

North Powder City Council Meeting  
February 5, 2024  
City Hall 7PM

**Attendance:** Mayor John Frieboes, Councilors Logan McCrae, Don McClure, Jeff Nielsen and Lindsey Thompson, City Recorder Beth Wendt, Public Works Director Rick Lawyer, & Librarian Lisa Aichele.

Councilors Vicki Townsend and Justin Wright were absent.

Others: Dave Hoene, Gloria Reid, Sheriff Cody Bowan, Nina McClure, Wynn Nielsen, Nanci Klein, Shorty Schwehr, Karlie Martin, Joyce Lawyer.

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

**Public Comments:** Gloria Reid felt that typically troublesome animals are not well cared for. She had a situation where she did not get a good response. She also questioned the idea of a one dog policy. She didn't feel that everyone should be punished because of a few people. John noted that that wasn't necessarily going to happen. It was just an idea. Gloria had copies of 5 dangerous dog reports. John interjected that Sheriff Bowen was here to address some of those issues.

Karlie commented that she has had non-stop dog issues for 10 years. They have killed chickens & ducks, and even chewed the tail off her cow. She didn't like being told she could only have one dog. She has talked to people and taken videos and made numerous reports, but nobody cares. She thought there were 4 addresses that come up nonstop. John noted that the purpose of the newsletter was to get people to think.

Karlie wondered if the City paid for the speed sign. John said yes. Karlie added that if anybody ever chases her child she will sue. She thought the speed sign should be moved around town in an equal and fair manner, not just left on a tiny area of 2<sup>nd</sup> Street. Dave interjected that the purpose of the sign was not to chase kids but to remind people to slow down. John commented that the sign has been moved around town at random times. He has talked to the school administration about kids speeding.

**Agenda:** Logan made a motion to accept the agenda. Jeff seconded. All were in favor.

**Minutes:** Lindsey made a motion to accept the minutes from January 8, 2024. Jeff seconded. All were in favor.

**Accounts Payables:** The only addition to the Accounts Payables (AP) was to Byrnes Oil for a total of \$859.79. Last month's payment to CenturyLink was lost in the mail so the amount included 2 months. The total AP came to \$14,511.02. The total bills for the Wastewater Project Grant came to \$52,361.20 and bills for the Library Grant came to \$4925.50. Don made a motion to pay the bills. Logan seconded. Motion carried unanimously.

**Ordinance Enforcement:** Sheriff Bowen noted that when it comes to animal control there is a County Ordinance but the majority of the enforcement falls back on State law. The Sheriff's department is aware of some hot spots and they are being addressed, even though it may seem slow at times. If a dog has been classified as a level one offender, the dog owner can petition to have that lifted after 6 months. As far as dogs at large, the biggest problem is trying to locate the dogs and find out who owns them. Since the County only has one deputy assigned to animal control, it can take some time to get here. Dave asked what the law says about shooting a dog. Sheriff Bowen said if you truly fear for your life or are in danger of serious physical assault, you have the right to defend yourself. However, he encouraged everyone to avoid shooting if at all possible. If you are on public property and feel threatened, there are ways to address that as a nuisance. Constant barking is also considered a nuisance but it takes time and citizen cooperation. Logan wondered if repeat offenders show up and pay fines, do they get their dogs back. Sheriff Bowen said sometimes they do. He estimated that about 75% of the calls received about dogs at large are about dogs

that get out while people are at work. That falls back entirely on the ownership of the dog. It is rare, even for repeat offenders, to see a dog reach level 3 and have to be put down.

Sheriff Bowen noted that he has reached out to some citizens and the school regarding speeding. There are plans in place to help address the problem. He has reached out to ODOT to see about getting a crosswalk and some flashing lights on 2<sup>nd</sup> Street near the school but it will take time. Karlie interjected that she was working with ODOT to get grants for some speed signs. Sheriff Bowen agreed that was good, but it wouldn't eliminate all of the problems. The purpose of the speed trailer is to make people think and to slow down. There are options to the speed trailers. The County's speed trailer has some data collection capabilities. But, the trailer needs to be moved around randomly and regularly. It is tough for a citizen to assign a citation. It requires a positive identification and filling out paperwork as well as possibly testifying in court and that could lead to other issues. He felt it best to relay information to a deputy with the time, place, driver, vehicle, etc. The Sheriff has put out a memo for extra patrol. However, speeding violations are low on the list compared to sex abuse crimes, drugs, burglary, domestic violence, trafficking, etc. He has also reached out the State Police. He understood the city's concern, but unfortunately they don't have enough deputies to cover the entire county 24-7. Nonetheless, the sheriff is trying to provide a high level of customer service to the citizens of the county.

Dave wondered if fines were assessed to dog owners for repeat offenders. Sheriff Bowen said fines are assessed depending on the level of the violation. He added that other towns are issuing citations from City Hall that eventually go to a lien on the property. A property owner has some responsibility and can evict, but, again, it takes time.

**Library Report:** Lisa has made a connection with the school and talked to both Lance and Molly about future programs for the library. She received a \$20 donation on behalf of the library.

Susie is going to have knee surgery on March 26<sup>th</sup> and will be off work for 4 to 6 weeks. Lisa asked for permission to work Susie's 4 hours on Saturdays. Either that or adjust the library hours to be open 3 hours per day on Tuesday, Wednesday, Friday and Saturday. John thought it would be a matter of how it affects payroll. Beth noted that we already pay PERS for Lisa, regardless of the number of hours she works. She'll check with Jason to see how much additional hours will affect the budget. The council chose to wait until the March meeting to make a decision.

Lisa noted that she spent 2 days doing training on the Sage System. There were 240 books pulled from the shelves and entered into the Sage System. Her goal is to go through all of the books by the end of March. They will either be entered into the Sage System or put in storage.

**Huckleberry Report:** Lindsey noted that the first Huckleberry Committee meeting will be on Wednesday, February 7<sup>th</sup> at 6:30PM at the Grange. They will be discussing dates, events and road closures.

**Public Works:** Rick got a proposal for an inspection and cleaning of the two water tanks. He thought the old tank was last cleaned in 2004. The estimate to have both tanks inspected and cleaned was about \$6500. That is a discounted rate if they can be done in February. It is all done electronically with a vacuum so there are no divers and there is no need to drain the tanks. Logan wondered if there were any permits needed. Rick didn't think so. Beth noted that technically it should be budgeted from maintenance but since this is a special deal if done right away, we should be able to pay for it from Capital Outlay. Jeff wondered how often it should be done. Rick thought it should be every 3 to 5 years. He reminded that the proposal is for cleaning and inspection only. It doesn't include any repairs. Logan made a motion to move forward with getting the water tanks cleaned and inspected. Don seconded. Motion carried unanimously. Rick noted that we are still retaining a lot of water at the lagoon. There is about 2' of water in the new evaporation pond. The main ponds are holding around 4' and water level is increasing about 1" to 2" per day so we may have to go back to the river. We can still go to the river but it requires a lot more testing. Logan wondered if that was going to continue to be an issue. The idea of the evaporation pond was to get rid of the discharge permit and still have room for growth. Rick thought the weather played into it a lot.

Joyce wondered if the city was looking for grants for the wastewater. John noted that we haven't found anything besides what we already have. Joyce thought there was a railroad grant that was pretty sizeable. Logan suggested if somebody could come up with a lead, we could pass it on to Ducote Consulting.

**Recorder Report:** Water overages in January came to \$454.76. There were 17 freeze credits issued for a total of \$73.54. We used 1,410,520 gallons of water.

The City started accepting credit & debit cards in March 2023. We had 187 charges in 2023 for a total of \$24,055.55. Less than 10 were on credit cards where we could charge the service fee back to the customer. The City has paid the fees on all of the debit card charges.

The Open House for Suite Blue was cancelled due to weather but they will reschedule at a later date.

Beth & John met with Kevin Bell regarding Property/Liability Insurance on buildings that were appraised last fall. The CIS underwriter has suggested the City consider insuring the water tower behind the old city hall on an actual value basis instead of replacement value since we don't use the tower anymore. It would save about \$212 per year in premiums. The difference between insuring on an actual value vs. a replacement value is that if it is insured on an actual value and something happens to the tower, the money goes into the city coffers and that is the end of it. If it is insured on a replacement value, the city would have to rebuild the tower. Dave wondered if it had any historical value. Logan made a motion to insure the tower at an actual value rather than replacement value. Don seconded. All were in favor. John added that if something were to happen to the tower, the city would be responsible for cleanup.

**Mayor's Message:** John not only attended the meeting with Clarke-Clarke Ins, he attended some other meetings as well.

John took down the candy canes and wreaths and will put the banners back up.

The North Powder FFA has already planted flower baskets for this summer.

John put solar lights on the "Welcome to North Powder" sign and on the sign at City Hall.

We are waiting on the electrician to do wiring for additional street lights and waiting to see if we got additional grants to purchase more lights.

Karlie wondered if the city looked into grants with ODOT for speed signs. John noted that we did, but we found the speed trailer for about \$1700 and that was more within the budget so the Council elected to do that instead, for right now.

Logan wondered if John was able to attend the inspection of the old City Hall. He was not, but Jeff was. Jeff reported that there is a false ceiling in the upstairs of the old library. It has a pretty good drift but needs to be secured. He recommended the City purchase eight 2x6's to secure it. The council had no objections. Jeff added that other than the failing wall, the inspector seemed to think the building was in pretty good shape. Logan wondered when he would have a report together. Jeff thought it would be a week or so.

#### **New Business:**

**2023-2024 Audit:** Letters from Solutions CPAs were in council packets regarding the audit for 2023-2024. They estimated the audit to not exceed \$14,040 plus \$9500 for the special audit of the wastewater grant. We can use grant funds to pay for the special audit. They also anticipate \$3450 for assisting with financial statements and preparations. Beth thought the regular audit was approximately \$1200 more than last year. Logan noted that we have looked into different auditors in the past and the general consensus seemed to be to continue to use Solutions CPAs. He made a motion to hire Solutions CPAs to do the 2023-2024 Audit. Don seconded. Motion carried with 3 yes votes. Jeff abstained.

**2024-2025 Budget:** Beth reminded that the budget process is coming up. Everyone should start thinking about any major purchases or changes that need to be made to the upcoming budget.

#### **Old Business:**

**Wastewater Project:** Beth asked if the council was ready to accept the Notice of Acceptability for construction of the wastewater project so that final payment can be released to the Saunders Company. Logan asked if the punch list was completed. Rick noted that once the council accepts the final payment,

the warranty on the fountains will start. The valves need a different filter system. John noted that part of the problem is because of the depth of the solids. We could put in a different size filter or a different filter system altogether, but that is outside of the contract. In the meantime, we have been by-passing it to put water to the evaporation pond. Jeff felt it was not the right application in the first place. John explained that it was put there to equalize the pressure on the motor when it is started up to send water to the evaporation pond. Logan wondered if by-passing it would void the warranty on the motor. John noted that the motor was not new. Logan clarified that the contractors have followed the plan and done what they were supposed to do. He thought if the fountains didn't work, they could still be replaced under warranty. John explained how the sprinklers were supposed to work and help with faster evaporation. It was suggested that a piece of plywood placed underneath them might help prevent sucking solids from the bottom of the pond. Karlie wondered if every city has as many issues. John noted that there are always going to be changes. From design changes, to requirement changes, equipment upgrades, etc. They seem to run in cycles. Logan made a motion to accept the release of final payment to the contractor. Jeff seconded. All were in favor.

Beth presented a proposed amendment to the CDBG grant contract. The amendment would move unspent funds for a specific line item to other line items, such as bio-solids removal. It doesn't change the amount of the grant, just how we can spend the remaining grant funds. Don made a motion to accept the amendment. Jeff seconded. All were in favor.

**Library Update:** Contracts for the grant and grant administrator have been approved by legal and signed. We are ready to start advertising for an architect/engineer to draw up the final plans. If the council is okay with the proposed Request for Proposal it can be published in the local paper on Saturday, February 10<sup>th</sup>. Proposals will be due March 18<sup>th</sup>. We need to form a committee to review the proposals so that an award can be made at the April 1<sup>st</sup> meeting. Jeff made a motion to release the Request for Proposal. Logan seconded. Motion carried unanimously. A committee meeting was scheduled for Thursday, March 21<sup>st</sup> at 6PM to review proposals. The committee will consist of John, Don, Lindsey, Jeff and Mike Schoeningh.

Dave noted that he is ready to proceed with ordinance enforcement but would like some input and involvement from the council. He would like the council to give him some direction and set an agenda so that everybody is in agreement. Logan thought people living in camp trailers and storing stuff on city right-of-ways should be top priorities. John agreed it was a good place to start. Jeff thought it would be a good idea to have more than one person when confronting people. Don suggested having business cards made so that people know he is official. Don volunteered to go with Dave if it looks like there could be negative confrontation. Dave would like to be able to offer solutions.

**Meeting Room Update:** Logan noted that materials have been purchased to complete the meeting room. It should be done by the end of February. Carpet will be the last thing done.

**Council Comments:** No comments.

Meeting adjourned at 8:40PM.

Respectfully submitted,

Attest:

Beth Wendt  
City Recorder