

North Powder City Council Meeting/Public Hearing
August 3, 2020
Wolf Creek Grange
7PM

Attendance: Mayor Mike Wisdom, Councilors Mike Morse, Joyce Lawyer, Jeff Grende, Logan McCrae & David “Shorty” Schwehr, City Recorder Beth Wendt, Public Works Director Rick Lawyer, & Librarian Maggie Guthrie. Councilor Dennis Lefever was excused.

Others in attendance: Sam Byrnes, Jean Murphy, Michele Nowels, Karl Macdiarmid, Ray Munsterteigen, Vicky Day, Sue DeHaas, Walt Brookshire, Bill Carlson, Jo Boltz, Larry Martin, Sr., Wynn & Jeff Nielsen, & George Marsten.

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

Public Hearing: Byrnes Oil- Mayor Mike opened the Public Hearing for the Byrnes Oil Conditional Use Permit Application. Mayor Mike asked for any ex parte contact. Joyce noted that she spoke briefly with Jean Murphy at the Post Office.

Beth gave a staff report to identify the standards of the application. Because the subject property already has a Conditional Use Permit for a Card Lock Fuel Station, adding a convenience store changes the use of the property and therefore requires an amended Conditional Use Permit. Criteria can be found in North Powder’s Zoning Ordinance 1983-3, in Articles III, VIII, and X. The property is zoned commercial. (See Staff Report for detail). Existing conditions, criteria, and findings were noted.

Sam Byrnes remarked that the card lock has been greatly improved and has done very well. They have a good traffic pattern going and would like to open a small store with restrooms. They would like to include propane and lottery sales that are not available in North Powder. They will also sell motor oil, anti-freeze, bungee staps, etc., a small supply of sporting goods, and the normal beer, pop, and packaged food. They won’t sell any hot food that would compete with the Café. They like what they have in North Powder and would like to expand on that. There will be 20 to 25 thousand square feet of asphalt put on the entry way to the store.

One written response was received from ODOT. The addition of a convenience store with a liquor license was cause for ODOT review. ODOT determined that the addition would not trigger criteria for an application for a new highway approach.

Mayor Mike asked for testimony in support of the application. Vicky Day felt North Powder needs more business and this would create jobs. It would also give customers of the fuel station access to restrooms instead of using the restrooms at the Café.

Jean Murphy was in support. It will provide her with a job close to home. The hours of operation will be longer than CJ’s. She hoped it would promote more business for CJ’s and the Café.

Mayor Mike asked for testimony in opposition. There was no written opposition. Rick Lawyer was in support of the business but as a public works director he was concerned about the need to keep the ditch below the convenience store cleaned and open for overflow.

There were no more comments and no rebuttal. The hearing was closed to public testimony and opened for Council discussion.

Big Mike felt a convenience store with the gas station would be a big advantage for everybody.

Jeff wanted to be sure the City’s easement would not be affected. Rick thought it wouldn’t be an issue.

Mayor Mike asked if the Council was ready to make a decision. If ready to make a motion, it needs to be specific to the approved conditions. Jeff made a motion to authorize the amendment to the Conditional Use Permit. Beth clarified that the motion should include additional criteria including licensing from OLCC and a new business license from the City. Jeff amended his motion to include such. Logan seconded. All were in favor. Jean noted that the store should be open in approximately 30 to 40 days. Sam added that the asphalt would take about 60 to 70 days.

Public Hearing for the Conditional Use Permit was closed.

Public Hearing: Liquor License Application and Renewals –The Public Hearing for the Byrnes Oil Liquor License began with a staff report. City Ordinance No. 1995-2 states that OLCC requires every applicant for a liquor license to get a written recommendation from the City Council. (See Staff Report). The City Council must hold a public hearing to allow public comment prior to making a decision to approve or deny an application or a renewal. However, the final decision shall be that of OLCC.

Mayor Mike asked for comments to recommend or deny the application. Joyce asked if they would be serving hard liquor or just beer. Sam Byrnes said they only have a small cooler so it will be beer only and they don't anticipate it being a big seller. There were no more comments. Logan made a motion to approve a recommendation for the Byrnes Oil store to sell liquor. Jeff seconded. All were in favor.

Mayor Mike asked for comments regarding liquor license renewals for CJ's and the North Powder Café. Beth reiterated that the City must provide an opportunity for the public to make comments. There were no comments. Jeff made a motion to approve the license renewals for CJ's and the Cafe. Big Mike seconded. All were in favor.

Public Comment: Larry Martin, Sr. wondered about the proposed \$300 per month charge for staying in a RV. Mayor Mike said we are trying to update the RV ordinance to limit the amount of time an RV can be parked on private property, whether it be visitor or owner. The proposed ordinance would allow a 30 day permit to be renewed twice for a total of 90 days in a one year period. Larry wondered where the \$300 fee fit in. Mayor Mike explained that is the amount that would be paid to stay on a property. Larry wondered how a property owner would arrange to stay and how would the City know that. Mayor Mike said we are trying to contract with an enforcement officer. Every property owner will get a letter to the affect that there will be a 14 day "freebee" before they would come to the City for a permit. Larry wanted to know if the City or the State has the precedence. Mayor Mike said the City does as long as we follow state guide lines. Jo Boltz remarked that they are staying in an RV while they tear down and replace a house. Jeff noted there were stipulations for that. Mayor Mike thought it was initially for 6 months but could be extended. We are trying to encourage people to stay in an RV park. Beth thought there would be a different fee for a visitor than for the property owner. Logan thought the charge would be \$150 per month for a property owner as opposed to \$300 for a visitor. Jeff clarified there are extenuating circumstances that are different from someone who is just "squatting". Shorty noted there will be a public hearing in September regarding the proposed ordinance. Beth will be sending notices to property owners along with copies of the ordinance.

Agenda: Beth asked to add an RV Permit application to New Business. Big Mike made a motion to approve the agenda with the addition. Joyce seconded. All were in favor.

Minutes: Mayor Mike asked for corrections to the minutes from the July 6th. Shorty moved to approve the minutes of the Executive Session on July 6th. Logan seconded. Motion carried unanimously. Mayor Mike asked for corrections to the minutes from the regular Council meeting on July 6th. Shorty moved to approve the minutes from the July 6th Council meeting. Big Mike seconded. All were in favor. Mayor Mike asked for corrections to the work session on July 15, 2020. Logan made a motion to approve the minutes and Big Mike seconded. All were in favor.

Payables: Beth reviewed additions to the Accounts Payables. Additions: Century Link -\$303.02; Dan Van Theil- \$275; Ace Hardware- \$75.73, ACI- \$57; Napa Auto Parts- \$114.12; and Union County Clerk \$101 for a filing fee for the Partition Plat for the property purchased from the Dodson's. It has already been paid. The total Accounts payables came to \$13,307.36. The bill from Eagle Office Concepts has not come in yet so it will be paid next month. Jeff made a motion to pay the bills. Big Mike seconded. All were in favor.

Beth reviewed the bills for the wastewater grant. We don't have a bill from Anderson Perry yet. These will be paid with grant funds so they won't be paid until we receive the grant money. Jeff made a motion to pay the grant bills. Joyce seconded. All were in favor.

Library Report: Maggie reported that she received a \$2000 grant from the La Grande Community Library Foundation. The money will be used to purchase adult non-fiction books. She is working on a Ready to Read Grant for \$1000 for next summer's reading program. The Leo Adler grant is due September 1st. Maggie is working on a fiscal report. The Library received all of the matching funds for the Pilcrow grant. This will be the last week of the activity packets for the Summer Reading Program. Next Monday will be the end of the program and kids will be able to pick up their prizes.

The Library Board has put together a survey to see what people would like to see from the Library. Susie had a family emergency so Maggie wasn't sure what would happen with Saturday hours for the next few weeks.

Public Works Report: Rick has been working to repair the culvert across from City Hall.

The lagoons are getting low and we are starting to see solids again so he will pull off of irrigation for a while. Rick has an appointment with a guy from Colorado to discuss possible solutions.

There is about 70' of pipe laid for the water line to the Rural Fire building and the 6" meter has been installed.

There are some tree branches down by the recycle bins, so Rick has been working to clean them up.

Well #5 is down until we get an electrician to look at and repair a transformer and inverter. We are up to about 7 million gallons of water use in July.

There is a place in La Grande that is liquidating some tools. Rick would like to purchase a pipe locator and hydrant diffuser along with some other fittings, valves, etc. but it has to be paid cash.

Rick has been trying to get in touch with the guy that does the directional boring to set up a time for him to be here.

Rick found a one-ton dually dump truck with a snow plow for \$3500. He didn't have time to get bids for a comparison.

There is a broken sewer line at the Café that needs to be checked out before they pave the lot. Rick also heard that Rich Daniels was going to do some paving across the street. He has already done some backfill and Rick was concerned there might be a sewer clean out that we need access to. It shouldn't be paved over.

There were a couple of kids who admitted to painting some graffiti on the Well house. Jeff wondered if they helped clean it up. Rick already had it cleaned up.

Mayor Mike noted that during a storm there was some water on 1st Street. He wondered if we could use the backhoe to clean the ditch. Rick will try to find some time to do something. He added that the water at E Street wasn't going down the storm drain.

We received a report of a sink hole on 2nd Street under a driveway. Rick didn't know where it came from.

He is trying to track down where the sewer line comes in, somewhere above the storm drain.

Jeff wondered if there was a way to fund Rick so he can take advantage of some of the deals he finds. Beth suggested Rick could make a list of the tools etc. and get the Council to approve the amount so we can cut a check. Shorty made a motion to allow Rick to spend up to \$2500 for the purchase of some tools and equipment. Jeff seconded. All were in favor.

Shorty wondered why Rick needed to have 3 bids before purchasing equipment. Beth explained that we need to show that we shopped around and had something to compare to. Jeff thought Rick could look at E-bay and print it out so we have something comparable.

Jeff wondered if Rick had enough help. Rick said when his help is here, he does.

Recorder Report: Water overages for July were \$4507.21. That is the highest we've had in the 5 years since we started metering.

We received the SCA Grant application for 2021. It was due July 31, 2020. We applied for same as last year which is to fill potholes on "F" & "D" Streets between 2nd and 4th, and 3rd and 5th between Center and G, plus dead-end block of 3rd next to football field. We can only apply for one grant for up to \$100,000. We applied for \$70,000 as per estimate from County Road Department.

Census Takers were in the park from 10AM to 2PM, August 3rd. They had 8 people. They will be back August 20th from 11AM To 2PM to help people file a Census questionnaire.

Beth noted the last few times she has tried to take s vacation time her 2 subs were not available. Suzie Wirkala, the Library assistant, has agreed to be a back-up sub for the City Recorder if approved by the Council. There were no objections.

August 11th is the final deadline to file to run for City office. Forms have to be turned in by 12:30PM. Last month when the council approved and voted on employee raises, it was not specified as to when the raises became effective. Beth felt a motion from the Council was in order to have it on the record. Shorty made a motion to make the pay raises effective as of July 1, 2020. Big Mike seconded. Motion carried unanimously.

The next Council Meeting will be September 14 due to Labor Day on the 1st Monday. There will be a Land Use Public Hearing at 6PM and the RV Ordinance Hearing will be at 7PM.

Mayor's Message: None

New Business:

Water/Sewer Rates: Mayor Mike noted that during the budget meetings Jason suggested we look at raising water and sewer rates by \$2 each. If the council wants to do that, Beth will draw up resolutions for the next Council meeting. Last year they were effective as of October 1st and we increased the overage rates as well. Logan suggested that if the City wants to continue to approve spending to get our system up to where it needs to be and to bring wages up to a somewhat competitive level, we should follow Jason's recommendation and approve the rate increases. Beth will put a notice in the newsletter that rates will increase as of October 1st. Mayor Mike asked if we would hold the base use at 9000 gallons. Jeff thought people were watering more because of the extra water and the town looks better than it has for a few years. He would like to increase the base usage to 10,000 gallons. Beth verified that the increase would be straight across for all meter sizes - \$2 on the base rate plus 1000 gallons of water. She will have a Resolution at the next meeting.

SCA Grant Application: (Done during the Recorder report.)

RV Permit Application: Ray Munsterteigen commented that he came for a visit and had a break down. He has been waiting on parts to fix his RV. Mayor Mike asked how long it would take to get the parts and have them installed. Ray thought it should only take a couple of days. Jeff commented that the RV was on a City right-of-way and wondered if there was any way to move it. City ordinance doesn't allow an RV on City right-of-way. Karl Macdiarmid said the right-of-way is well kept. Ray reiterated that it should only be a few days and he will be gone. Karl verified that when Ray comes for a visit again next year, the RV has to be on private property. Joyce thanked them for coming to the council. Jeff noted there would be a \$10 extension fee. Logan made a motion to approve the RV permit. Jeff seconded. All were in favor. Jeff reiterated that we have been dealing with RVs on city right-of-ways all summer.

Old Business:

Playground- George has completed the final part of the Kaboom!/ Keurig Dr. Pepper Let's Plan Community Grant. We haven't received a response yet. He worked with Sue DeHaas to use the North Powder Community Partners 501C-3 to submit an application with the Avista Foundation in the amount of \$5000. The application was due August 1st. Again, no response yet. George will work with the Community Partners again on a grant from the Southerland Foundation, which is Ashgrove Cement. Oregon Community Fund will re-open in January 2021. Oregon State Parks grants will also open in January. There is no word yet about when the Wildhorse Foundation will re-open their grant cycle. Joyce has submitted an

application to the Windfarms for \$6000. She feels comfortable in saying that we should receive most, if not all of the \$6000. She will work on grants from the Burkle Foundation and Leo Adler. Both are \$10,000 grants. George added that the starting date has been set for September 30th, 2020 and the ending date is September 2021. He thought the place to start was to remove some of the most dangerous equipment. Joyce thought we might have to do a little more than remove equipment to satisfy the Mason's. George hoped that because of COVID 19 and so many of the grant programs are giving money to health care and housing displacement we could ask for some understanding and forgiveness.

RV Ordinance Update- Beth sent the RV Ordinance to Dan Van Thiel for his comments. He liked the way it was written but had concerns about the fees. If we are going to charge an application fee and a permit fee, it should be included in the ordinance and should be set by resolution. Beth worked with Patty Mulvihill (LOC) to make a change to include the suggestions. We will be ready for a public hearing on September 14th. Shorty wondered if the fee resolutions needed to be ready for approval by September 14th. Beth thought resolutions can be effective upon passage so it just needs to be in effect when the ordinance goes into effect. We would have time at the next council meeting to decide on what the fees will be because the Ordinance won't go into effect until October 15th.

Wastewater Project Update- Beth presented a Fair Housing Statement to add to the City website as part of the closing requirements for our CDBG design grant. We'll have to do something more for the beginning and closing of the construction grant.

Plat Partition for property purchased from Dodsons has finally been signed by the Mayor and the Dodsons. Anderson Perry will collect remaining signatures needed from the Surveyor, County Planning Director, and Tax Assessor and then file it with the County Clerk.

Anderson Perry should be finishing the design plan any day and will submit it to the City and DEQ for approval.

The SHPO 30 day comment period will expire in a few days so Anderson Perry crew can start field work around August 17th.

The Wetland Delineation was submitted to DSL on June 4. They have 120 days to submit comments. Since that doesn't expire until after October 1st, this may be a hold up in applying for a construction grant in September.

City Hall/Fire Department Options- Logan noted that some of the Council attended a work session at the Fire Department and were able to look around. The RFD would like to get \$100,000 for their share of the building. Some felt that was a fair price. Joyce had a realtor friend attend and she tried to find some comparable properties but it is hard to find a publicly owned building that is attached to another publicly owned building. The realtor felt that \$100,000 was a little high but she didn't have a lot to base it on. The fire department is willing to entertain an offer and talk.

Joyce commented that she learned of another building that could be used for City Hall and a Library. It is at the end of E Street. It is old enough that it could be listed as historic. The building and the lots are listed at \$125,000. Walt Brookshire, the realtor representing the property, had handouts regarding the property. It includes the lot at the corner of 2nd and E Streets and goes all the way back to 1st Street. The building is over 8000 square feet. Walt went over some of the features of the building. He thought the addition on the original building would still allow it to qualify as historic. There are grants available even if it is not added to the historic registry. Walt explained some of the process and possibilities for getting historic dedication. He didn't know if there was asbestos. It would need to be inspected. The front lots are about 20,000 square feet and are zoned Commercial. The back lots are also 20,000 square feet but they are zoned industrial. Larry Martin asked about taxes on the property. Jeff noted there would be no revenue from taxes. The building has gas heat and Jeff thought there was additional wood heat upstairs. Walt thought the wood stoves had been removed. Joyce wondered about making payments. Walt thought Sharon Stanford would be willing to carry a contract for the City. She wanted to give the City the first option. Shorty thought it had a lot of potential and could be fixed up in increments. Mayor Mike reiterated

there are a lot of grants for historical buildings, particularly on the Oregon Trail. Joyce felt it wouldn't take a lot of work to be ready to move into the newer part of the building. She liked the idea of making payments because it is hard to put the money back. She wasn't sure what we would do with the fire department. Shorty felt there were options such as storage or if we ever have to start up a City fire department again, we would have a building. Jeff thought in order to get grants for historical buildings they have to go back to their original form. He wondered if that would accommodate City Hall and a Library. He really liked the property but there are a lot of issues that need to be taken care of. Both properties have a lot of potential. Mayor Mike would like to take the lead on questions regarding repairs and grants. He thought we could get feasibility and structural grants to look at possibilities. We could do work in phases, starting with getting on the historic registry. Joyce agreed that it might help to make the area a historic district. Mayor Mike wondered what the time frame is for the RFD. Logan said they are shooting for the first of the year. If we decide to go that route, we probably have about one to two months to do due diligence. Mayor Mike wondered if the RFD was aware of the limitations to the fire building regarding zoning. Logan thought they were. He came prepared to make a motion to make an offer on the fire station but since there is interest in looking at the other building he held off on the motion. He was not against the Stanford building but felt it would be a huge project and grants for historical buildings have a lot of regulations. The fire department would be quicker and more conventional and we know the building is sound. Jeff felt if we go a different route than the fire department, we need to think of an alternative use for the building so it doesn't just sit and deteriorate. Logan felt a feasibility grant would take at least 6 months to get. Mayor Mike wanted to take time to look at the Stanford building and get answers to some questions before making a decision. Beth suggested a work session to look at the Stanford building then sit down and talk. She felt it only fair to let both Sharon Stanford and the fire department know as soon as possible which, if either, we want to try to work with. Big Mike agreed. Logan was concerned about what it would cost and how long it might take to get the Stanford building into shape for public use. Jeff felt it was a good buy for the land, but that's not the City's goal and there is no guarantee that we would receive grants to fix it up. Joyce thought if we could get grants, the money wouldn't have to come from the City's coffers. Logan thought if we depend on grants it would be 4 or 5 years before we could move in. There were enough questions that he agreed everyone should look at the building before making a decision.

Ordinance Enforcement Report- Beth has been trying to find a job description that would work for North Powder for an ordinance enforcement person. Logan will see if he can get one from La Grande.

Council Comments:

Joyce thought she "opened a hornet's nest" but she just wanted to look at all the different options for City Hall and Library.

Jeff commented that Beth has done a great job and goes out of her way and he appreciated it.

Logan thanked Beth for what she does. He liked seeing movement from the Council for things such as not over thinking rate hikes on water and sewer. Everyone is buying into the idea that Rick is fixing stuff and he and Beth are worth more than \$15 per hour. It takes money to fix things and make a city move. He would like the Council to look at the options and move forward on a new city hall in a reasonable amount of time. We have great employees and he didn't want to see them burn out. We should listen to them.

Jeff noted that Rick seems to be working a lot and he thought we should think about getting him some more help.

Meeting adjourned at 9:20PM

Respectfully submitted,

Attest:

Beth Wendt
City Recorder