

City Council Meeting Minutes

THURSDAY, MAY 15, 2014

CITY HALL COUNCIL CHAMBERS

CITY OF COLUMBIA CITY, COLUMBIA COUNTY, OREGON

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

CONVENED:

Mayor Cheryl A. 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
Councilor Josh Fromm
Councilor Nell Harrison
Councilor Sally Ann Marson
Councilor Larry Preston

COUNCIL MEMBERS ABSENT:

None

ALSO PRESENT:

Micah Rogers, Public Works Superintendent
Michael McGlothlin, Chief of Police
Leahnette Rivers, City Administrator/Recorder

ATTORNEY PRESENT:

None

A quorum was present and due notice had been published.

AGENDA ITEM 2 **PUBLIC HEARINGS:**

2.1 Public Hearing: To gather public testimony relating to proposed changes to the commercial and industrial sewer usage fees based upon recent winter water usage history.

Public Hearing opened.

Leahnette Rivers explained that each year the commercial and industrial sewer usage rates are based upon the businesses most recent winter water usage history. She said West Oregon Wood Products' recent winter water usage totaled 88,725 cubic feet, while in the prior year it was 45,790 cubic feet. She said the representatives of West Oregon Wood Products would like some additional time to further review their water usage and possibly present the City Council with some information that may show that the water that they use does not necessarily end up in the City's sewer system. She suggested the City Council proceed with adopting the new rates, but provide West Oregon Wood Products with 60 days in which to present information to the City for further consideration. She if they are successful in presenting the City Council with information that convinces them that a reduction in the sewer rate would be warranted, the reduced rate could be made retroactive to the date of this rate adjustment.

No objections were heard from the Council.

Public Hearing closed.

AGENDA ITEM 3

CITIZEN INPUT:

Patrick Trapp, Executive Director for the Port of St. Helens, said he asked the Port's consultant, Gary Shepherd, to go through some of the areas of concern that were brought up during the last meeting pertaining to the proposed Regionally Significant Industrial Area designation. He said he believed much of what the Council heard about the designation during the last meeting was not accurate.

Gary Shepherd of Oregon Land Law Legal Services in Portland, Oregon, said he has been providing land use attorney services to the Port of St. Helens for a couple of years now, and this is the second major project they have worked on together. He said during the various community meetings they have attended to discuss Senate Bill 766 and this project, they have heard a lot of disinformation about the bill and what it does, and what it is intended to do. He said they have heard a lot of comments about a loss of local control, a lack of local process, or that local standards standards won't apply and the state is going to control everything. He said none of that is true when you actually sit down and read Senate Bill 766 and look at what it does and compare it with local codes.

Gary said the first thing we know from Senate Bill 766 is that all local standards are going to apply. He said every standard that is on the books today is going to continue to apply. He said the second thing we know is that a local decision will be made. He said here in Columbia City, the Industrial Zone code provides a list of permitted uses for industrial lands, and the code tells us to go to the Site Development Review section, and all of that section will still apply under Senate Bill 766. He said the City's code indicates that the Site Development Review is a limited land use decision, and that will still apply.

Gary said under the City's current code, the limited land use procedures require a pre-application meeting. He said that process will continue to apply under Senate Bill 766. He said the time period for making a limited land use decision under the City's code is 120 days, yet under Senate Bill 766 it is increased to 133 days. He said the City will still have 21 days to determine whether or not an application is complete under Senate Bill 766. He said once the application is complete, Senate Bill requires an initial decision to be made in 63 days, and that initial decision will still be made by the Planning Commission. He said after the Planning Commission makes a decision, there will still be a 14-day appeal period under Senate Bill 766, which is the same as the current code. Gary said after an appeal is filed, Senate Bill 766 gives an additional 56 days to make an appeal decision, which is 13 more days than the current code allows. He said the notice requirements under Senate Bill 766 are the same as the notice requirements under the current code, which is notice within 100 feet and notice to all adjacent property owners. A 14-day comment period after the notice is issued remains unchanged under Senate Bill 766.

Gary said comments have been made that there will be no public hearing under Senate Bill 766, which is not specifically true because there is an appeal hearing. However, Gary noted that in the City's current code, there is no public hearing for site development review for a permitted use. He said all of the City's standards will still apply to the process.

Gary said the first difference under Senate Bill 766 process is that the appeal hearing will be to an appointed hearings officer selected by the City, while currently the appeal hearing would go before the City Council. However, he said under Senate Bill 766, all appeals are open record and evidence can continue to flow in prior to the hearing, while under the City's current code the appeal is a closed record. He said the open record under the Senate Bill actually provides more opportunity for public comment than the current code.

Gary said Senate Bill 766 actually provides the City with more time to make the decision and greater record access in the event of an appeal. He said the clear distinction is that an appeal of the Planning Commission decision will go before a hearings officer that is

selected by the Council, instead of going to a hearing before the City Council. Gary noted that the procedures are different in each jurisdiction, so the differences between Senate Bill 766 and the local procedures will vary from one jurisdiction to the next. He said the uses that are allowed with a Conditional Use Permit are not uses that will ever happen on the Port property because they are not the types of uses that create jobs and create capital investment.

Gary said the Council's support of the Regionally Significant Industrial Designation means getting the backing of the state to try to help us create jobs, get investment, get help to the economy of the local communities that don't have the benefits of the large urban centers, so the jobs we create here are unique and benefit the communities directly.

Gary said he has reviewed Lisa's memorandum and he believes her responses outlined in item 2 are in error. He said she indicates that a public hearing is prohibited, which is not correct. He said the current code does not provide for a public hearing for a permitted use, and under Senate Bill 766 there is a public hearing when an appeal is filed. He said she indicates that the whole process must be completed in 63 days, which is also in error.

Gary said all of the City's current regulations will continue to apply, but Senate Bill 766 will prohibit the City from adopting amendments to the current regulations that would prohibit the industrial uses that are currently allowed so long as the property is under the designation. However, he said Senate Bill 766 does not prohibit the community from adopting any public health or safety standard.

Gary said the real time saving element of Senate Bill 766 is the elimination of the appeal to LUBA - instead, the appeal will be fast tracked to the Court of Appeals.

Patrick said as a result of some of the public comments that have been made about Senate Bill 766, he recently talked with the author of the bill, Senator Beyer, about the Regionally Significant Designation. He said Senator Beyer said it was the intent of the bill to put us on a more regional stage to make us more competitive, and they wanted to make sure that local control remained in place.

Gary noted that a State Significant designation is different than a Regionally Significant designation. He said the State Significant designation involves an opportunity for the applicant to choose an expedited review process that would utilize a five-member board consisting of the directors of all of the major agencies within the State of Oregon. He said rather than submitting for permits to all of the different agencies, all of the permits would come from the five-member board. He said that process has nothing to do with the Regionally Significant designation process.

Gary said the State Significant sites are regulated by subsections 2, 3, 4 and 5 of the bill, while Regionally Significant site are regulated by subsections 6, 7, 8, 9, 10, and 11.

The Mayor, Council and staff discussed this matter at length with Gary and Patrick.

AGENDA ITEM 4

COUNCIL REPORTS:

4.1 Parks Committee: Leahnette reported that Jason Jones of Jones Sculpture Studio recently met with Gene Hester of the VFW Post 1440 to discuss issues associated with the design details of the veteran faces on the monument.

4.2 Water and Sewer Committee: Chair Fromm said several change orders related to the Water Improvements Project are forthcoming.

Micah said the last pressure reducing vault is scheduled for installation next week, one PRV still needs to be decommissioned, the pump station needs to be installed on Penn Street, and then the project will be wrapping up. He said they still need to perform clean up, patching, landscape replacement, etc.

Micah said he suspects the 10" main had been leaking for quite a while before the actual break occurred based upon comparisons of water pumping information between this year and last year. He said he suspects the leak started in February, 2014.

4.3 **Street Committee:** No report.

4.4 **Audit Committee:** No report.

4.5 **Hazard Mitigation Planning Group:** No report.

4.6 **Other Reports:**

AGENDA ITEM 5 CONSENT AGENDA:

5.1 **Bills paid with check numbers 17945 through 18006 during the month of April 2014.**

5.2 **Activity reports for the months of March and April 2014 from the Public Works Superintendent.**

5.3 **Activity report for the month of April 2014 from the Chief of Police.**

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

5.5 **Nell Harrison resignation from the Columbia City Planning Commission.**

5.6 **Appointment of Dennis Capik to the Columbia City Planning Commission.**

5.7 **City Council Committee Appointments.**

Item 5.2 was amended to delete reference to the March report.

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

AGENDA ITEM 6 UNFINISHED BUISNESS:

None.

AGENDA ITEM 7 NEW BUSINESS:

7.1 **Council Bill No. 14-722; Resolution No. 14-1118-R: A Resolution adopting sewer charges and rates for the City of Columbia City in accordance with Ordinance No. 470; rescinding Resolution No. 13-1088-R.**

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 14-722. It was the consensus of the Council that testimony would be accepted from West Oregon Wood Products about this rate adjustment during the next 60 days.

7.2 **Release of Easement: Release of Easement signed by Martin M. Heckman and Shelly Keller on April 9, 2011.**

MOVED (MARSON), SECONDED (PRESTON) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO THE RELEASE OF EASEMENT.

7.3 **Release of Easement: Release of Easement signed by Arlyn K, Aldrich and Lorena M. Aldrich on June 8, 2001.**

MOVED (MARSON), SECONDED (PRESTON) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO THE RELEASE OF EASEMENT.

7.4 **Change Order No. 1: NW Kodiak Construction Change Order No. 1.**

MOVED (PRESTON), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO APPROVE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$3,805.00.

7.5 Change Order No. 2: NW Kodiak Construction Change Order No. 2.

MOVED (PRESTON), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO APPROVE THE CHANGE ORDER NO. 2 IN THE AMOUNT OF \$1,231.00.

7.6 Extension of Agreement: Extension of the Agreement to Extend Franchise between the City of Columbia City and NW Natural.

MOVED (MARSON), SECONDED (HARRISON) AND CARRIED UNANIMOUSLY TO AUTHORIZE THE EXTENSION TO THE FRANCHISE AGREEMENT.

7.7 Springbrook Software: Springbrook Software Version Seven Migration Agreement.

Leahnette explained that the City uses Springbrook Software for financial and utility billing purposes. She said Microsoft has announced the End of Support for their Windows Server 2003 Edition effective April 1, 2015, and the End of Support life for Progress V9.1C occurred three years ago. She said we are also using Windows XP on one of our computers, and the End of Support was April 8, 2014. She said we are one of less than 50 customers that are still operating on our current version of Springbrook Software. She said we have been setting aside funds for several years to make this upgrade, and the upgrade is included in the proposed budget for 2014-15. She said once we commit to the purchase, it will take about 9 months to get the upgrade scheduled so she'd like to start the process now. She said the new version of Springbrook Software will provide expanded capabilities in many ways, including bar graphs showing usage history on customer billings. Council Members reviewed total costs for training, consulting and migration management services associated with of \$17,860, payable in interest free installments with the final installment due July 15, 2017.

MOVED (PRESTON), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO AUTHORIZE THE SIGNATURE TO THE SPRINGBROOK SOFTWARE VERSION SEVEN MIGRATION AGREEMENT.

7.8 Weed Abatement Request: Request from City Administrator/Recorder for Council authorization to abate weeds on the following properties:

- 445 Skookum Court, Tax Lot 5121-CA-3900, Owner: Paul & Wilma Vincent
- 3325 Fifth Street, Tax Lot 5121-CA-05900, Owner: Tye & Rebecca Holien
- 1805 Fifth Street, Tax Lot 5128-AC-03400, Owner: Columbia County

MOVED (MARSON), SECONDED (FROMM) AND CARRIED UNANIMOUSLY TO AUTHRORIZE THE ABATEMENT OF WEEDS AS REQUESTED.

AGENDA ITEM 8

OTHER BUSINESS:

Attorney Update: Harold noted that early politicians required feedback from the public to determine what people considered important. Since there were no telephones, televisions or radios, the politicians sent their assistants to local taverns, clubs and bars. They were told to go sip some ale and listen to people's conversations and political concerns. Many assistants were dispatched at different times. "You go sip here, and you go sip there." The two words "go sip" were eventually combined when referring to the local opinion, and thus we have the term "gossip."

Police Update: Chief McGlothlin noted that this is National Law Enforcement Week, and there's a large event held in Washington D.C., which he attended on two separate occasions prior to moving to the northwest.

Regionally Significant Industrial Area (RSIA) designation: Leahnette suggested the Council set a tentative Special Meeting date after June 1st in the event they decide to provide further consideration of the RSIA designation after we receive comments back from the City Planner. She said a June meeting date will provide the City with an

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opportunity to provide additional public notice of the meeting through the newsletter. After a lengthy discussion with staff, it was the consensus of the Council to tentatively schedule the meeting on Wednesday, June 4, 2014 at 6 PM in the Community Hall.

AGENDA ITEM 9 ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 7:11 PM.

APPROVED:

Cheryl A. Young
Mayor

ATTEST:

Leahnette Rivers
City Administrator/Recorder