

**North Powder City Council Meeting**  
**February 6, 2023**  
**7PM City Hall (340 E Street)**

**Attendance:** Mayor John Fireboes, Councilors Logan McCrae, Justin Wright, Lindsey Thompson and Cody Anderson. City Recorder Beth Wendt, Public Works Director Rick Lawyer. Councilors Vicki Townsend and Jeff Grende were absent.

Others: Steffi Carter, Barbara Weeks, Barry Princevalle, Linda Dixon, Craig & Cody George, Mike Schoeningh, Shorty Schwehr, Jake Jones, Jeff & Wynn Nielsen, Nick Ducote, Trask Ritter, Brandon Mahon, and Joyce Lawyer.

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

**Public Comment:** Steffi Carter read a letter to the Council regarding the RV Ordinance. She was upset that a commercial contractor, working in and around the city, would be allowed to park a residential trailer outside of a designated RV Park in the commercial/industrial zone. Especially as it was going to be right next to the RV Park and didn't have a Conditional Use Permit like other RV Parks have had to get. She felt it was not done with malicious intent but it was a slap in the face to her as a legitimate RV Park owner. She felt it was unethical and a violation of the RV Ordinance. John responded that the tree trimmer, who will also be working for the Cemetery District, wanted to stay at the cemetery while he is here. He was told he couldn't do that and was referred to Steffi. In the meantime, Sharon suggested he could park next to Oregon Trail Seeds. There is nothing in the RV Ordinance that prohibits a temporary stay. Beth added that she checked with the League of Oregon Cities attorney after receiving Steffi's letter and was informed that as there is nothing in the ordinance that refers to a zone. As long as it is less than 15 days, no special permit was required. She reiterated that it was not the City who suggested parking at Oregon Trail Seeds but there is nothing in the ordinance that says they can't. Steffi was extremely disappointed that the City would allow such a thing on commercial property and unpermitted. She suggested the City could consult with the RV Park owners in the future and maybe a special commercial rate could be established. Steffi added that she gave Sharon a copy of the letter as she was mentioned.

Barry Princevalle has a problem with city water. About 2 years ago his landlord replaced water lines from his water meter to the house. Then about 8 months ago he put in a new filter system. He changed the filters about 6 months ago. Since then he has replaced 3 more. He showed the dirty filters to the council. He felt that the fire hydrants were not being flushed enough. He is the lowest part of the town so all of the sediment settles near him. He added that he is getting sediment out of his inside faucets. Rick noted that there was a break in the line and it took a while to get it sealed off. Barry felt there was not enough pressure and the system was never fixed right. Rick said when he flushes the hydrants, he starts at the well and works away from it through the system so that all of the water behind him is clean. He would like to get on a bi-annual flushing schedule. We have 1100 lbs of pressure on the hydrants and the system runs at 50 lbs. John commented that we will look into his water problem but reminded that filters are only good for 3 to 6 months. Lindsey added that the school has issues, too. John reiterated that we will look into it.

Linda Dixon commented that the Methodist Church apparently used 48,000 gallons of water in December and they were billed for 78,000 gallons in January. They don't use that much water in the summer when they water the lawn. She already checked and they don't have a leak. They did leave the water drip in the sinks and stools for about 10 days. John noted that some meters are having issues. He agreed that was a lot of water. Rick verified that the meter wasn't leaking but there is water going through the meter. Linda asked if the Church could get a usage credit. John thought we would have to

look into the reason for the usage. Rick agreed that some of the meters are starting to fail but they show little or no use rather than more. Linda wondered if Pratts were on the same meter. Rick said no, they have their own meter.

**Agenda:** Beth asked to add Union Sanitation to new business. Logan made a motion to accept the agenda with the addition of Union Sanitation. Justin seconded. Motion carried unanimously.

**Minutes:** John asked for amendments or acceptance of the minutes from January 9, 2023. Logan moved to accept the minutes from January 9<sup>th</sup> City Council meeting. Cody seconded. All were in favor.

**Accounts Payable:** Beth reviewed additions to the submitted Accounts Payable spreadsheet, beginning with the addition of \$90 to Box R for E.coli and nitrate testing on the water. We received a bill from Magic Valley for \$574 but Beth was questioning it. She thought we were being charged for tests that were done and paid for last month. She will follow up with Magic Valley. Eagle Office Concepts was \$40.50. We received a credit from Oxarc which reduced their total bill to \$886.87. We got 4 barrels of chlorine from Dubois Chemicals for \$700.91. The total AP came to \$11,387.98 less any adjustment from Magic Valley. Wastewater grant bills came to \$3828.19. Lindsey made a motion to pay the bills. Logan seconded. All were in favor.

**Library Report:** Barbara Weeks reported that the Library is planning an Easter Breakfast and Bake Sale. They are asking for donations for a raffle.

Maggie has ordered a set of 2022 Encyclopedias for the Library.

They are working on the Huckleberry Festival and Summer Reading program. They are also looking for something to raffle for the Huckleberry Festival. Maggie has T-shirts, water bottles and book bags ordered for the Summer Reading Program. She will be making posters for the school.

The Library received a grant from Union County for \$3000. Part of that will go to the Sage program. There are about 70 libraries across the state that belong to the program.

The writing workshop at the Grange went over well. It was facilitated by Steve Hahn. There will be another workshop on February 19<sup>th</sup>.

Lindsey wondered if there is a theme for the Summer Reading Program. Beth didn't know what the theme is, but Maggie has been looking for foreign currency.

**Huckleberry Report:** Lindsey reported that the Huckleberry Festival Committee had a meeting and they would like to have a 2 day event again. The road closures and parade route will be the same as last year. She hopes to have maps ready for the next council meeting. It will be the last weekend in July. They are looking for volunteers and suggestions for activities. They will meet again after they meet with the Community Partners.

**Public Works Report:** Rick has been spending most of his time at the lagoons. It froze up last month. We had a couple of E.coli hits in January. He has stopped discharging to the river until some of the ice breaks up.

Rick has been on the phone trying to find someone to help reset the clay valve at Well 5 and get it on a maintenance program schedule. It needs to be calibrated so we can get it back online.

Vehicle maintenance is falling behind.

#### **Old Business:**

**Wastewater Project Update:** Brandon Mahon, from Anderson Perry, gave a quick background of the bidding process. Last spring we had a bid opening but only received one bid and it was way over our budget. So, we recently opened bids on the re-bid of the project. In the first bid there was language about removing bio solids. In the re-bid, that was removed and a deductible alternative was added. That means we advertised the entire project but there is an element that that can be deducted if necessary to stay within the budget. We received 4 bids. Copies of the bid review were presented to

the council. The city has a total of about \$2.1 million for construction of the project. The Saunders Company from Newberg, was the low bidder with \$2,248,888 for the entire project. Their deductible was approximately \$434,000. We don't have funds to award the entire project so if we take the deductible out, it comes to \$1,814,478. He recommended that the City award the project less the deductible. We can add elements of the deductible back in at a later date if we find we still have money left at the end of the project. The order of the bid process goes as follows: Bids were opened on January 25<sup>th</sup>. Anderson Perry verified that all bids were from responsible bidders in the State of Oregon. Since the Saunders Company had the lowest bid, Brandon recommended that the council issue a Notice of Intent to Award. That starts a 7 day protest period for the other bidders to file a protest. When the protest period is up, we issue a Notice of Award to the Saunders Company for the base bid. That gives them time to get bonds, insurance and agreements drafted and returned to Anderson Perry. From there we schedule pre-construction meetings. We can only act on the Notice of Intent right now but Brandon felt it would expedite things if the council would not only approve the Intent but give the Mayor authority to move forward with the Notice of Award as soon as the Intent period is up. John wondered if there was a contingency included. Brandon thought if we awarded the base bid it would give us almost \$300,000 for contingencies. The deductible includes some of the lower priority work on the collection system and can be added back in as funds are available. John asked what would happen if we don't accept the bid. Nick thought we would still have our funding but we would probably start getting some fines. Brandon added that we are currently under an MAO with the DEQ and when you start to miss deadlines and amending the MAO, DEQ gets rather impatient and starts issuing some hefty fines. Our NPDES permit is actually with the EPA. Once the project is done and we don't have to discharge to the river, we will be under a State permit instead of Federal. Logan made a motion to move forward with the Notice of Intent to award the contract to the Saunders Company and assuming there are no protests during the 7 day protest period, we authorize the Mayor to sign the Notice of Award with the Saunders Company. John asked if the motion should include that it would be for the base bid less the deductible. Logan said yes. Justin seconded. Motion carried unanimously. Brandon clarified that once the Notice of Award is issued, the contractor will have 15 days to get his paperwork in order. He will then get the agreement to the City for our attorney to review. He thought they should be able to have it all ready for the next council meeting. Once the agreement is ready, we'll schedule a pre-construction meeting. Rick wondered if there was a plan for removing bio solids. Brandon said no but we all recognize that it needs to be done. There is a process for bio solid removal that includes a plan to show DEQ where we are going to put them, how they will be applied, how much will be applied, etc. It's something that needs to be done before too much longer but right now we don't have a solid plan for it. Lindsey asked if it was a high concern. Rick felt it was. Lindsey wondered if we could start that process at any time. Brandon said yes, but the first step is to find someone to take the bio solids. Nick added that right now the main concern was to have a project that we can afford and do what is necessary to get into compliance. We will probably have to get some loans to remove the bio solids because we will spend all of the grant funds on the rest of the project. Brandon noted that DEQ is requiring an updated Reclaimed Water Use Plan. Anderson Perry is willing to help put that together but we need to amend our contract to cover the expense. This is not a huge priority but we also need to put together an application for a 1200 C permit for sediment control at the construction site. The contractor can't start construction without the 1200 C permit. The amendment is for \$27,500, \$20,000 for the reclaimed water plan and \$7500 for the permit. There were no objections to the amendment but Nick noted that it will have to be approved by Business Oregon.

Linda Dixon interjected that there will be a Community Partners meeting on February 21<sup>st</sup> at 6PM at the Grange. There is a \$1 per year cost to join their organization.

**Meeting Room/Library Update:** Logan noted that we don't need a Conditional Use Permit for the meeting room. He still needs to make a couple of adjustments to the bid information but we should be able to post the notice later this week. Beth interjected that the reason we didn't have to do a Conditional Use Permit is because we already did one for City Hall and we are just making upgrades to the existing structure. However, the Library will need to get a Conditional Use Permit as they want to add on and change the existing footprint of the building.

John commented that in talking with Nick (Ducote) we found out that the City could apply for a block grant for the Library extension. Nick thought we could get a Ford Family Foundation Technical Assistance grant to pay for some work on the plan and engineering. It could also pay for him to write some grants that we could cobble together with the goal of a larger project. We could take a bare bones approach or a dream big approach that would include adding on to the building, as well as possible demolition of the old City Hall/Library building, landscaping, paving a parking area, and a sidewalk. We can't use a block grant to improve the city facility where we hold council meetings. A block grant can be for design and construction all in one but we need to have a preliminary architectural report, stamped by an engineer or an architect, which defines the project and gives a cost estimate. Application rounds are the end of April and the end of September. John clarified that the idea was to get some sort of grant funding for engineering and grant writing so the City wouldn't owe anything out of pocket. Nick understood that the Ford Family Foundation was interested in the project and they have a \$5000 Technical Assistance grant that would go toward getting things going. Logan thought it was a simple addition so it should be pretty straight forward. Nick thought our chances of getting a block grant were pretty competitive, but he couldn't guarantee anything. If we don't get it in April, we can apply again in September. Once the grant is awarded, we would have 2 years to spend it. Joyce wondered what the good points were to having a block grant and who would oversee it. She thought since it was a federal grant we could only have two of them. Nick clarified that the wastewater grant is the only one open now. He added that the Ford Family Foundation is a private foundation and they generally like to fund the last 30% of a project. Private foundations don't fund grants of the size we are talking about and they usually require proof of community support in matching funds, names, etc. A block grant can fund 100% of a project. Logan thought it made sense to have Nick apply for a \$5000 technical assistance grant and have Mike (Schoeningh) be the lead for the Library and the John be the lead for the City. Mike was concerned that we need to have a scope of work to get to contractors. Nick thought we could talk to Ralph Edwards again to see if he could help with the architectural & engineering report. It is so valuable in and of itself because it shows a cost estimate, narrative and pictures. It shows that we did our due diligence and it's something that most funders will look for. Joyce thought there were a lot of people waiting to help so we can get the project done in the next two years. John thought if we could get a block grant, it shouldn't take that long. We could use some of the other funders to apply for furnishings, etc. He suggested we apply for the block grant and in the meantime the Library Board could start making a list of things they would like to have and who to apply to for them. Nick remarked that if we get a block grant this spring, we would spend the fall putting together a design package and put it out for bid in December or January and hopefully begin construction by next spring or summer. Logan made a motion to move forward and allow Nick (Ducote) to work directly with Mike Schoeningh and Mayor John Frieboes to pursue a \$5000 Technical Assistance Grant from the Ford Family Foundation to get going. Justin seconded. All were in favor.

#### **New Business:**

**Union Sanitation:** Craig George, from Union Sanitation, asked for an increase on garbage rates. WastePro increased their fees by 7.1% and Union Sanitation asked for the same increase. Logan agreed it was only fair to pass the increase along. He asked if there were any problems that the City needed to address while they were here. Cody George wondered if we could ask people to bag garbage before

they dump it in the cans. John noted that new rates will be \$27.17 per month for weekly pickup of a 42 gallon can, \$32.03 for \$68 gallon can, \$36.90 for a 96 gallon can, and \$13.98 per month for a single pickup of a 42 gallon can. A 20 yard dumpster is \$105.35 plus mileage. Craig added that the cost difference ranges from \$1.81 to \$2.95 more per month. Logan moved to approve a 7.1% increase for Union Sanitation to cover their costs. Cody seconded. All were in favor.

**Ordinance Enforcement Report:** Shawn has still been making rounds and has been talking to people. We've sent out a few letters and have had some response.

**Recorder Report:** Water overages in January came to \$246.70. Beth applied 15 freeze credits for total of \$54.86 and billed the difference of \$191.84. We used 1,157,705 gallons of water. We received an Audit Contract and Engagement Letter from Solutions CPAs for the 2022-2023 audit. Estimated cost is not expected to exceed \$12,700 for the audit services plus \$3200 for the preparation of financial statement. The audit is \$700 more than last year and the financial statement is \$200 more. Beth called around to get an idea of what other towns in the area are paying and the cost ranged from \$800 to \$15,000. She thought Haines and Halfway were getting by so cheap because they haven't had to pay for a single audit for a big federal grant recently. Logan made a motion to authorize the mayor to sign the contract with Solutions CPAs. Lindsey seconded. All were in favor. Beth was unable to attend the League of Oregon Cities Elected Essentials training on Jan. 19, 2023 due to illness. However, John did attend the Mayor's training on Jan. 18<sup>th</sup>. LOC is asking for places to hold the July and October Small Cities meetings. We won't be able to do that this year but Beth would like to volunteer North Powder when the meeting area is complete. Lindsey & Cody have been added to the list of Councilors for the Oregon Ethics Commission. They should be receiving an email to create an account as soon as possible. Filing invites are sent out about the 15<sup>th</sup> of March and are due by April 15<sup>th</sup>. Everybody should be getting an invite to file an SEI. We got a flier from Meadow Outdoor Advertising with their annual rent payment about buying the property where the billboard sits. Beth didn't think the City would be interested in selling as it is the well property next to the freeway, but she wanted the council to be aware of their interest in purchasing the property. We receive \$1800 per year for rent for the billboard. We have a 20 year contract and Beth thought we were about 5 years into it. Beth clarified charges for a credit card machine. We have to pay 2.9% of the total for EACH transaction plus 30cents. On a charge of \$91.75 that comes to \$2.66 plus 30cents (\$2.96). On a charge of \$183.50 the charge would be \$5.32 plus 30cents (\$5.62). We can charge a flat rate but it may not cover all of the service fees. Steffi commented that the Café passes that charge on to the card user. John felt it was a nice convenience and thought it would be up to the individual to decide if they want to pay the extra fee to use their card. Beth thought the council should amend the motion from last month if we want to charge a percentage instead of a flat fee. Logan made a motion to move forward with getting the ability to allow people to pay the city with a credit card and use the percentage calculation instead of the flat fee and pass the fee on to the customer. Cody seconded. Motion carried unanimously. Beth will work on getting set up to accept credit cards.

**Mayor's Message:** John noted that he met with the Library Board and the Ford Foundation to talk about funding. He had to cut it short as he needed to attend a virtual meeting with DEQ.

John felt the League of Oregon Cities mayor's training was very informative. There were a lot of mayors from Eastern Oregon. It was good to meet some of them and exchange ideas. The school got a grant to partially pay for a trailer for a tank with a sprayer to water flower baskets that will be put up along 2<sup>nd</sup> Street this summer. They are trying to get more funding to pay the balance. John has been trying to get a bus shelter at the Café. Still don't know where the funding will come from.

John asked last month about trimming trees. There are 4 big willows on the corner of E and 1<sup>st</sup> that we thought were on private property, but they are actually on city right-of-way. They are in really sad shape. Gene's Tree Service, who will be doing the other tree trimming for the city, will cut them down for \$100 a piece if the city will help with clean-up. Lindsey wondered if we could just clean them up because they provide shade for the Huckleberry Festival. Logan thought they might be a safety issue if they were rotting and branches were breaking off. John felt they were a hazard and it was the tree trimmer's recommendation to cut them down and he will do it at that price while he is here. Trimming them would cost more. Cody agreed they could be a liability for the city. John suggested the council take a look at them. There are railroad spikes in them where kids have used them to climb the trees. Lindsey made a motion to see what the tree trimmer thinks and if it is in the best interest of the community, then we go ahead and have them removed. Cody seconded. All were in favor. John remarked that he did a drawing of the outside of the building with the library addition that he was willing to share. It shows parking and sidewalks, etc.

**Council Comments:** None

Joyce wondered if we would be able to get a block grant to dredge the lagoons if we already have a block grant for the library and one for the current wastewater project. John noted that when one of them is closed, we should be able to apply for another. The current wastewater project shouldn't take too much longer.

Meeting adjourned at 8:30PM.

Respectfully submitted,

Attest:

Beth Wendt  
City Recorder