

North Powder City Council Meeting
May 6, 2024
7PM City Hall

Attendance: Mayor John Frieboes, Councilors Justin Wright, Vicki Townsend, Don McClure, & Lindsey Thompson, City Recorder Beth Wendt, Public Works Director Rick Lawyer, Librarian Lisa Aichele. Others: Ron & Sharon Harmon, Barbara Weeks, Nina McClure, Dave Hoene, Midge Clause, Alan Brown, Nanci Klein, Maryanne Ritches, Brent Clapp, Robin Church, Steve Butcher & Kelsie McDaniel.

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 asked if the door between the new library and the meeting room would be turned around so that it opens into the meeting room. John had already talked to Jered about it.

Robin Church introduced herself as a candidate for County Commissioner. She was the Union County Clerk for a number of years before retiring a few years ago.

Brent Clapp is also running for County Commissioner. He is from Island City. He owns a video production company and a digital TV station called EONI TV. He has been involved in leadership positions in the La Grande area for 15 years and was part of the Chamber of Commerce Board. He noted there will be a forum for all 9 candidates for County Commissioner and the Circuit Court judge candidates at 5:30PM at the La Grande High School on May 7th.

Nanci Klein read a letter from Maryanne Ritches concerning qualifications for city council. She felt there was a loophole that would allow people who are not citizens of the United States to become city council members. The city charter states that "the council shall be final judge of the qualifications and elections of its own members". Therefore she asked for a vote of the council to include the qualification that no person shall be eligible for an elective office of the city unless at the time of his election he is a qualified citizen of the United States of America. Beth thought it would require an amendment to the language in the charter which means it has to be put on the ballot. John suggested the council take some time to think about it and look into the legalities.

Steve Butcher wanted to put his name in the hat to be on the City Council. John asked if there was a time limit for submitting a letter of interest. Beth thought he just had to be qualified and submit a letter. Steve said he has lived in the City for over a year but had an issue with a voter registration because of the tussle over an address. He did however, apply for a building permit and was told that he had an address and he should to go to the DMV to have them print it out. It is 110 C Street. Beth reiterated that if he is registered to vote, he would be qualified.

Alan Brown lives on the corner of 3rd & F Street and he was interested in the Council opening as well. He has lived in North Powder for about 14 months. He is retired and moved here because it is a small town and because of the school. He wants to live here for the rest of his life and is willing to put his back and heart into the job. He was very encouraged by all that happened on the Clean-Up Day and wants to be a part things.

Agenda: Beth asked to have the Insurance Renewal added to new business. Vicki made a motion to accept the agenda and Don seconded. Motion carried unanimously.

Minutes: John asked for a motion to amend or accept the minutes from the April 1st public hearing. Justin moved to approve the minutes for April 1st. Lindsey seconded.

John asked for a motion to amend or accept the minutes from April 1st and April 23rd. Vickie made a motion to accept the minutes from April 1st and April 23rd. Beth asked to clarify that the motion was for the regular meeting on the 1st. It was. Lindsey seconded. All were in favor.

Accounts Payable: Additions to the accounts payables included \$13.73 to reimburse the Library petty cash, \$50 to the Union Co. Utilities Coordinating Council for membership dues and \$10,265 to Arros Electric for wiring on 2nd Street for street lights. We have a grant from Union Co. to pay Arros Electric. Beth pointed out that the bills for Central Machinery for backhoe parts and EO Rentals for asphalt patch have already been paid. The total AP came to \$26,590.34. The wastewater grant bills came to \$20,631.21 which included \$9500 to Solutions CPAs. We paid them once but they returned the payment because we didn't have a signed contract yet. We now have that. The Library grant bills were \$5000. Beth will transfer \$25,000 from the LGIP account to Umpqua to pay grant bills. Lindsey made a motion to pay the bills. Vickie seconded. All were in favor.

Library Report: Lisa reported that Joezette Weems was the only applicant for the Saturday Library position. The board interviewed her and would like to recommend the city hire Joezette for the position. Lisa will have to work with Joezette for a few Saturdays to train her. Lindsey made a motion to accept Joezette Weems for the Saturday position and substitute. Don seconded. All were in favor. Beth will send Joezette a notice.

Maja Lefever has resigned from the Library Board. Lisa will start advertising to fill the opening. Lisa is starting to feel comfortable at the library and was pleased to report that there were over 100 visitors to the library last month.

Huckleberry Report: Barbara reported, on Shiloe's behalf, that everything is going forward.

Public Works Report: Rick is working to get set up to go to the river with the effluent wastewater. All three ponds are filled. One of the chlorine pumps is down.

Hydrants are being flushed from the 4 corners of town by the construction crew working on the freeway. Because of all the water they are using and because of all the time he has been spending at the lagoons Rick wants to reschedule flushing until the 1st week of June. He needs to pump from the evaporation pond back to the treatment ponds in order to send it to the river.

The last dumpster from the Clean-Up Day should be picked up on Thursday. Rick took 19 TVs to recycle and we still have about that many more. He hopes to be able to take them in on Wednesday.

We still need to get started on the copper/lead inventory to verify type of pipe at every water connection.

Vicki asked if we are any closer to getting the valve fixed in the pump house in the park. Rick noted that the valve has been fixed. It just needs to be anchored. It has been low on the agenda.

Dave wondered if the water was testing alright. He has been getting some orange stains. Rick thought that was from all the trucks that have been getting water from different hydrants around town.

Ordinance Enforcement: Dave was having trouble enforcing city ordinances. He felt his hands were tied and the city council should look at and re-write some of the ordinances. He talked to the realtor at 600 4th Street and was told that we could go ahead and have the cars towed and clean up everything else that needs to be done in order to bring it up to code, then send them the bill. The city would get paid after it goes to probate. Dave would like to have a police officer on hand when anything is towed because we don't have any pink slips for the cars.

Recorder Report: Water overages in April came to \$204.12. We used 1,248,580 gallons of water.

The 1st budget meeting will be Monday, May 20th at 6PM at City Hall. We still have one opening on the budget board. Anyone interested in serving needs to let Beth know.

We got a notice from ODOT regarding SCA Grants (Small City Allotment). Applications are due by July 31st. A new requirement this year is that if any project is considered to be an alteration on or along a state highway, you must submit the application and supporting documentation to the District Office for

review and approval before the application deadline of July 31st. If the project is approved by the ODOT District office there will be an agreement regarding maintenance of the project improvements.

Beth signed up for an insurance benefits renewal training in La Grande on June 17th.

For the record, Beth responded to a letter from Barbara Weeks, read at the last meeting. She listened to recording of the meeting and when Logan McCrae resigned, his exact words were "I'm moving to Haines and Beth said I can't be on the City Council if I don't live in town. So, I'm going to ask you guys to accept my resignation effective immediately." Beth added that he had not, at that time, moved out of town.

As to voting on a topic not on the agenda, ORS192.640(1) says: "The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, *but this requirement shall not limit the ability of a governing body to consider additional subjects.*" The League of Oregon Cities attorney, confirmed that the council can take up additional subjects arising too late to be mentioned in a notice.

During the Mayor's Message, the Mayor noted that he had already looked into the cost of putting up street lights at 5th & A and 4th & A. One of the reasons there were no street lights there already is because there is no power available. He checked into using solar powered lights so we wouldn't tap into OTEC. A pole was donated and solar street lights would cost \$200-\$300. Since Rick has a lot on his plate, John asked the Council for permission to allow him to put one up at 5th and A to see how it works. It would go next to the fence. There were no objections from the Council.

Beth reiterated that she listened to the tape in order to clarify these three points.

Mayor's Report: John thanked everyone who helped with the Clean-Up Day, which included city employees, the Rural Fire Department and volunteers. We filled 3 dumpsters with garbage and are working on a 4th. We also filled 2 dumpsters with metal and one with old tires. The Rural Fire Dept. paid for the tire dumpster. Union Co. granted the city up to \$2000 to help with the project.

A second light pole was donated so John put up another solar street light at 4th and A. Several people who signed the petition against the light commented that they were sorry they signed it and appreciated the safety of having the light.

John attended meetings with the Architects for the Library and a couple regarding wastewater.

We had a grant for infrastructure wiring for additional street lights. John helped run the wiring. There were a few issues with plugged conduit that need to be taken care of, but it is a minor thing.

John was witness to some dogs running at large. Animal Control was called and they were able to locate the dog owner and a citation was issued. John reminded that if there are issues with dogs, please call Animal Control at 541-963-1017. If you know who the dog owner is, please provide them with that information.

Banners were put on light poles on Second Street for the North Powder Senior Class. They will be left up until after Memorial Day.

The FFA flower baskets will be hung on 2nd Street before Memorial Day.

When John borrowed a bucket truck from Union County to put the street lights up, he also got some more road fabric so we can finish laying rock by the Café.

John talked with the County Surveyor about survey monuments in the streets. He is researching to see which streets already have them and will give us an estimate of what it would cost to have them put in the rest of the streets. It would help people try to locate approximate property lines.

New Business-

Council Application/Council Officers: Beth read a letter of interest from Alan Brown to fill Logan McCrae's vacant seat. John asked if Steve Butcher was able to verify his voter registration. Steve conceded that Alan would make a good candidate. Justin made a motion to accept Alan Brown as a city council member. Don seconded. All were in favor. Beth swore him in. Since Logan resigned, we no longer had a Council President. The President fills in to preside over meetings when the Mayor is gone. Justin indicated Lindsey should be the president. All were in favor. Beth noted that we also need a liaison for the Fire Department. Lindsey suggested Don. Don agreed to do it. Everyone else was in favor.

Truancy Ordinance/Resolution: Kelsie McDaniel, the Union Co. District Attorney, spoke on behalf of Lance Dixon regarding a County-wide Truancy Ordinance. In 2021, the truancy citation violation was taken out of the Oregon Revised Statutes. Kelsie testified before the State Legislature in favor of bringing truancy back because citations were very effective in getting kids to go to school, but it didn't make it out of committee. So, the Union County Superintendents got together to propose a County-wide ordinance, #2024-01, to put truancy back into County law. The problem is that the Union Co. Commissioners don't have the authority to legislate it and have it affect citizens in individual cities without consent of the City Council. They are asking that the Council consider a resolution consenting to giving the County Commissioners authority to pass County Ordinance #2024-01. Resolutions have already been passed in most of the other towns in Union County. The North Powder School Board has also passed a resolution. A proposed resolution for the City was given to the Council. The Ordinance would give each school district the option of handling absences however they want. Dave wondered how it would affect kids from Baker County who attend school in North Powder. Kelsie noted that it would not affect them. Nor would it affect kids who are home schooled or those who attend private school or on-line school. There would be a process for handling absences which includes notification letters, meetings with kids and their parents or guardians. The main thing is to have consequences for not attending school. Vicki wondered when the City needs to decide. Kelsie noted they would like to have it done by the end of the school year, but it may not happen that fast because it has to go before the Co. Commissioners after they get the cities on board. Steve wondered if they were proposing fines for an extreme amount of absences. Kelsie answered that the law says that you are considered chronically absent if you have missed 10% or more of the school year. If you miss more than 10%, then the County has the opportunity to act. It could include fines or other penalties as assigned by a judge. The whole idea is to make kids accountable and get them back in school. Alan asked to table the issue until the next meeting. Kelsie thought either she and/or Lance would be at the next meeting on June 3rd.

Dead End Signs: John noted that Marvin Besler has asked to have a dead-end sign put up at 5th & B as there have been trucks and semis trying to turn around at the end of B. It was pointed out that there are already a lot "No Truck" signs posted. John noted that there is a dead-end sign at 3rd and G. Beth thought a sign would be less than \$50. Rick added that we would need a post as well. John suggested we could try putting it on the street sign post. Don felt if it was causing a problem, a sign might be a simple remedy. He made a motion to put up a dead end sign. Lindsey seconded. All were in favor.

Insurance Renewal: The Council was given an estimate for the 2024-2025 Liability insurance for buildings, equipment and automobiles. The total came to \$27,137.90. It covers everything but Worker's Comp and Health Insurance. The old water tower is insured for the actual value, not the replacement value. Rates went up about 16% from last year. Don made a motion to pay the insurance. Vicki seconded. All were in favor.

Old Business:

Wastewater Update:

Sewer Rates Resolution: Beth read proposed resolution, No. 2024-R1, to set sewer rates at \$61.30 per month per ERU (Equivalent Residential Unit) effective as of September 26, 2024. WagonTracks RV Park and RV Storage, North Powder Motel, North Powder Café, North Powder School and the Powder Club will be charged additional ERUs based on water use. ERUs are identified in the Wastewater Facilities Plan and are based on a calculation of water used at each meter. Don made a motion to adopt Resolution #2024-R1. Vicki seconded. Motion carried unanimously.

Grant Budget Amendment: Beth explained that Nick Ducote proposed to amend the City’s agreement with Ducote Consulting for grant administration of the Wastewater Project. The proposed amendment would increase payment to Ducote Consulting by \$8500. \$4000 would come from the CDBG Wastewater Grant and the remaining \$4500 would come out of the loan for the dredge. The amendment would pay for added grant and loan administration fees to complete the dredge project. We got a 90 day extension on the grant, so we have until July to complete the grant and until September to finish the dredge. Lindsey moved to increase the amount paid to Ducote Consulting to \$27,500 to accommodate for the additions. Vicki seconded. Motion carried with 4 yes. Don was opposed.

Library Update: We are still waiting for the contract with Pinnacle Architecture to be approved and signed. They were scheduled to start the first of July but things have been moving along faster than anticipated so, hopefully they will be able to start before June 1st. SHPO has concurred that no historic properties will be affected so they aren’t asking for cultural survey efforts before construction. We sent out Tribal notifications and are still waiting for their comments. Their comment period should expire any day.

Council Comments: Beth read a letter of resignation from Vicki Townsend to be effective as of May 7, 2024. Beth will post the opening for the next meeting. Steve Butcher had somethings to bring up to the Council. John reminded him that Public Comment is at the beginning of the Meeting and this is for the Council.

Meeting adjourned at 8:26 PM.

Respectfully Submitted,

Attest:

Beth Wendt
City Recorder