

**North Powder City Council Meeting**  
**June 7, 2021**  
**7PM Wolf Creek Grange**

Attendance: Mayor Mike Wisdom, Councilors “Big Mike” Morse, Vicki Townsend, Joyce Lawyer, Jeff Grende and Justin Wright. City Recorder Beth Wendt, Public Works Director Rick Lawyer.

Others: Roger Townsend, David “Shorty” Schwehr, Casey Townsend, Sheriff Cody Bowen, Lindsey Thompson, George Marston, Nick Ducote, Jeff & Wynn Nielsen, Maryanne Ritches & Patricia Martin. Councilors Logan McCrae was absent.

Mayor Mike called the meeting to order.

**Public Comment:** Shorty Schwehr asked the Council to consider doing some repairs to 5<sup>th</sup> Street. The new budget includes \$85,000 for such and work could tie in with what the County will be doing in August.

**Agenda:** Mayor Mike asked for amendments to the agenda. Big Mike moved to approve the agenda as is. Joyce seconded. All were in favor.

**Minutes:** Mayor Mike asked for comments or amendments to the minutes from May 3, 2021. Joyce made a motion to accept the minutes of May 3<sup>rd</sup>. Big Mike seconded. Motion carried with 4 in favor. Vicki abstained as she was absent for that meeting.

**Accounts Payables:** Beth handed out corrected copies of the Accounts Payables and reviewed the additions. The total general AP came to \$12,173.30. The Wastewater Grant bills came to \$2870.49. Beth noted that the bill from Dan Van Thiel was not included on the current grant disbursement request but as it was only \$75 we can pay it now and have it reimbursed on the next request. Big Mike made a motion to accept the Accounts Payables. Vicki seconded. All were in favor.

**Huckleberry Festival Committee:** Lindsay Thompson reported that the festival is still on track. A 2 hour detour is planned for 2<sup>nd</sup> Street. She asked the Council about closures on parts of E Street and 3<sup>rd</sup> Street around the park and City Hall. The Festival Committee wanted to know if the City would consider funding some sidewalk clean-up and adding another 2 or 3 porta-potties during the festival. They are anticipating a large crowd. They have talked to Rick about having areas watered and mowed. Permission has been granted to use the Baptist Church’s empty lot, the Methodist Church lot and Sharon Stanford’s empty lot across from the Post Office. Rick has volunteered his grandkids to help mow. Shiloe Weston is going to check on getting a prison crew here to help with clean-up in mid-July. Jeff noted the Fire Department has helped with water in the past. Lindsay asked if they could use electricity from the Fire Station. Mayor Mike thought we’d have to check with the Rural Fire District but it shouldn’t be a problem to use power from the City’s side. Vicki asked if the Partner’s insurance would cover volunteers coming in to do clean up. Sheriff Bowen said their insurance will cover it. Lindsay added that they would like to get some flower baskets to hang on the main street. Vicki said she has 4 colored buckets and some boxes that could be used. Jeff wondered how much the porta-potties would cost. Lindsay thought they needed 3 or 4 more and the cost would be about \$300 for 3. Beth clarified that 2<sup>nd</sup> Street closures have to be approved by ODOT. Lindsay remarked that plans have been made for the parade and there are sign-up sheets at the Badger Mart and Post Office. They also have suggestion sheets for Grand Marshall. Lindsay would like a decision from the Council by the next meeting about the porta-potties. Sheriff Bowen reiterated that he could help with a work crew.

**Library Report:** Beth gave Maggie’s report. Maggie has received approval to use the school field for 2 movie nights this summer. They will be July 24<sup>th</sup> and August 12<sup>th</sup> at 9PM.

There are 5 Chromebooks ready and available for checkout.

The Library is in the process of completing periodical order, meaning that the Library will soon offer magazines for patrons to read while in the Library.

The Summer Reading Program starts June 14<sup>th</sup> and activities will be every Friday at 11AM until Aug. 6<sup>th</sup>. The Library will hold a book sale for the Huckleberry Festival as a fundraiser. They are looking for donations of books or DVD's from the community. They will also have a silent auction for a Gardening Basket, a Family Basket, and a Toy Box. They may have a raffle item if they can get a donation. Anyone interested in making a donation should let Maggie know.

Faye Moore has resigned from the Library board. Jeff Nielson has submitted a letter of interest to fill her position. The Library Board would like the Council's support to accept Jeff as a Library Board Member. Joyce made a motion to approve Jeff Nielson as a Library Board member. Jeff G. asked if the position needed to be advertised. Beth didn't think so, but the Council has to approve who is on the board. Jeff G. seconded the motion and all were in favor.

**Public Works Report:** Rick noted that David (Rosingana) has been hired to help temporarily. They have been busy at the lagoons. They've been working on several plugged sewer lines. David has been working on some spreadsheets for recording information for the DMR. The old laptop will be used at the lagoons. Rick reported that Box R tried to do testing at Well 5 but the well is still down. We need to get the valve fixed ASAP. He will try to get bids so we can get the well back on line to get testing done before the deadline. Jeff G. noted that the purchase of the valve has already been approved. Rick will get an estimate for the installation.

We will have another injection done at the lagoons tomorrow. Rick thought there were indications of improvements from the last injection.

Rick said they have been trying to mow and water parks but haven't had time to get to weeds.

The gazebo has been painted but more paint is needed. Rick will pick up more paint.

Rick rented a camera to look at some of the plugged sewer lines. We can buy a camera for about \$800 to \$1000 that has a locator and a beeper to pin point an exact location of a break or plug.

Dave Rose has loaned the City a very nice game camera to use at the re-cycle area as we are still having a lot of trouble with people dumping things that shouldn't be dumped. B&K is about ready to pull the metal dumpster. Vicki wondered if the City bought a camera, would we be adamant about going after violators to hold them accountable. Jeff G. thought it would just take a call to the County Sheriff. Sheriff Bowen said they could help with that. Rick will try to get the camera put up next week.

Jeff made a motion to allow Rick to purchase a sewer camera with a beeper for up to \$1200. Justin seconded. All were in favor. Rick thought we might be able to re-coup some of the cost by renting it out. Big Mike interjected that he has a broken sewer pipe that has been a problem for over a year. Part of it is on him and part on the City. Rick will get a camera and take a look.

Mayor Mike asked for an update on the Public Works extra employees. Rick said Dave is working out well. Beth noted that Galen had surgery on his knee June 1<sup>st</sup>. He has a follow up on the 10<sup>th</sup> and we should know more by the end of the week. Mayor Mike was concerned that we will be paying 2 seasonal people until everything is settled. Jeff G. asked if we budgeted for extra help. Beth thought we budgeted for an additional 10 hours. Vicki asked if Rick felt like he was making progress. Rick said at times but there is plenty to do. The biggest problem has been sewer lines. Vicki wondered if the City could provide some kind of incentive for citizens to take care of right-of-ways. Rick noted that they are supposed to do that on their own. "A" Street is the worst. Vicki wondered if the City could consider hiring someone just to do right-of-ways. Mayor Mike noted there is a liability to have volunteers operate equipment. We have a volunteer, but we need to find a way to allow him to do that and be covered under worker's comp. Beth reminded that last month we got a quote from Union Co. Road Department for resurfacing 5<sup>th</sup> Street. If we want them to do something while they are here in August working on the SCA grant, we need to let them know. The quote was to strip the street down to the bed and rebuild it up and chip seal it from B Street to G Street. The total would be almost \$100,000. We can apply for another SCA Grant to redo 5<sup>th</sup> but chances are that it will be at least 2 or 3 years before we get another grant. We have money in the budget to do some street repairs if we want to just fill potholes as a temporary fix. Joyce wondered

how much an SCA Grant was. Beth said we can apply for up to \$100,000. Vicki moved to have potholes on 5<sup>th</sup> Street filled while the Road Department is here and file for a grant to have it redone. Mayor Mike asked how much she proposed to spend. Jeff G. agreed that we need to have a cap. He recommended \$50,000. Beth noted that to redo 5<sup>th</sup> from B Street to Center it would cost about \$36,000. Mayor Mike wondered if filling potholes would be enough of a band-aid to hold until we can get a grant. Roger Townsend commented that if it was just normal vehicle traffic it might work but truck traffic is different. Mayor Mike noted that most of the truck traffic is from B to Center. Vicki's motion died for lack of a second. Justin suggested we redo from B to Center for roughly \$37,000 and patch the rest. Jeff asked if there was a weight limit. Beth noted that according to the TSP, 2<sup>nd</sup> Street and E Street are classified as arterial streets. Everything else is just a collector. Jeff moved to spend \$50,000 for street repair on 5<sup>th</sup> Street. \$37,365 to redo B to Center and use the remainder to do as much pothole repair as possible. Justin seconded. Motion carried with 4 yes. Mike Morse abstained.

**Recorder Report:** Overages in May equaled \$1049.84.

Beth reminded that the Blue Mtn. Humane Association is asking again for a donation.

The Rural Fire Department contract expires June 30<sup>th</sup> so we need to start talking about it. She wondered if the Council would like to have a special meeting or work session with the Rural Fire Board to discuss it.

**Mayor's Message:** Mayor Mike said he would hold off until Council Comments.

**New Business:**

**Infrastructure (Carolyn Flynn):** Carolyn was not in attendance, so the topic was tabled.

**Sheriff Cody Bowen:** Mayor Mike introduced Sheriff Cody Bowen. He added that we still have issues on this end of the County that he would like to talk to the Sheriff about, one on one, but he wanted to give the Council a chance to express their concerns. Mayor Mike added that the Neighborhood Watch group hasn't been very active lately. Sheriff Bowen was 100% in support of a Neighborhood Watch. Community involvement is an important place to start. He suggested they have some way to label vehicles being used for Neighborhood Watch. Beth clarified that the Neighborhood Watch was not part of City Council. Sheriff Bowen agreed that it is strictly citizen involvement. Mayor Mike noted that the citizens needs to get coordinated on our end, and then get in touch with Sheriff Bowen.

Sheriff Bowen noted that his department has added 4 ½ deputy positions but they are mainly in the jail. The half time position will be working with inmates to reintegrate back into the community. He has heard the concerns of the North Powder citizens about drugs and speeding. He has asked the State Police to help out and is working with the Baker County Sheriff as well. Just having their presence in town makes a difference. As far as the Neighborhood Watch is concerned, he felt that as a society we have taken the attitude that it's not my concern but we need to get back to looking at it as this is my town and you are screwing it up. He added that he needs to know what is going on and encouraged citizens to let him know when there is a problem. Even if they can't do anything at the moment, a complaint is on the record. Sheriff Bowen noted that customer service is very important so he needs to get both positive and negative feedback. Mayor Mike felt that everybody should be concerned about the possibility of drug labs being flushed. If that happens, it counters what Rick has been working hard to do to get the lagoons back into compliance. Sheriff Bowen said we don't have the number of meth labs that we used to and he felt it was unlikely that they would be flushing them. Justin asked what you should do if you find needles. Sheriff Bowen said to put them in a sharps container and throw them away.

With School out for the summer, Jeff G. wondered if the School Resource officer would still be around. Sheriff Bowen noted that he has been reassigned to ATV Patrol during the summer. Vicki commented there are several young kids who have been getting rather wild on dirt bikes, motorcycles and 4-wheelers. She wondered if that was legal. The Sheriff noted that even without a City ATV Ordinance you still have to be 16 years old, have a driver license and wear a helmet. There are no exceptions for kids, regardless of the size of the ATV, to riding on right-of-ways and open roads. Again, he encouraged people to report

violations. Jeff G. wondered if there were any advantages to having an ATV Ordinance. Sheriff Bowen thought other than convenience, the City could require a sticker which could bring in extra revenue. Jeff G. asked if it was true that since Union Co. allows the use of ATVs, North Powder doesn't need an Ordinance. Sheriff Bowen said that is true for county roads only. However, there are also State Laws that may trump any City Ordinance. Mayor Mike remarked that as a rural community we try to balance where we live with safety. He agreed that we might want to revisit our standpoint at some time in the future.

**2022-2023 SCA Grant Application:** The next SCA Grant application is due the end of July. Beth asked if the Council would like to apply to finish resurfacing 5<sup>th</sup> Street from Center to G Street. We have to specify where and what type of surface we want. The SCA grant is not for sidewalks. Beth added that 1<sup>st</sup> Street has never been chip sealed. Jeff suggested redoing the rest of 5<sup>th</sup> and repairs and chip sealing on 1<sup>st</sup>. Rick thought it would be nice to clean up E Street between 1<sup>st</sup> and 2<sup>nd</sup>. It was decided that we will apply to redo the rest of 5<sup>th</sup> Street from the bed up and chip seal E Street between 1<sup>st</sup> and 2<sup>nd</sup>. Beth noted that if we get the grant, we won't be able to use it until the summer of 2022. She reiterated that chances are we probably won't get another grant for at least 2 to 3 years.

**Ice Cream Social (Vicki Townsend):** Vicki re-assessed her idea for an Ice Cream Social and instead, suggested working with the School to have the HS Band and Choir, along with community members get together for a Jam Session. The City could supply and serve hot dogs. Jeff G. thought July was not a good time. He suggested August. Vicki would rather it be before school starts. She asked Jeff and Wynn Nielsen to help as well. Jeff G. wanted to add this to the next agenda so we can budget for hot dogs and condiments. He volunteered to help.

#### **Old Business:**

**Playground:** George Marston reported that the Oregon Community Fund declined our grant request. We applied to Wildhorse for \$20,000 and received notice that we have been awarded a \$10,000 grant. However, the funds are for equipment purchase only. The equipment delivery has been rescheduled to June 28<sup>th</sup>. With the Wildhorse grant and a \$1000 pledge from Myron and Dotty Miles, we have received \$68,000. The total equipment cost was \$58,873, including the \$4000 for signs that haven't been ordered yet. If we hire professionals to do the installation it will cost \$21,600. George thought we should see how many people we could get to volunteer. The Wind Farms have expressed an interest in providing volunteers. We still haven't heard from MACS, which is a group of people who work in the playground industry. They do the assembly for free and the City only pays for room and board while they are here. Beth said we should know something soon. George added that if we use volunteers, La Grande Parks and Rec would provide a trained supervisor to be sure we do it right. George is still applying for grants. He just got notice that North Powder Community Partners has been approved to an open face program that allows them to apply for some larger national grants from places like Walmart. Jeff G. clarified that if we get enough funding we could just hire someone to do the installation. George said there is no scheduled date to break ground. We're waiting for the arrival of the equipment.

**Wastewater Project Update:** Nick Ducote was asked to give an update on the Wastewater Project. Nick reported that we are coming up on end of the final design part of the project. We are still waiting on the final agreement regarding the cultural and historical artifacts and how the City will mitigate for the impacts. A copy of the first draft of the Memorandum of Agreement was provided in the Council packets. It basically boils down to 3 three items that pretty much everyone has agreed to. The first is signs that will go up in the park. They will be specific to tribal history in the area. There is some emphasis on signs about first foods for the native peoples and plantings of some of them. The grant would pay for the signs but it will be up to the City to install them. It becomes more complex if the grant pays for installation. Some or all of the sign panels may be displayed at City Hall, the Union County Museum, and on-line. The Ethno Botanical Survey was not feasible due to the time line of the project so it was scratched. The

contribution to “Elder in Residence” program is a monetary contribution but we haven’t been able to pin anybody down regarding the amount of the contribution. There was talk of it being a percentage of the total project anywhere from 1% to 10%. We need to know what the cost will be. We are in the last few months of closing out the design grant and applying for construction. We need to have the money lined up. There is a chance that they could ask for as much as \$200,000. If that is the case, we may be able to as Business Oregon to talk to the tribes to see if could be reduced. Anderson Perry has not had any experience with this type of request so we have no history to compare negotiations to. We have to have all parties agree to sign the MOA before we can move on. Joyce wondered if they would like a place to display history. Nick replied that is what the signs are for. Beth added that they are not willing to accept just signs. Nick noted that all artifacts go the tribes. All we can do is cross our fingers that nothing significant is found. Mayor Mike wondered if the construction phase would move along more quickly, barring finding something like a burial site. Nick hoped to get the MOA signed in the next couple months. We have notified all of the tribes, multiple times, and most have deferred to the Umatilla tribes. Mid-August is a sort of a deadline in order to apply for construction grant in September. The Environmental Report generally wouldn’t be submitted until all of this is done but Nick is going to submit a draft to CDBG so they can start looking it over.

Beth noted that the DSL put out their comment period on our application. The only negative response came from Myron Miles. He felt our evaporation pond was unnecessary and sprinkling was beneficial and had little adverse impact on the existing wetlands, and winter storage could be added at a far less cost than abandoning and replacing the existing sprinkler system. The City responded that we have to build a winter storage pond regardless and the existing sprinkler system is not going to be sufficient for when we have to get out of the river.

**City Hall & Library:** Beth noted that copies of the Preliminary Title Report for the fire station was included in the Council packets. She asked Dan Van Thiel what he needed to get the process moving. We need to decide what we want included in the Sales Agreement. Mayor Mike said we need to decide when it should close and the fire district needs to prepare a deed. Jeff wondered if there had been communications between Van Thiel and the Fire department. Beth thought Logan had been attending the Fire District meetings. Mayor Mike said we’ve been on hold until we got the Title Report. Now the attorney needs to know the terms of the purchase. If we are going to pay \$87,500 cash, the attorney needs to know when we want to close because he is going to have the City pay it into Escrow. We’ll need to notify the Fire District that they need to prepare a deed. Beth wondered if we should have a work session with the RFD and maybe work on the contract for services. Jeff didn’t think we needed a work session. We know we agreed to pay \$87,500. He didn’t think we needed to do Earnest as long as we know the closing date. Mayor Mike will talk to Colby and/or Jim about preparing a deed. Jeff suggested we close in 30 days. Since the RFD hasn’t asked for Earnest money, he didn’t think that was necessary. He wondered why we were paying an attorney. Beth noted that it’s a legal transaction and it is City policy that all legal contracts and transaction go through an attorney. Jeff understood that but felt that all of the steps for the sale will go through Escrow anyway.

**CARES Act Grant:** Beth noted that we still have about \$15,000 left of our CARES Grant. She suggested the City could make another donation to the NP Food Bank. Rick suggested getting more supplies like rubber gloves, wipes, and hand sanitizer. It was suggested to get running water to the lagoons or use in some way for the City Hall/Library project. Mayor Mike noted that COVID is the overriding factor. Beth added that it has to relate to COVID relief. She is still trying to figure out what the \$94,000 from the Federal Government can be used on. We have until the end of 2024 to spend it but the need has to be justified that it was caused or exacerbated by COVID. We can use it for water or sewer infrastructure. It can be used for capital investments in public facilities to meet pandemic operational needs. But it’s specific about what is considered as needs. Jeff suggested we get a couple of sanitation stations for the lagoons and well. Beth reiterated that whatever we do, has to be spent before June 30<sup>th</sup> and it has to be COVID

related. Jeff made a motion to give \$2500 to the North Powder Food Bank and use the balance to purchase sanitation stations and supplies. Vickie seconded. All were in favor.

**Ordinance Enforcement Report:** Mayor Mike reported that Shawn Wood is recovering from a broken leg a dislocated ankle, and surgery. We are getting a back log so Shawn suggested Don McClure could fill in for him. Mayor Mike asked if we needed to advertise the position. Beth pointed out that it's contracted services, not an employee. Vicki proposed we get a resume and references. Jeff thought Shawn's recommendation should be sufficient. Joyce suggested letting the Mayor take care of it. There were no objections.

Vicki noted that we need to keep an eye on an RV in her neighborhood. Mayor Mike noted that Union's ordinances give duly appointed employees of the water department access to premises where water is delivered. He didn't know how that would apply to an ordinance officer. Jeff said Union has an in house Court that they use before going to the County court. Joyce suggested a resolution to allow the City to have access to private property. Beth thought water and sewer was different than having access to property to check on RVs, etc. Mayor Mike will continue to check with other towns.

**Council Comments:**

Vicki felt it was rude for the Council to have to listen to anonymous letters to be read into the record. She didn't know of many places that would allow that to happen. It is not fair to the Council. They have the right to know who is who is making accusations. She made a motion that no more anonymous letters be read during a Council meeting. Big Mike wondered why people should have to identify themselves. They have the right to state what's on their minds. Vicki agreed but felt she has the right to know who is making the comment. Mayor Mike suggested doing some homework to find out if an anonymous letter is legal or not. It would apply to someone writing a positive letter as well as something negative. He hated to see it cut off when we are just starting to get public in-put. Beth and the Mayor will check on allowing anonymous letters. Jeff commented that we have freedom of speech with or without a name. However, he didn't think an anonymous letter would hold up in a court of law. Vicki reiterated that she wouldn't acknowledge anonymous letters.

Joyce would like to schedule a work session to work on water and sewer connections. She feels the City is losing money by allowing shared meters. We should at least charge an extra base rate, especially at the RV Park. Mayor Mike agreed that it needs to be cleaned up. There are people abusing the water and sewer and it warrants a work session.

Big Mike thanked everybody for efforts to make the town operate.

Jeff agreed with Big Mike's statement. He asked about the Resolution from Baker City since we hadn't talked about it. He wanted to read it before doing anything. Mayor Mike noted that he wanted everyone to look at the resolution initiated by Baker City, and indorsed by Cove, regarding what has been going on in the State. He would like to get on board. Baker City has gone even further with a resolution regarding being a 2<sup>nd</sup> Amendment Sanctuary City. He wanted the Council to look at it as it will be on next month's agenda.

Mayor Mike noted that he had a letter from LOC about a program where people can sign-up to qualify for up to \$8500 for water and sewer issues on private property. He will try to get more information for the newsletter.

Meeting adjourned at 9:48PM.

Respectfully submitted,

Attest:

Beth Wendt  
City Recorder