

North Powder City Council Meeting
April 1, 2024
7PM City Hall

Attendance: Mayor John Frieboes, Councilors Justin Wright, Vicki Townsend, Don McClure, Jeff Nielsen, & Lindsey Thompson, City Recorder Beth Wendt, Public Works Director Rick Lawyer, Librarian Lisa Aichele.

Others: Barbara Weeks, Nina McClure, Dave Hoene, Wynn Nielsen, Mike Wisdom, Dennis Lefever, Midge Clause, Shorty Schwehr, Lynne Borisoff, Alan Brown, & Shiloe Weston.

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

Public Comments: John reminded that Public Comments were limited to 4 minutes.

Barbara Weeks read a letter she composed regarding the Mayor's Message in March which included a vote on a topic that wasn't on the agenda and the resignation of a council member. She remarked that public meeting states that topics to be discussed ought to be available as part of a public notice and specific enough that members of the public can recognize topics they are interested in. The Street light at 5th & A Streets was not on the agenda, but brought up and voted on during the Mayor's Message. She objected to it being on the agenda as old business and added that topics brought up during public comments or council comments should not be voted on at that time. She felt that the council member who submitted his resignation at the last meeting should not have been allowed to sit on the council and allowed to vote as he had already moved out of town.

Wynn Nielsen thought the Mayor was only given permission to look into the street light at the last meeting and there was no vote. John corrected that the Council agreed to the light. Justin said that was his understanding as well. Wynn wondered if the city needed to have at least 3 estimates for that. John noted that is only if it is over a certain amount and the street light was not over the amount.

Agenda: Vicki made a motion to accept the agenda and Justin seconded. Motion carried unanimously.

Minutes: John asked for motion to amend or accept the minutes from the March 4th Council meeting and the committee meeting on March 21st. Justin made a motion to accept the minutes of March 4th and Jeff seconded. All were in favor.

Lindsey made a motion to accept the minutes from the March 21st committee meeting. Don seconded. Motion carried with Lindsey, Don, & Jeff in favor. Vickie and Justin abstained as they were not part of the committee.

Accounts Payable: Library grant bills were \$5000 payable to Nick Ducote for grant administration and work on the environmental review. The wastewater grant bills were \$6844.36 to Anderson Perry and \$218.75 to Dan Van Thiel. Regular bills came to \$17,068.43. Don made a motion to pay the bills. Vicki seconded. All were in favor.

Library Report: Lisa reported that in the past 3 months she has collected \$123.29 for copies and past due fees. There were over 100 people in the library in March. Lisa is still working on organizing books and pulling older books.

Huckleberry Report: Shiloe reported that the beer garden will be in the empty lot next to the new B&B. They will get something in writing. Things are moving along on schedule. They only cleared \$20 on the Easter Breakfast. The festival committee is in desperate need of volunteers. The pallets mentioned at the last meeting have been cleaned up. The Huckleberry Festival received a \$50 donation for flowers. They hope to plant flowers in the pots at the corner of 2nd & E Streets. Lindsey asked if the power generators could be moved so they are not in front of her store. Shiloe clarified that all of the generators would be mounted on a trailer and located so that vendors will have access.

Public Works Report: Rick noted that he has been working at the lagoon. He is trying to get set to go to the river as soon as the flow meter is returned. He and David have also been working on equipment maintenance and getting ready to start mowing grass. The backhoe has been leaking fluids so it needs to have a hose replaced. They've also been testing and maintaining.

Justin wondered when we would flush hydrants. Rick thought it would probably be in May. He is waiting to hear from the tank cleaners. He didn't want to tie things up while they are cleaning the tanks.

Ordinance Enforcement: Dave has started handing out fliers for the Clean-Up Day. While doing so, he has had a better look at things in problem areas. He hopes to get a good response to the Clean-Up Day. Mike Wisdom was under the impression that once enforcement kicks in, people would be given 72 hours to correct a violation. Dave corrected that the final notification would be for 72 hours, but there is a process to get to that point. Mike commented that a few years ago the Council adopted a 4-step process to address violations. John interjected that we will still abide by that process. Mike was concerned from a liability stand point about going on to private property. It could create legal problems. John noted that we are currently trying to work with people for the spring clean-up and will address other issues later. We will not go on private property. Mike added that the City used to have a policy to use the city's tractor with a blade to help clean-up driveways, etc. in the winter. John felt that was something to be brought up during the public comment at the next meeting. Dave added that he was fully aware of the process and will abide by the rules. He is volunteering his services to help the city, but if we are not serious about cleaning things up and putting teeth to things, there is no point in him continuing.

Recorder Report: March water overages came to \$197.87 and \$21.85 was issued in freeze credits. We used 1,006,065 gallons of water.

Beth has an appointment with CIS Risk Management on April 2nd.

The Government Ethics Statements of Economic Interest are due by April 15th.

Beth had a request from NEOEDD for a letter of support from the City for a grant they are applying for. The grant is for their Comprehensive Economic Development Plan and other community projects. If they receive the grant, they will offer sub-grants to projects in their CEDS as well as to other community projects. The Council agreed to send a letter of support.

Budget meetings will start in May. There are 2 open seats on the budget committee. Anyone interested in serving should let Beth know. You must be a resident of North Powder and be registered to vote in North Powder.

Mayor's Message: John attended a few different meetings in March.

Arros Electric will start pulling wire for Street lights on 2nd Street on Wednesday. John will be helping them.

John has been talking the County and to the Sheriff.

New Business- None

Old Business:

Street Light (5th & A): Shorty commented that the Council talked last month about putting in street lights at 5th & A Street and at 4th & A Street. It was not on the agenda. He circulated a petition to the residents in the area to try to stop the lights. He read the letter that accompanied the petition. The residents in the immediate area didn't want the street light. They didn't feel a street light would deter criminal activity and had never reported any safety issues in the area. They watch out for each other and feel very safe. They felt it was a waste of tax money and the lighting would interfere with the activity of star gazing. John said he talked to some of the people who signed the petition and they felt the issue was misrepresented and actually liked the street light. He had a letter from one of them who

had an incident with someone looking in his windows. Sheriff Cody Bowen also sent a letter emphasizing the role that street lights play in enhancing public safety. The street light that was put up is solar and only burns at 30% unless there is motion. Vicki added that one of the people who signed the petition was under the impression that the street light was going to be in a yard. The person has changed her mind and finds the light comforting, especially when her daughter comes home after dark. Lindsey wondered if the light could be strictly motion activated. John reiterated that it only burns at 30% most of the time. He felt it was important to have some kind of light in the area. Dennis Lefever remarked that he lives in the area and there is a person who walks in the early mornings and he has caught the subject on private property trying to hide behind trees at someone else's house. He liked that he could see all the way down the street. He added that he hardly notices the light when it is at 30%. John commented that he has had gas stolen from his place and there is quite a lot of traffic in the area all night. Dennis stated that he is a corrections officer with the Baker County Sheriff's Department. He is also a part of the Neighborhood Watch. Shorty noted that he submitted his petition on Monday, March 18th and he was under the impression that would stop the street light until after this meeting. The street light was put up about a week after that. Even on the low setting, the light washes out the stars. He wondered if there was a way to put an on/off switch on the light. John didn't think so and reiterated that it is solar operated. Don commented that Shorty and Mr. & Mrs. Borisoff stopped by his house to express their concerns. He agreed to see what could be done and went to talk to John. John immediately stopped digging and after some thought suggested taking 10' off of the height of the pole. Don thought that was a good solution and compromise. It is not bright but it adds safety to the neighborhood. We are trying to create a safer community and are working on additional lights on 2nd Street. John will check to see if there is an on/off setting. He asked if the council wanted to go ahead with a light at 4th & A. We have another pole that was donated. Vicki made a motion to proceed with a light at 4th & A. Shorty interjected that Shad Moe wanted a street light at 4th. John noted that his letter to the Council says he would like to see one at 5th and 4th. Don thought it was common sense to have street lights. He made a motion to install the next light at 4th Street. Vicki seconded. Motion carried with Vicki, Don, and Justin in favor. Lindsey and Jeff abstained.

Wastewater Update: Beth noted that we are still waiting to hear from OBDD regarding the additional loan for the dredge. She didn't get the rate resolution done, but will work on it for the next meeting. Beth read budget amendment #5 to the wastewater grant. The amendment was to move funds around to help pay for engineering services for the bio solids removal so that we can pay for as much of the dredge work as possible before the grant closes at the end of May. Dave wondered if the engineering services were going to be put out for bid. Beth noted that this is part of the current project. John commented that the cost of the dredge was estimated to be about \$850,000. Beth added that we have approximately \$80,000 in CDBG grant funds that we have been given permission to use toward the cost of the dredge. In addition we have about \$97,000 in ARPA funds and a pre-approved loan for \$390,000. We have applied for an additional loan/grant for around \$500,000 to cover the difference and to give us a padding in case something comes in higher than expected. DEQ has required that the dredge will be done by September and OBDD has mandated that a condition of the additional loan/grant is that sewer rates will be raised to \$61.30 by the end of the project. Don made a motion to accept the amendment. Vicki seconded. All were in favor.

The Saunders Company asked if the City was going to pay interest on the retainage. Beth had never heard of such a thing. OBDD and Nick Ducote suggested it was an issue for the City attorney. The attorney reviewed the ORS that says that a retainage would be held in an interest bearing account and the contractor would get the interest. However, since our grant is paid as reimbursement rather than outright, the attorney didn't think it that applied. If interest is owed, Beth had no idea how to calculate

it. She left it up to the Council to decide how to handle the situation. Don noted there was no interest made on the money. Jeff made a motion to not pay interest. Vicki seconded. All were in favor.

Library Update: We received 3 proposals for architectural & engineering services for the Library. A committee met on March 21st to review and score the proposal. 2 references were checked for each company and all were very favorable. Lindsey commented that it came down to presentation and criteria. All three did very well. The committee came to the conclusion that Pinnacle Architecture was the obvious fit for our project and recommended that the Council hire them. John added that they were the company who did the preliminary work for the grant application. Vicki asked if they submitted a bid price. Beth noted that was set in the grant budget. Vicki asked who was on the committee. It was John, Jeff, Lindsey, Don, and Mike Schoeningh. Don made a motion to accept the proposal from Pinnacle Architecture. Vicki seconded. Motion carried unanimously. Beth will send a letter to all three applicants stating that the city intends to award the contract to Pinnacle Architecture. They will be given 7 days to respond or contest the decision. If there are no responses, another letter will be sent to Pinnacle letting them know that they are being awarded the contract. After that, we can begin contract negotiations.

Council Comments:

Wynn Nielsen asked if the empty Council seat was going to be filled. John noted that the term expires at the end of the year, about 7 months, but it was up to the Council to decide. Jeff felt it should be filled as soon as possible. Don agreed. Beth will put something in the newsletter and put up notices.

Don asked if we could put something in the newsletter letting people know that if they have a request for a location of the speed trailer, they could let him know.

Justin suggested that anyone interested in the Council position should submit their letter of interest by the next Council meeting. He wondered if they would need to be in attendance to talk. Beth explained that generally someone would submit a letter of interest and the Council has the option of asking questions. She read Section 30 of the City Charter regarding filling a vacancy. The vacancy is to be filled by appointment of the council. It can be done at a regular or special meeting. The appointee's term will begin immediately upon appointment and continue for the unexpired time of the term. Vicki clarified that the empty position will come up for election in November regardless.

For the record, Beth noted that as of the time Logan resigned last month he had not yet moved out of town. Barbara thought they had. John didn't think so. Beth reiterated that she was fairly sure he hadn't moved as of the last meeting.

Meeting adjourned at 8:08PM.

Respectfully Submitted,

Attest:

Beth Wendt
City Recorder