

**North Powder City Council/Public Hearing  
September 14, 2020  
7PM Wolf Creek Grange**

Attendance: Mayor Mike Wisdom, Councilors Joyce Lawyer, Jeff Grende, David “Shorty” Schwehr, and Logan McCrae (arrived late). Councilors Mike Morse and Dennis Lefever were absent.

Others in attendance: Jane Wisdom, Jean & Larry Murphy, Sue DeHaas, Marcia Maddox, Maggie Guthrie, Dave Hoene, Sandie Wisdom, Gary Montgomery, Dick Alexis, Patricia Martin, Ron & Sharon Harmon, George Marston & Nick DuCote.

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

Mayor Mike opened the Public Hearing regarding Ordinance 2020-01. He asked if the Council had any ex parte contact. Joyce noted that she talked to Sue DeHaas.

Beth gave a staff report. The City Council of North Powder has proposed to update Ordinance #1997-1, Sections 1.18 thru 1.23 regarding Recreational Vehicles inside City Limits. The proposed ordinance will affect all zones within the City of North Powder. The ordinance defines manufactured homes and recreational vehicles and sets standards for placement of RVs inside city limits. Ordinance 1983-3 Section 12.01 allows the City to make changes to zoning issues provided there is a public hearing. The proposed Ordinance, #2020-01, allows fees for applications and permits for occupied RVs to be set by resolution of the City Council.

Mayor Mike read a written comment from Mike and Sue DeHaas prior to hearing oral testimony. Mike & Sue were concerned that the Ordinance does not allow a home owner to park an unoccupied RV in a private driveway. They asked to have that reevaluated. Mayor Mike thought that was a mistake. Jeff & Shorty agreed. The intent was to have them off all public rights-of-way and on private property.

Jean Murphy was concerned that she didn’t have room on her property to park her RV. If she can’t park in the right-of-way, she has nowhere to park it except on her lawn. She suggested the Council consider re-establishing rights-of-way sizes. The right-of-way is what she considers her driveway. Shorty suggested she may have to store it somewhere else. Larry Murphy commented that he just hauled in a lot of gravel on city right-of-way and felt he should be allowed to park his RV there. They should be able to park the RV on the gravel.

Mayor Mike asked for comments in support of the ordinance. There was none.

Mayor Mike asked for testimony in opposition. Dave Hoene was not opposed and agreed that something needs to be done. However, he wanted clarification about having more than one trailer on a single lot. He has a travel trailer and a utility trailer. Shorty noted that you can’t have more than one “occupied” trailer per lot. Section (2.5), where it states there can be no more than one trailer per property at any given time, is in regards to construction of a new dwelling. Dave pointed out that under special circumstances it is allowed to have more than one occupied RV. Beth noted that is for special events. Mayor Mike added there is also a maximum length of stay for those circumstances.

Sandy Wisdom, 550 Center Street, wanted to clarify that a travel trailer can be parked on private property during the winter. Mayor Mike noted that as long as it is not occupied, it is okay.

Larry Murphy asked if a family reunion could be considered under special circumstances. Mayor Mike thought there was “wiggle” room to accommodate that.

Gary Montgomery didn’t like the idea of allowing the Council to set fees by resolution. He felt there was too much leeway for playing favoritism. Beth explained that the resolution would set the fees and they would be the same for everybody. The only difference would be for the type of permit requested. The application fee should be a minimal amount to cover administrative costs for processing it. The actual permit fee is a separate fee. The reason for setting them by resolution is so that if the Council decides the fees need to be adjusted, they don’t have to pass a new ordinance. Gary didn’t like that they were

non-refundable. He felt the ordinance could be putting people out on the street. Maggie interjected that the Council sent out a survey. Jeff felt the ordinance would get rid of the idea of "you're my buddy and you can do what you want". Mayor Mike added that the current ordinance sets the fee at only \$10 per month so there is no incentive to go to an RV Park. Gary was concerned what would happen if the RV Park is full. Mayor Mike thought people would have to go somewhere else. The overwhelming majority of the responses to the survey were in favor of charging \$300 per month or more. Gary thought that was too steep. Mayor Mike agreed that \$300 was a big jump from \$10 but the idea is to provide incentive for people to live in an RV Park. This has been abused for years. Ron & Sharon Harmon were in attendance to get clarification. Sharon thought they had it. Sandie wanted to clarify that the fees and permits were for occupied RVs only. Mayor Mike added that they are for a set time and only renewable for up to 90 days within a 365 day period. It is City limits only and addresses lot hopping. Marcia Maddox asked if the fee will be paid to the City or the lot owner. Mayor Mike said it is paid to the City and will go into the General Fund. It will include water and sewer whether used or not. Jean asked how water and sewer can be included if the property owner is already paying for those. Jeff explained that it covers empty lots as well. Jean asked how somebody would hook up to sewer at her house. Shorty noted that there are some properties that have a single water meter and 2 sewer hook-ups. Mayor Mike added that the property owner is responsible for the permit but it can be paid by the RV resident. Shorty noted that someone can stay for up to 14 days at no charge. After that they have to have a 30 day permit. Jeff interjected that everybody got a survey with their water bills and we only got about 42 returned. Maggie added that it's the citizens' responsibility to respond. Mayor Mike remarked that the City can't send a survey for every decision. The Council has been elected to represent the City the best way they can. However, if it is something that will affect people monetarily, like this ordinance, that is another story. Dave Hoene wondered if there was a clause for a hardship situation or emergency. Jeff thought it could be considered. Mayor Mike agreed. Shorty commented that we are trying to close the gaps in order to enforce. Jeff reiterated that only one occupied trailer with one permit will be allowed per lot. Beth interjected that State law states that if there are more than 1 or 2 occupied RVs on a single lot, it is considered an RV Park. Meeting was closed to public testimony and opened to Council deliberation. Mayor Mike noted that the Ordinance has been reviewed by the City attorney as well as the League of Oregon Cities. Joyce felt it was clear that no more than one occupied RV per lot. Jeff would like the Council to start pushing for smaller rights-of-way. Shorty still wasn't sure about the section referring to storing unoccupied RVs. Jeff wondered why we didn't totally strike all reference to manufactured homes. Beth explained that Sections 1.23 is the enforcement section for all of Ordinance 1997-1. Since that section is being repealed, if we don't include manufactured and mobile homes, there is no enforcement for Ordinance 1997-1. Jeff suggested removing the word "not" from Section 1.19(B), so it would say an unoccupied RV, trailer "shall be stored, parked..... on a private street, private alley..." It all pertains to private property. Mayor Mike noted that the ordinance can be read in its entirety or by title only. Shorty asked that it be read by title only with the correction in Section 1.19(B), remove the word not. All were in agreement. Mayor Mike read Ordinance #2020-01 by title and noted the correction to Section 1.19(B) to read "An unoccupied manufactured home, mobile home, recreational vehicle, residential trailer, or trailer shall...." and the word "not" shall be stricken. Mayor Mike read Ordinance #2020-01 by title only a second time, noting the correction to Section 1.19(B) to strike the word "not". Shorty made a motion to adopt Ordinance #2020-01 as read by title only and with changes. Joyce seconded. Motion carried unanimously.

**Public Comment-** There was none.

**Agenda-** Mayor Mike asked for amendments to the agenda. There were none. Joyce made a motion to accept the agenda. Shorty seconded. All were in favor.

**Minutes-** Mayor Mike asked for amendments to the minutes from August 3. Shorty pointed out a spelling error on page one of the public hearing for Byrnes Oil. Jeff made a motion to approve the minutes from August 3<sup>rd</sup>. Joyce seconded. Motion carried with 3 yes. Logan abstained as he was absent.

Mayor Mike asked for amendments to the minutes of the Work Session on August 10<sup>th</sup>. Jeff made a motion to accept the minutes from August 10, 2020. Joyce seconded. Motion carried with 3 yes. Logan abstained as he was absent.

Mayor Mike asked for amendments to the minutes from the Special meeting of August 19<sup>th</sup>. Joyce made a motion to accept the minutes from August 19, 2020. Shorty seconded. Motion carried with 3 yes. Logan abstained as he was absent.

Mayor Mike asked for amendments to the minutes from the August 24<sup>th</sup> Work Session. Joyce made a motion to accept the August 24, 2020 minutes. Shorty seconded. All were in favor.

As minutes from August 28<sup>th</sup> and September 8<sup>th</sup> were not finished in time for the Council to review, they were put on hold until the next Council meeting.

**Accounts Payables-** Beth noted there were no changes to the Accounts Payables. However, since the meeting was so late in the month, the bills have already been paid. Jeff wondered if we would have the porta-pottie in the park all winter. Beth said we usually have them take it out the 1<sup>st</sup> of October. Jeff made a motion to pay bills. Logan seconded. All were in favor.

**Library Report-** Maggie had to leave so Beth reported that Maggie is working on Library reports.

**Public Works-** Rick commented that he found a new product that could help save money at the lagoons and not have to dredge. The sales rep guarantees we could do away with at least 1 foot of sludge in the first year. It will cost about \$15,000 per year but should bring the numbers down on the BODs, TSSs and ammonia. He felt it was really worth looking into it.

The sewer line at the end of 2<sup>nd</sup> Street has been cleared. There were a lot of roots. One of the clean outs has a larger pipe coming out of it and there is some leakage. We will need to address the problem soon. There is a sink hole by the sidewalk that looks like it is in line with the storm drain. It was also plugged there.

There is sewer line in the parking lot at the café that appears to be broken and it will need to be addressed before they pave the lot.

We still need to get an electrician to look at the transformer at the well. Rick is trying to get an estimate.

Rick noted they are almost done with the water line to the fire department. The T is in and he hoped to get the hydrant in this week.

Rick is working on his certifications.

Mayor Mike reiterated that Rick mentioned the process at the lagoons could save the City from having to dredge. Rick thought we might have to use it for 3 years. After that we shouldn't have to do the injection but we would have to maintain it. The product is biodegradable. The sales rep said he would be here to help. We might be able to use Hermiston's "mud motor". The product is actually injected into the sludge. If the weather holds out, we could do an injection this fall. Logan wondered if the other treatment options we have been using were working. Rick said they are but it is slow. There are 3 levels to treat. He explained how the product is supposed to work and felt it was worth trying. He would like to get started this fall. Shorty made a motion to allow the first treatment this year if possible and get started on next year. Logan seconded. All were in favor. Rick added that if it works like they claim, we should start to save money on chemicals.

Shorty wondered if the repairs on the sewer line along Second Street could be included in the wastewater grant. Grant Administrator, Nick Ducote thought if it could wait until next year during construction there was a good chance it could be included.

Nick noted that we hoped to keep the archeological survey as light as possible but unfortunately they found what is called "lithic scattered" material and a second site. Because of that, it has to be more in depth and we need to get more permits. The Anderson Perry (AP) side of things should be done by the first of February, depending on the weather. When they are finished we will have to work out a memorandum of agreement regarding how the artifacts have to be handled. Since it is being done now, it shouldn't interfere with the actual construction. There is money in the current budget to accommodate the added work. However, it does push the design completion into next year. The goal now is to apply for a construction grant in April. If that doesn't happen, there is another round in September. We will be past our MAO deadline but AP is talking to DEQ about that. In the meantime, we have time to do some rehab on the design. So far they have only found arrowheads, but it is enough to require more testing. No decisions are needed at this time but we may have to do a contract budget amendment and Business Oregon is open to the idea of increasing the design grant if needed.

**Recorder Report-** Water overages for August were \$3054.87. Total water use dropped from just under 7 million gallons in July to slightly more than 5 million gallons in August.

Census Takers are going door to door to visit people who have not yet responded to the 2020 Census. Rick received a scholarship for fees for the Eastern Oregon Operators Conference Sept 21 thru 23. It will be done virtually. Arrangements have been made for him to use Library computers.

Mitch from Solutions, CPA's was here Sept. 9<sup>th</sup> to pick up files for Audit. They will be returned later this week (Thursday or Friday) and auditors may spend a few hours at City Hall finishing up.

Beth added that the Plat Partition for the property purchased from the Dodson's for the wastewater project has finally been filed with the County Clerk but it took a few calls to Henry Lorenzen to get it done.

**Mayor' Message-** Mayor Mike noted that Lonnie Shurtleff & Marilyn Haynes would like to come play music in the park, weather permitting. When he gets more information there will be notices posted.

#### **New Business-**

**RV Permit Application (Swales)-** Mayor Mike noted that a letter was sent to Mrs. Lee Swales regarding an RV Permit application. The letter specifically stated that if no one was in attendance to represent the application, it would automatically be denied. There was no one in attendance to address the application so it was denied. Jeff thought one trailer was gone and nobody was in the other.

**Priority One Franchise Proposal-** Beth noted that someone from Priority One will be at the next Council meeting to go over their proposal. They would like the City to enter into a Franchise Agreement for telecommunications. A sample copy of an agreement was provided for each Councilor to review. Logan wondered if it would conflict with the service on the water tower. Beth thought Priority One is a subsidiary of EONI.

**Water/Sewer Rates-** Proposed copies of resolutions to raise water and sewer rates by \$2 each were provided to approve or deny, as discussed at the last meeting. Mayor Mike commented that the base amount of water was also to be raised. Dave Hoene wondered if the rate increase would be enough to cover the cost of the new treatment discussed earlier. \$4 seemed a bit nominal. Beth thought if it didn't there might be another increase next year. Mayor Mike added the raises were recommended by our accountant. We are still trying to catch up to where we need to be in order to set money aside for repairs and maintenance. We are trying to look at both sides and not hit people too hard all at once. Beth commented that the cost of overages wouldn't change. Logan read Resolution #2020-R6 to revise

the water rates beginning October 1<sup>st</sup>. Rates will go up \$2 per service and the base usage will be increased by 1000 gallons per service. Jeff made a motion to accept the resolution. Logan seconded. Motion carried unanimously. Jeff questioned the 30 day notice. Beth noted that the last newsletter, sent out the end of August, stated that rates would go up October 1<sup>st</sup>, but that could be changed. The consensus was to leave it as is.

Mayor Mike read Resolution 2020-R7 to raise sewer rates beginning with the next billing cycle. Rates will be raised \$2 per ERU (Equivalent Residential Unit). ERUs are identified in the 2017 Wastewater Facility Plan. Logan made a motion to accept the resolution. Joyce seconded. All were in favor.

**National Preparedness Proclamation-** Mayor Mike noted that we received a letter asking the City to join efforts to recognize September as National Preparedness Month and Home Inventory week as the first week of September. As it was already mid- September, the Council decided to pass on the proclamation.

#### **Old Business-**

**Playground-** George reported that our KABOOM grant application was denied. Sue DeHaas noted that we have applied for grants from Leo Adler, the Burkle Foundation, Sunderland, Wind Farms & Avista. Joyce thought we should hear from the Wind Farms by the end of the month. She thought we would also receive something from the Wilsons. George noted that our applications say that we should start September 30<sup>th</sup>. He felt we should wait to see if we get more money before we actually start unless it is a necessity to remove something. Mayor Mike asked about the Masons. George suggested we ask for an extension because some many organizations have shifted funding to COVID 19 relief, our additional funding didn't come through in time. Trying to do a single piece of equipment would disrupt the overall plan.

**City Hall/Fire Department Options-** Mayor Mike noted that the Council met in a Special Meeting on September 8<sup>th</sup> to start the process of putting together a bid proposal on the Stanford property. With Candace Bowman's assistance, we agreed to an offer of \$110,000 at 4% on a 5 year contract. \$1000 would be put down for Ernst money and \$9000 paid at closing and we would finance \$100,000. We talked about whether to do monthly payments or annual and decided to try for annual payments. Mayor Mike stressed that the offer is still in the "test drive" mode that includes contingencies for inspections and we can still back during that time. No money has been laid out yet. The idea was to get the offer in and allow time to get our inspections done. He thought we had about 60 days. Since that meeting, Mayor Mike received an email from Candace suggesting the Council reconsider the owner carry option. If we paid cash we could save about \$2500. Candace didn't think we would need to have a commercial inspection. She recommended a residential inspector whom she felt was very thorough. Dave Hoene asked if there were standards that have to be met for a public building, such as for earthquakes. Mayor Mike said we've had a structural engineer look at the building and have discussed the possibility of grant funds for a seismic study. We are still waiting for ideas for floor plans for both the Stanford building and the fire department so we can get estimates from General contractors. He acknowledged that the Council was getting tired of meetings but we either need another workshop to meet with Candace or consider appointing a representative to sit down with Candace to go over what the Council's wants. Logan wondered where the \$110,000 amount came from. Mayor Mike thought it was just a general thought based on the asking price. It averages out to about \$10 per square foot. The Fire Department averages about \$60 per square foot, if we paid the asking price. Candace thought 4% interest was an average number for a commercial property. We also discussed a lump sum payment. Mayor Mike wondered how to address getting back to Candace. Shorty felt we should go ahead with the \$110,000 offer with the same stipulations. Logan didn't want another meeting and does not support buying the Oddfellows building. If there was a full Council in attendance he would make a

motion to kill the offer. Mayor Mike noted that the Council already voted to proceed with an offer. Logan thought that could be changed. Jeff agreed with Logan. He felt it could make sense for someone else, but it is a terrible idea for the City. Dick Alexis wanted to clarify that there were 2 properties available and the Council has already voted to buy the Stanford property. Mayor Mike said all the Council voted to do was to put in an offer. According to the realtors, it doesn't commit the City to anything and if the Council decides to back out of the agreement, we get our Ernst money back. Dick asked why make an offer if a decision hasn't been made. Mayor Mike explained that it holds the property so we have time to do due diligence. Shorty added that it gives us time to get estimates on fixing up both buildings. When asked for his thoughts as to the down side, Logan answered that the City needs a certain amount of space to function and the Stanford building is huge and has been gutted and needs to be redone. A private entity would be more nimble and able to handle it. If the Council was unified and willing to work hard to get it done, it would be different. It is such a big project and will take years to get it done. We already own half of the fire department. It is a shop and would require framing in doors but there are already working bathrooms, heaters, and electricity. Jeff agreed and added that the Stanford building comes with a bunch of property. We are already short of manpower. Logan agreed that there are grants to help with the Stanford building but it is humungous lift for the City to take on. The hardware store is in better shape but it floods every year. He thought the project would take at least 10 years to complete. Jeff thought it would require Davis-Bacon wages which would cost a lot of extra money. Joyce commented that we could use the side of the building for showing movies and the apartment could be put to use. Logan hadn't talked to anyone outside of the Council who was in favor of the Stanford building and felt as a representative of the City, the Fire Department would be a better option. Mayor Mike read a letter from Mary Jones who was in support of the Stanford property. She felt it would provide ample space for the Library and City Hall and the lots could be developed as a setting for city or library activities and parking. The building is historic so there are grant possibilities. There is less traffic. She suggested the Fire Station could be a great addition to the city shop and felt relocating City Hall and the Library to the old Odd Fellows Hall would be a good way to honor the past and improve the appearance and function of the city. Mayor Mike disagreed with the statement that it would be a 10 year project. He felt the building repairs should be looked at in phases. We would still have to lower the ceilings and look at lighting in the fire station. We don't know what either place will cost to fix up. Dave Hoene interjected that we need a vision of where we want to be in 20 years. If we have a structurally sound building with open space that can be utilized in any way we want. Mayor Mike noted that it is not yet on the National Historic Registry but the Odd Fellows side of the building could be restored purely through grants. He thought it would be possible and acceptable to have City Hall and the Library moved into the hardware side of the building within 2 years. Once the building is owned by the city, the Library is no longer eligible for structural grants. Historic building grants are a different thing. Even though the City would own the property, we would still have to get a Conditional Use Permit. Logan wondered about rezoning the fire department. Beth explained that the only thing we could rezone it to would be residential because anything else would create an "island" zone. Either property will require the City to get a Conditional Use Permit. Dave was concerned that an old building would be opening a can of worms. Mayor Mike asked what the Council wanted to do about the offer. Joyce noted there wouldn't be a penalty for early pay off. Logan didn't want to be tied to the offer at all. He will work as hard as he can to kill it. The fire department is getting ready to list their part of the fire station. Shorty made a motion to solidify with one check for \$110,000. He thought there would be closing costs as well. Shorty will call Candace to let her know we will offer \$110,000 with a single payment. Joyce seconded. Joyce and Shorty were in favor of the motion. Logan and Jeff were opposed. Mayor Mike broke the tie by voting in favor. Motion carried with 3 in favor and 2 opposed. Beth wondered about floor plans. Jeff agreed they were needed but wondered how we could do that without knowing where and how many exit routes and windows would be needed. Mayor Mike thought

that would come from a contractor. Beth felt we still need to have an idea of what we want to do, regardless of which building the City decides to go with. Shorty agreed it would provide a rough idea as a starting point. Logan wondered if that meant the decision was not being made based on which building would cost more. He felt the Stanford building would take more time and money to get to the finish line. He didn't think we were weighing the options on the same scale. Shorty interjected that we are trying to do that. Joyce thought if we could get the Stanford building done in 2 years it would be ready for both City Hall and the Library to move into. Logan wondered if that would be the final product. He is not a fan of having to re-do things. Mayor Mike thought we should have somebody look at both buildings to let us know what it will cost to fix them up to what we need for the next 50 years. Logan volunteered to work with a committee as long as the Council was willing to compare "apples to apples". He didn't feel that was possible. Everyone needs to be in agreement that is based on dollar amount. We want functional space and we should have someone do a feasibility study. He thought the fire department was a slam dunk thing. Mayor Mike didn't think we were giving both sides a fair shot.

**Ordinance Enforcement Report-** Beth had nothing to report. She is waiting for Logan to get something that we can use as a basis for a job description to start advertising for an ordinance enforcement person.

**Council Comment-**

Jeff has talked to some Mayors and Councilors in the area about some things that have been going on with buying buildings and special council meetings. He felt we should look into a video recorder. If there are phone calls during the meetings, it needs to be "Zoom" and offered to every person on the council. The last meeting there was only a single line and it is illegal to call in on a personal line. Mayor Mike noted that Shorty had already arranged to be available by phone. Jeff said that was fine but it should have been offered in a "zoom" or "google" setting and offered to everybody. If there is only one line, it could be a swayed vote. Jeff and Logan both thought they could have been available for at least part of the meeting had they had the option of calling in. His point was that even if they wanted to call in, they couldn't because there was only one line available. Logan agreed that it should be offered to everybody. Jeff reiterated that the opportunity needs to be there, especially if there is not in house quorum. And we should have meetings videoed.

Meeting was adjourned at 10:.35PM

Respectfully submitted,

Attest:

Beth Wendt  
City Recorder