV outside of an RV Park and it is on the right-of-way. Tanna wondered if the attorney was okay with what we intend to do. Mayor Mike thought so. Jeff didn't feel the City has the authority to have something towed because it is not abandoned. However, we do have the authority to fine him. Tanna commented that even if we issue a fine, he will still be on City right-of-way. Jeff added that we need to do it right and if there is a State law we need to find it. Tanna agreed but as for fines, it is like the RV next to the grange. They didn't even pay the \$30 permit fees. Shorty noted that the ordinance states that no person shall store a motor vehicle or personal property on a street. Mayor Mike's issue was that the word "tow" was not included. Jeff wondered if there was anything in the ordinance about provisions for safety and welfare. Mayor Mike remarked that it does state that each calendar day constitutes a separate violation. Logan thought the penalties could be tied to a lean on property. He wondered if we could use the RV Ordinance to establish a base for a penalty. Mayor Mike agreed that we were on better ground with the RV Ordinance than the right-of-way. Beth noted that she referred to the RV Ordinance in the letter that was sent. Logan felt we should follow the schedule for notification and wait until the end of the response time to comply. Joyce wondered if that meant we would just send a bill that wouldn't be paid. Jeff thought that was where the court comes in with a lien. Logan suggested another letter be sent emphasizing the RV Ordinance. Mayor Mike didn't want to put Rick in a confrontational position. Jeff agreed. Rick should be clear out of ordinance enforcement. Joyce wondered if the Council made Rick law enforcement until we find someone new. Mayor Mike thought putting stickers on things on right-of-ways was part of his normal duties as public works. Rick wondered if he should keep going with the stickers. Logan and Shorty thought he should continue to put out stickers to let people know they are in violation and are subject to towing or a fine. Mayor Mike thought the ordinances lack wording to the effect that the City has the right to have a vehicle towed. He would like to see it through so we'll have to continue to work on it.

Ordinance Enforcement Report- Beth thought people were getting restless because there have been a lot of complaints about garbage, burning, dogs, etc. Most of them have been worked out. Mayor Mike asked if Sean (Woods) was totally out of things. Beth didn't know. Mayor Mike asked for ideas on what to do to entice someone toward ordinance enforcement. Jeff thought we should put something in the newsletter. Mayor Mike suggested we come up with a job description first. Beth thought Sean was going to charge \$12.50 per hour.

Council Comments-

Big Mike noted that an article in the City newsletter referred to illegal activity at the cemetery and cameras and signs will likely be installed. He wondered who pays for those. Mayor Mike replied that the Cemetery Board would do that. It has nothing to do with the City.

Logan was proud of everyone who has been working on ordinances.

Jeff would like to see a push toward getting the City employees separated from ordinance enforcement. There are a lot of things coming up and Rick is going to have a full plate without that. His priority should be maintenance of the City. Mayor Mike thought we could put something together for a job description so we can advertise it. Jeff wondered if the ordinance person would be an employee of the City. Beth said

Sean was contracted. She thought that would be the best way to handle it because as an employee it would create a police force and that creates a lot of other issues. Joyce noted that could be an issue if we hired somebody for weekends and ordinance enforcement.

Tanna is resigning from the Council as of May 5th because she is retiring and will be moving to Texas. Logan asked what the procedure for a replacement is. Beth will file her resignation with the County Clerk and we will let people know that the position is open. If someone is interested in filling out the term, they submit a letter of interest to the Council. According to the Charter, the Council has the right to pick a replacement to finish out the term. If nobody applies, we just operate with a 5 person Council until the position is filled.

Jeff made a motion to adjourn. Logan seconded. Meeting adjourned at 10:15PM.

Respectfully submitted,

Attest:

Beth Wendt
City Recorder