

City Council Meeting Minutes

THURSDAY, FEBRUARY 10, 2014

CITY HALL COUNCIL CHAMBERS

CITY OF COLUMBIA CITY, COLUMBIA COUNTY, OREGON

AGENDA ITEM 1 **CALL TO ORDER/ROLL CALL:**

CONVENED:

Mayor Young called the meeting to order at 6:00 p.m. Harold Olsen delivered the invocation and Mayor Young led the flag salute.

COUNCIL MEMBERS PRESENT:

Mayor Cheryl A. Young
Council President Sally Ann Marson
Councilor Josh Fromm

COUNCIL MEMBERS ABSENT:

Councilor Shannon Fitzgibbons
Councilor Casey Wheeler

ALSO PRESENT:

Leahnette Rivers, City Administrator/Recorder

ATTORNEY PRESENT:

Harold Olsen, City Attorney

A quorum was present and due notice had been published.

AGENDA ITEM 2 **PUBLIC HEARINGS:**

2.1 Public Hearing: To accept public testimony about proposed drinking water protection strategies for the City's water source.

Public Hearing opened.

No comments were heard from the public.

This Public Hearing was continued to the next City Council Meeting, February 20, 2014 - 6:00 p.m.

2.2 Public Hearing: To accept public testimony concerning a proposal to vacate "I" Street between Fifth Street and the Fifth Place Alley.

Public Hearing opened.

Leahnette said at this point in time, the applicants have asked that the City Council take no action on their application until further notice from them. She recommended the Council accept any testimony tonight, and then close the public hearing.

Larry Preston asked why the City would consider vacating this property rather than selling it.

Harold explained that the adjoining property owners show as the owners of the property, subject to dedicated street right-of-way.

Public Hearing closed.

AGENDA ITEM 3 CITIZEN INPUT:

Councilor Marson said she has heard from several citizens expressing appreciation for the excellent street maintenance work the Public Works crew performed during the snow event.

AGENDA ITEM 4 COUNCIL REPORTS:

4.1 **Parks Committee:** No report.

4.2 **Water and Sewer Committee:** Co-Chair Marson said the Committee will meet tomorrow at 6:00 p.m.

4.3 **Street Committee:** Leahnette said the Public Works crew moved a lot of snow today in preparation for the impending melt.

4.4 **Audit Committee:** Leahnette said the Audit Committee's meeting was postponed until early March 2014.

4.5 **Hazard Mitigation Planning Group:** Leahnette said the Hazard Mitigation Planning Group is recommending the City Council send a letter to our state and federal legislators expressing concerns about safety issues associated with DOT railcar #111's, as well as the flammable qualities of the oil being transported by rail through our communities. She said the Group is asking the Council to urge the legislators to support the reclassification of the oil so that it will be transported in a safer rail car. The Mayor and Council reviewed a draft letter as prepared by Chief McGlothlin.

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO THE LETTER.

4.6 **Other Reports:**

None.

AGENDA ITEM 5 CONSENT AGENDA:

5.1 **Bills paid with check numbers 17717 through 17774 during the month of December 2013.**

5.2 **Bills paid with check numbers 17775 through 17831 during the month of January 2014.**

5.3 **Activities report for the month of January 2014 from the Public Works Superintendent.**

5.4 **Activities report from the City Administrator/Recorder.**

5.5 **Appointment of William Frey, Larry Preston and Kirsten Bailey to the Basketball Hoop Study Committee.**

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO APPROVE THE CONSENT AGENDA.

AGENDA ITEM 6 UNFINISHED BUSINESS:

None.

AGENDA ITEM 7 NEW BUSINESS:

7.1 Settlement Agreement: Settlement Agreement between Donald Heller and Joyce Heller, the City of Columbia City, City County Insurance Services, West Coast Forensics, Engineering and Design, LLC, and Cooper Construction Company.

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO THE SETTLEMENT AGREEMENT.

7.2 Addendum to Intergovernmental Agreement: Addendum to Intergovernmental Agreement for the Columbia County Major Crimes Team.

Due to some concerns raised by Kirk Mylander, Legal Counsel for City County Insurance Services, this item was tabled for further review.

Harold said the City has received a legal memorandum from City County Insurance Services concerning discretionary immunity and how to make it work. He said City staff should carefully review the legal memorandum. He said it explains how the City should set up systems to permit our use of the discretionary immunity defense should we get sued for something. He said an example might be making an arrest, but not lodging the person in jail because there is no jail.

7.3 Bid results: Bid results for the Water System Improvements Project.

The Council reviewed the bid results as follows:

Nutter Corporation	\$590,830.22
K & E Excavating	595,345.00
3 Kings Environmental, Inc.	651,491.00
2KG Contractors	584,924.00
P.C.R., Inc.	695,400.00
Civil Works NW, Inc.	573,600.00
NW Kodiak Construction LLC	532,662.00
Bill Booker Construction	534,462.24

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO ACCEPT THE BID RESULTS FOR THE WATER SYSTEM IMPROVEMENTS PROJECT.

7.4 Contract award: Recommendation to Award Contract for Water System Improvements to NW Kodiak Construction LLC.

The Council reviewed a February 5, 2014 letter from Erik Hoovestol of Kennedy/Jenks Consultants recommending we move forward with awarding the contract to the lowest bidder, NW Kodiak Construction.

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO MOVE FORWARD WITH AWARDING THE CONTRACT TO THE LOWEST BIDDER, NOW KODIAK CONSTRUCTION LLC, IN THE AMOUNT OF \$532,662.00.

Leahnette said a Notice of Intent to Award the Contract will be distributed tomorrow, and there will be a seven-day waiting period before the Notice of Award is issued. She said if everything goes smoothly, the Council should be authorizing signature to the contract documents during the next meeting.

AGENDA ITEM 8

OTHER BUSINESS:

Weather conflicts with Community Hall Rental Arrangements: The Council reviewed the following correspondence requesting credit for rental time due to Community Hall rental cancellations related to the recent snow event from:

- Donna McAttee, St. Helens Twirl Club, dated February 9, 2014,
- Genet Smiens, Columbia County Christian School, dated February 10, 2014, and

- Ed Pohl, volleyball, dated February 10, 2014

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO APPROVE RESCHEDULING CREDITS FOR ALL THREE REQUESTS DUE TO RECENT THE SNOW STORM.

Recommendation to appoint a Basketball Hoop Study Committee: In response to citizen concerns, Leahnette recommended the Council consider appointing a citizen committee to study the issue of basketball hoops within the City's right-of-ways. Following a lengthy discussion between the Mayor, Council, staff and members of the audience, it was the consensus of the Council to move forward with soliciting citizen volunteers to service on the committee.

NW Innovation Works: Leahnette explained that representatives of NW Innovation Works would like to meet with Columbia City elected officials on Wednesday, February 12, around 10:00 a.m. to answer questions about the proposed methanol facility.

Marijuana dispensary: Harold noted that several cities in Oregon are adopting zoning regulations associated with marijuana dispensary facilities, and questioned whether or not Columbia City would be interested in doing the same. He suggested we ask the City Planner to look into this issue.

Leahnette said this matter was recently raised during a Comprehensive Plan Review Committee Meeting, and she will check with the City Planner to see if she has completed any research in this regard.

Fire arms: Harold noted that the City's ordinance governing emergency operations provides the Mayor with the option to, during a declared emergency, prohibit the carrying of weapons upon City streets. He said that option is likely unconstitutional. It was the consensus of the Council that Harold prepare an amendment to correct it.

City Attorney comments: Harold read the following bits of history from an undisclosed source:

"In the late 1700's many houses consisted of a large room with only one chair. Commonly a long wide board pulled down from the wall and was used for dining. The head of the household always sat in the chair while everybody else ate sitting on the floor. Occasionally, a guest, who was usually a man, would be invited to sit in this chair during the meal. To sit in the chair meant you were important or in charge. They called the one sitting in the chair the chair man. Today in business we use the expression and title, 'chairman' or 'chairman of the board.'"

"A common entertainment included playing cards. However, there was a tax levied when purchasing playing cards, but was only applicable to the ace of spades. To avoid paying the tax, people would purchase 51 cards instead. Yet, since most games require 52 cards, these people were thought to be stupid or dumb because they weren't 'playing with a full deck.'"

AGENDA ITEM 9

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 6:36 p.m.

APPROVED:

Cheryl A. Young
Mayor

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ATTEST:

Leahnette Rivers
City Administrator/Recorder