

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: LaMear, Herzig, Mellin, Mayor Van Dusen

Councilors Excused: Warr

Staff Present: City Manager Pro Tem Estes, Deputy Chief Johnston, Parks and Recreation Director Cosby, Finance Director Carlson, Fire Chief Ames, Planner Johnson, Library Director Tucker, Public Works Director Cook, City Engineer Harrington, City Support Engineer Moore, and City Attorney Blair Henningsgaard. Police Chief Curzon was excused. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS:

Item 3(a): Councilor Herzig reported that last Friday, March 21st, the Lower Columbia Diversity Project (LCDP) had a presentation on eliminating racial discrimination. The next presentation on the changing state of marriage will be Sunday, March 30, 2014. He noted one of City Council's goals was to support the LCDP. The Column will be lit teal on April 2, 2014 after dusk as part of Sexual Assault Awareness Month.

Item 3(b): Councilor LaMear reported that she spoke to a group of Boy Scouts working toward a citizenship award about what it is like to serve on the City Council, who the elected City officials are, and the other groups that make the City work.

Item 3(c): Councilor Mellin reported that she attended a concert at the Performing Arts Center (PAC) on March 8th. She helped clean the Children's Park on 6th and Commercial as a participant in the first Citizens Helping in Parks (CHIP) Program on Sunday March 9th. She noted that after a tragic incident in the early 1990s, Councilor LaMear decided to renovate the park. A plaque at the park commemorates the playground equipment donated by Cliff and Arline LaMear and CASA. She took photographs, which she would share with the Parks Department. On March 14th, she attended the christening of the pilot boat *Astoria* at the 17th Street Dock. As March was Women's History Month, the American Association of University Women (AAUW) hosted a series called Women Making Waves. To date, the AAUW has named 100 women who have influenced Astoria throughout history. The stories of these women were recorded and will be added to the Historical Society archives. She noted that Councilor LaMear's life story has been included in the collection and is not what most would think. Gerry Swenson, a math teacher from the college, and Edith Henningsgaard-Miller also told their life stories as part of the event. On March 21, 2014, the AAUW sponsored the Astoria Library's After Hours showing of *Makers: Women Who Make America*, a three-part film series. The film described the women's movement, beginning in World War II and all the changes that have occurred since. She noted there is still have work to do, as the Equal Rights Amendment has not yet been passed. On March 24, 2014, she toured the fire station to see the renovations.

Item 3(d): Mayor Van Dusen recognized the following volunteers: Sean Fitzpatrick of the Astoria Planning Commission and LJ Gunderson of the Astoria Design Review Committee and Historic Landmarks Commission.

City Council proceeded to Item 5(a): Sexual Assault Awareness Month.

CHANGES TO AGENDA:

This item was addressed immediately following Item 5(b): Child Abuse Prevention Month.

City Manager Pro Tem Estes requested that an amendment to the Sports Complex Four-Party Agreement be added as Regular Agenda Item 7(k). Mayor Van Dusen noted an Executive Session would be held to discuss the notice that the City will be taking applications for a permanent City Manager.

City Council proceeded to Item 5(c): Household Hazardous Waste Facility.

PROCLAMATIONS/PRESENTATIONS:

This item was addressed immediately following Item 3: Reports of Councilors.

Item 5(a): Sexual Assault Awareness Month as Requested by The Harbor

Mayor Van Dusen introduced Nicole Bateman, Katie Mendoza, and Sharon Moore from The Harbor. He read the proclamation declaring April 2014 Sexual Assault Awareness Month.

Sharon Moore, 1361 Duane, Astoria, said that Nicole Bateman and Katie Mendoza were two of the newest advocates at The Harbor, which was recently known as The Women's Resource Center. The name was changed to make the center more open to men, transgendered people, and people in same-sex relationships. She thanked the City and City Council for their support of Sexual Assault Awareness Month. For the first time in the 18 years she has worked at The Harbor, the Column will be lit teal, which is the color that represents the support of sexual assault survivors.

Nicole Bateman noted that copies of a list of The Harbor's events for April were available. Ms. Moore added that the lighting of the Column on April 2nd was not on the list. No specific time has been set for the lighting, but the Column will be lit around dusk.

Item 5(b): Child Abuse Prevention Month

Mayor Van Dusen introduced Ann Lederer, Christine Lolich, and Marco Davis from CASA and read the proclamation declaring April 2014 Child Abuse Prevention Month.

Ann Lederer, 818 Commercial, Astoria, introduced Christine Lolich, President of the Board, and Marco Davis, CASA's newest Board member. She thanked Mayor Van Dusen and the City Council for showing that the City of Astoria cares enough about child abuse prevention to take the time to make a proclamation. Child abuse is not pleasant and most people do not want to think about the issue. However, about 120 children in Clatsop County are victims of child abuse each year, across all neighborhoods and all types of people. This is an important issue that people can do something about. CASA advocates for children while they are in foster care and they encourage community volunteers who are interested in helping to contact them. Everyone can take part. She noted many of the City Councilors have been involved in activities that are very positive for children. She encouraged people to pay attention and refrain from being worried about sticking their noses in someone else's business because children need protection. It is really important to make the call if you see something you are worried about.

City Council returned to Item 4: Changes to Agenda.

Item 5(c): Household Hazardous Waste Facility

This item was addressed immediately following Item 4: Consent Calendar.

Public Works Director Cook introduced Maureen Taylor, Chairperson of the Clatsop County Household Hazardous Waste Committee, which organizes several events each year. The events, which alternate between the north county and the Seaside/south county areas, are set up in temporary facilities as no permanent facility exists. The committee applied and was awarded a grant from the Department of Environmental Quality (DEQ).

Maureen Taylor, 820 Exchange Street, Suite 100, Astoria, Clatsop County Public Health Department, handed out copies of the slide shown during her PowerPoint presentation, which she reviewed with these key comments:

- The Health Department has been working towards improving the regular means of disposing of household waste. She listed several common household items that contain hazardous materials and explained how to identify items that may be hazardous. Consumers do not usually think about how these items should be disposed of and dump them in the garbage or pour them down the drain because they have no other means of disposal. Wastewater treatment plants are not designed to remove toxic chemicals, heavy metals, or poisons.
- Currently, the collection event is held annually, but the department would like to obtain a lease on the land next to the transfer station to build a permanent facility that would take the same products currently collected

at the annual event. The new facility would be open eight times each year. Items that cannot be collected include items that could explode, like firecrackers and ammunition, biohazard waste, or medications.

- The proposed permanent facility would be modeled after the facility at Tillamook, which is a completely enclosed structure that requires people to drive into the building to unload the materials. The facility is a very controlled and protected environment where Hazardous Waste Operations and Emergency Response (HAZWOPER) trained employees would unload the materials. All precautions necessary to keep the facility safe would be in place and all DEQ requirements for this type of facility would be met.
- The Health Department contracts with a DEQ licensed, waste management company that would transport the waste out of the community. The facility may store some hazardous waste items for a short period of time before they are picked up and taken away by the hazardous waste contractor.
- The new facility is important because it would provide more collection events to the community and help people change their behaviors. Immediate exposure to hazardous materials would be reduced and people will have a convenient and safe way to get rid of the materials. The community will also be safer as Clatsop County residents participate in environmental stewardship.

Councilor LaMear asked how to dispose of old medications properly. Ms. Taylor replied that drop-boxes for old medications are provided at local law enforcement stations.

Councilor Mellin noted Dolores Skillstad had asked if the facility would contaminate the area. Ms. Taylor replied the facility would not contaminate the area at all, but would contain any waste that may currently be getting into the garbage. She reiterated that the building would be completely enclosed and a secondary containment system would be built into the building as well. Materials would be stored in drums and an emergency spill response would be in place. Trained technicians will remove the materials from the vehicle once it has entered the building. She was unaware of any exposure or contamination events at other facilities in Oregon like the one being proposed.

It was confirmed the facility would be open eight times a year and it was understood that most doctors requested unused medications be returned. Ms. Taylor believed there was a great need for a way to dispose of medical sharps, like needles.

Councilor Herzig understood the hazardous waste would not be destroyed at the drop-off facility, but sent out of the county. Ms. Taylor responded that the County must apply for a solid waste permit from DEQ. The County takes on all of the responsibility and liability for receiving the waste. The waste management company takes the waste to licensed sites throughout the United States where it is incinerated, neutralized, or recycled.

Councilor Herzig said he would like the facility to be opened once a month, as this would improve usage.

Mayor Van Dusen recalled 42% of the items collected are old paint. He and City Attorney Henningsgaard visited Recology's paint recycling center in San Francisco, California. All of that paint is recycled into a neutral grey that is used to paint park benches and restrooms. Astoria is lucky to have Recology; they do a great job. Ms. Taylor added that Oregon is the first paint stewardship state. Paint can be returned any day of the week to City Lumber or Sherwin Williams in Gearheart. She encouraged people to return their paint, noting that consumers pay \$0.75 per gallon for paint care in Oregon.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 2/18/14
- 6(b) City Council Minutes of 3/3/14
- 6(c) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 2/18/14
 - (2) Library Board Meeting of 2/25/14
- 6(d) Implementation of Cloud Hosting Services for the Library Operating System (Library)
- 6(e) Contract for Tow Services (Police)
- 6(f) Authorize Solid Waste Engineering Consultant Services – Astoria Landfill (Public Works)

Councilor Herzig requested Items 6(a), (b), (c)(1), and (e) be removed for further discussion.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin, to approve Items 6(c)(2), (d), and (f) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(a): City Council Minutes of 2/18/14

Councilor Herzig clarified that in the second sentence in the second paragraph of Page 2 of the minutes, he was speaking about two different items, that a budget report would be prepared for the citizens and that the City would be monitoring the Water Utility Assistance Program.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear, to approve Consent Calendar Item 6(a), as corrected. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(b): City Council Minutes of 3/4/14

Councilor Herzig stated that on Page 6 of the minutes, Shell Cantor was quoted as saying that he spent \$300 to gain access to information that was public. He believed Mr. Cantor stated a member of the community spent \$300 dollars to gain access to the information, not him.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin, to approve Consent Calendar Item 6(b) as amended. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(c)(1): Historic Landmarks Commission Meeting of 2/18/14

Mayor Van Dusen confirmed the minutes were not public record, but were for information purposes only and that the Historic Landmarks Commission approves their own minutes.

Councilor Herzig said that Page 2 of the minutes states that Planner Johnson read Ms. Yowell's letter into the record. However, the letter was not included in the minutes. This has been an issue in the past, when Ms. Queener read something into the City Council record and the transcriber did not record it, so Staff had to add it back into the minutes. City Manager Pro Tem Estes explained that when a letter is read into the record, the letter is also made a part of the record of the land use action, so the letter follows the case. Any letter noted in the minutes is associated with the land use file also associated with that project.

Councilor Herzig asked how the public could access the letters. City Manager Pro Tem Estes said the public can request to view the file at any time that the City office is open. The file is available for viewing at the front counter Monday through Friday from 8:00 am to 5:00 pm. Councilor Herzig said he was concerned because there was an issue in the past where someone had tried to read a letter into the record and the letter did not appear in the record. He understood the Historic Landmarks Commission was a different format. City Manager Pro Tem Estes noted that a land use matter is more formal.

Item 6(e): Contract for Tow Services (Police)

Councilor Herzig noted the City is considering a contract with Classic Towing. He read the proposed cost increases listed in the Staff report and asked if the fees would be recouped from the owners of the vehicles being towed. Deputy Chief Johnston said the City often incurs the cost of vehicles seized for evidentiary purposes. In many cases, vehicles are towed to remove them from the roadway after a crash and in these cases, the vehicle owners are billed directly.

Councilor Herzig was also concerned that only one out of five vendors that received Requests for Proposals responded. This has occurred in the past and he was unsure how the proposal method could receive more bids. Receiving one bid means the City must take the bid by default rather than as a reasoned consideration. He hoped the Request for Proposal format would be reviewed to find out why the City only receives one response. Deputy Chief Johnston said that in this particular case, Classic Towing is the most qualified local vendor. Classic Towing is uniquely positioned to comply with the Police Department's response time requirements. Other companies in Napa, Seaside, or Longbeach are at a disadvantage, as they are unable to respond within 30 minutes. He believed Classic Towing was the only towing company in Astoria.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin, to approve Item 6(e) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing for Sale of City Property Located at 2800 Block of Grand Avenue (Public Works)

An offer to purchase a portion of excess City property has been received from Herb Mindt and Bill Jablonski. The lot is located in the 2800 block of Grand Avenue. Mr. Mindt and Mr. Jablonski are adjacent property owners whose property is located at 741 29th Street. The original asking price was \$20,000. After discussions with the applicants, staff recommends a selling price of \$15,000 for this parcel. At their March 4, 2014 meeting, the City Council acted to schedule a public hearing on the proposed sale for the March 24, 2014 Council meeting. It is recommended that the City Council conduct the public hearing, after which the Council may accept, reject or modify the proposal.

Mayor Van Dusen opened the public hearing at 7:42 pm and called for anyone wanting to address the City Council on the sale of City property located in the 2800 block of Grand Avenue to come forward with any comments or concerns.

George McCartin, 490 Franklin Avenue, Astoria, asked if any City employee had looked at the property, which is attractive.

Mayor Van Dusen said he had viewed the property.

Mr. McCartin stated that the view of the river is the most attractive aspect of the property. Unlike the other City properties for sale, Planner Johnson gave a rundown of the aspects of the property, which are all positive. The property is not within 100 feet of a slide area, is not a historical problem, and is in an extremely quiet neighborhood. Grand Avenue does not continue for more than 2 blocks past the property before it comes to a dead end. He believed City Council should take a hard look at this sale and consider their fiduciary duty to the citizens of Astoria. The property should be valued at more than \$20,000. He had no problems with offsets for the maintenance work done by the neighbors, but the property could sustain a two-family dwelling, according to Planner Johnson. If the City decides to move forward with the sale, the property should be sold for three times more than the current offer. The City would benefit from adding a restrictive covenant to the deed, especially since there is already talk about how the property could be developed.

Herb Mindt, 741 29th Street, Astoria, thanked City Manager Pro Tem Estes, Mayor Van Dusen, the City Council, Mr. Cook and Walt Postlewait for working with him and his partner to make this potential purchase of the lot next to their property. He and his partner have maintained the property and built the retaining wall, which cost more than \$7,000. This cost did not include the dry rot damage done to their house when the land sloughed on to their property. He and his partner intend to make their sub-standard lot into a whole property and to enhance and keep the green space for the community. They are not investors and do not intend to build a two-family residence on the lot. There is a tri-plex on one side of their house and five-plexes down the road, so they do not want a two-family residence on this lot. The neighborhood does not need any more parking problems. He and his partner have put a lot into the purchase of this property since October 2013 to try to make the sale happen. They are not asking for anything special.

Leslie Dahlen, 2911 Grand Avenue, Astoria, said she supported her neighbors, Mr. Mindt and Mr. Jablonski. She has lived in her home since 2002. Mr. Mindt and Mr. Jablonski have made amazing improvements to the property and their home. They do not want to purchase the property as an investment, but just want to make a nice home for themselves. She reiterated that she supported Mr. Mindt and his comments were accurate.

Chris Farrar, 3023 Harrison, Astoria, said he was trying to get a feel for how much time the Councilors thought about the sale of City properties that are worth tens of thousands of dollars and can alter the make up of a neighborhood in significant ways. He understood Mayor Van Dusen has seen the property. He asked the Councilors if they visited the properties that were sold in the past and the properties that will be sold in the future. He wanted to know if they had considered the natural topography of each property. There were all kinds of problems around town that have been created by the way people manipulate the environment. People disrespect

the land, creating problems for all of the taxpayers, and increasing the cost of maintaining infrastructure in Astoria. He emphasized the importance of considering each sale. Some of the properties are large and the neighborhood, hydrology, and landslide susceptibility can be affected. He noted the same thing that was happening in Washington with the landslide could happen in Astoria. He was especially interested in what Councilor Warr would say if he were present, as Councilor Warr represents the Ward he lives in. He has visited the property, which is in a tight crowded neighborhood. He did not want to talk against the potential buyers and believed it was great that they did not want to build a two-family dwelling on the property. However, the property will transfer ownership at some point because the owners will not live forever. He did not understand why the City could not put covenants on the properties. Some of the properties should not be developed while some of the properties should be developed. Each property must be considered separately. He asked City Council to think about the consequences of each sale separately. He requested this sale be denied because the entire process was flawed. If the City wants to sell the lot, the process should be started over and done right by looking at the properties that should be sold. The City needs to understand that it is giving a great advantage to adjacent property owners by allowing them to purchase the properties at bargain prices. This might be fair, but he requested that in exchange, the owners should not be allowed to develop the properties.

Mayor Van Dusen closed the public hearing at 7:54 pm and called for Council discussion and deliberation.

Councilor Herzig recalled that Mr. Mindt brought this issue to the City quite a long time ago and has really been through the ringer on this sale. He recalled Mr. Mindt was told by Area Properties that the City would make terms, then he was told the City would not make terms; that the sale was on, then off, so he deserves consideration for staying with the process. The City is realizing that the process has been flawed, but Mr. Mindt should not be punished for that.

Councilor LaMear believed this sale was an example of someone who wants to purchase the adjacent property to improve their own property. Mr. Mindt's lot is sub-standard, which in some cases cannot be insured. If the house burns down, a new house cannot be built on a sub-standard lot. She believed adding to the property made perfect sense. Mr. Mindt has done a fine job of being a good steward. The City has a copy of his receipt, which shows he spent \$7,200 trying to make the property better. Mudslides from adjacent properties can cause your own property to become devalued. She was in favor of the sale.

Councilor Mellin said she has seen the 2800 block of Grand Avenue get transformed over the years. In 1987, the Women's Crisis Service was given a house at 2778 Grand Avenue and the entire neighborhood looked bad. The houses were beautiful, but owners did not have enough money to complete necessary transformations. The neighborhood is darling now that homeowners have worked on the houses in such an imaginative way. She appreciated the before and after photographs of Mr. Mindt's house, noting that he needed a full lot.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to approve the sale of City Property located at the 2800 block of Grand Avenue to Herb Mindt and Bill Jablonski for \$15,000. Motion carried 3 - 1. Ayes: Councilors LaMear, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Mayor Van Dusen agreed with Mr. Farrar on the importance of viewing the properties. City Council does view the properties. He believed the Council should serve as private detectives, not jury members who have all of the information brought to them. The neighborhood needs to be seen, as well as the property. All issues should be handled in this manner. Getting away from the microphones and the formal atmosphere of the City Council meetings allows Councilors to learn more. He said that Mr. Mindt did a great job on the property and the neighborhood looks great. The sale of this property to Mr. Mindt makes sense.

Item 7(b): Resolution Implementing Building Codes Permit Fee Schedule (Community Development)

Since 1994, the City has assumed administration and enforcement of the Building Inspection Program for Astoria, excluding the Electrical Program. The City has had a full time Building Official/Inspector since 2011. Since 1994, the City has increased building permit fees only once in 2004 and an amendment to those fees in 2005 to bring the City fees into alignment with the State fee system. Clatsop County, the City of Seaside, and the City of Warrenton currently have adopted fees that are higher than the current permit fee levels at the City. The proposed fee increase for Astoria would more closely match the local fee schedules of nearby municipalities.

Program income for FY2011-12 was \$155,775 with program expenses of \$181,001 leaving an income deficit of \$25, 226. As a comparison, program income for FY2012-13 was \$110,175 with program expenses of \$176,828 for an income deficit of \$66,653. During the FY2013-14 budget process, staff analyzed this trend and determined the Building Permit Reserve Fund could be deleted within a couple years without any changes, assuming building permit levels did not increase significantly.

During the FY2013-14 budget cycle, then City Manager Paul Benoit explained that staff would be reviewing the building permit fee schedule and may propose increases in the future. Staff subsequently reviewed Astoria's fees and developed a proposed schedule that would place Astoria's fees in the line with other Clatsop County jurisdictions. It is recommended that Council adopt the attached Fee Resolution with an enacting date of May 1, 2014.

City Manager Pro Tem Estes noted the Council memo included tables showing the proposed and current fees, as well as comparisons between Astoria and other jurisdictions, which were available for addition discussion and presentation if desired.

Councilor LaMear said she was amazed when she saw the tables. Astoria's fees have been so low compared to other jurisdictions in Clatsop County. The City is losing money each year, so it makes sense to stabilize the fee schedule.

The fee tables were shown on the screen and Councilor Herzig explained the information that was displayed for the audience.

Councilor Mellin confirmed a lot of building was going on in the Mill Pond neighborhood, and now that the area has been built up, the City will not have a big piece of land from which to produce that kind of income. She was shocked to see how low Astoria's fees were compared to other jurisdictions. It is time to raise the fees. Mayor Van Dusen agreed.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to adopt the Fee Resolution implementing the Building Codes Permit Fee Schedule with an enacting date of May 1, 2014. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(c): Energy Trust of Oregon Incentive Grant for the Bear Creek Hydroelectric Project (Public Works)

In 2007, the City completed a feasibility study of the potential for wind and hydroelectric power in the Bear Creek watershed. The most promising project was identified as the installation of a small hydro turbine on the main waterline coming from the treatment plant. To date, the City has been awarded two grants: \$87,600 from Business Oregon Infrastructure Finance Authority, and \$167,000 from Pacific Power Blue Sky Fund. Energy Trust of Oregon (ETO) is offering a grant of \$143,000 for the project, which would bring the total grant funding to \$397,600. Once the ETO agreement is approved, staff and the engineering firm will finalize bid documents, with the goal of publishing the bids in April or May of 2014, with construction beginning in the summer, with completion in September or October. It is recommended that the City Council approve the agreement with Energy Trust of Oregon.

Mayor Van Dusen commented the City would not have received a \$397,600 grant if the project was not a good one. He noted that the project was Director Cook's idea.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to approve the agreement with Energy Trust of Oregon. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Mellin explained that everyone pays into the Blue Sky program and it is nice to see where the money is going.

Item 7(d): 15th Street CSO Separation – Approve Resolution, IFA Funding Contract, and Solicitation for Design Qualifications (Public Works)

In August 2013, a Combined Sewer Overflow (CSO) program status presentation was given to Council and included a general description of the next major CSO project that was beginning to take shape. Since that time the scope of the project has been refined, a planning level cost estimate developed and funding sources evaluated and selected. The upcoming project, called the 16th Street CSO Separation Project, generally includes the area of 14th to 18th Streets from Duane to Lexington (see attached project map). City staff is preparing the Request for Qualifications package for the engineering design of this project with the advertisement expected to begin in early April. Construction of this project is anticipated to begin in spring 2015 and continue through the end of the year. There will be close coordination between construction of this project and the timing of the Irving Avenue Bridge Replacement Project to avoid disruption to traffic on 16th Street during the closure of Irving Avenue.

The 16th Street CSO Separation Project consists of installing approximately 8,100 feet of new storm water pipe in established City right-of-way. The preliminary cost estimate for the design, construction management, and construction of this project is estimated at \$5,683,000. The Oregon Infrastructure Finance Authority (IFA) has offered the City a funding package that includes a \$525,000 grant, and a \$5,158,000 low-interest loan at a 2.09% interest rate with a 25-year payback period. A portion of the CSO Surcharge fee will be utilized to repay the project loan. It is recommended that Council adopt the resolution that authorizes the IFA Financing Contract in the amount of \$5,683,000 for the 16th Street CSO Separation Project. It is also recommended that Council authorize staff to solicit Request for Qualifications for engineering design of this project.

City Engineer Harrington displayed a map on the screen showing where the work would take place. He explained the work would be similar to that done on 8th Street during the summer of 2013. The 18th Street and Irving Bridge project will be out for bids within the next month and construction should begin in May or June and would last for a year. Design work for the CSO project will be done during the summer of 2014 and construction would be done during the summer of 2015. Therefore, the tail end of the bridge project at 18th Street and Irving could create some conflicts that the City would try to minimize.

Mayor Van Dusen believed it would be good to have both projects going at the same time because traffic would be minimal. City Engineer Harrington said the bridge project would occur during the summer of 2014 and the CSO project would occur during the spring and summer of 2015.

Cindy Moore, City Support Engineer, confirmed the project would involve construction similar to the work done from 9th to 12th Streets. Intersections would not be rebuilt the same as the intersections along 8th Street were because the 8th Street project was unique. From 9th to 12th Streets, trenching and overlaying were done to preserve the roads will be done on this project, and then, the City will look at rebuilding intersections. The 11th Street CSO project rebuilt the intersection because so many crossing pipes were involved that there was not much asphalt remaining. The City has learned from the issues that occurred with Centurylink during the 11th Street CSO project. The City has different contacts at Centurylink that will stay informed as the City develops the design of this project. Past projects have indicated that trenching and overlaying provides a benefit, so that strategy will be used on the next project.

Councilor Herzig noted in the last phase of the project, the staging area was off of 9th Street between Irving and Jerome. He has spoken to residents in the area who feared this will be the staging area for the next phase. These residents had to live with the staging area all day during the entire project. He asked where the staging area would be for this next project.

Support Engineer Moore replied the staging area would be in a different location; however, the location has not yet been determined. The staging area on 9th Street was chosen because the location was so close to the construction area. There would be no reason to use the same area for the next project.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to adopt the resolution that authorizes the IFA Financing Contract in the amount of \$5,683,000 for the 16th Street CSO Separation Project. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to authorize Staff to solicit Request for Qualifications for engineering design of this project. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(e): Wastewater Treatment Plant Effluent Treatment Upgrades – Pay Adjustment (Public Works)

The Wastewater Treatment Plant (WWTP) Effluent Treatment Upgrades Project includes the following improvements:

- Dechlorination equipment and instrumentation
- Chlorine contact chamber upgrades
- Wastewater effluent flow meter replacement
- Wastewater effluent pH adjustment equipment and instrumentation
- Chlorine feed system upgrades and instrumentation

In November 2012, the construction contract was awarded to R&G Excavating in the amount of \$1,049,000 and construction began in May 2013. Project construction is substantially complete and R&G is currently working on a few remaining final punch list items. Pay Adjustment No. 3 for \$5,106.37 includes several changes that are described in the memo.

This is expected to be the final change order for this project. A 10% construction contingency was budgeted for this project, which amounted to \$105,000. Of that contingency, \$48,586.61 was expended or 4.6% of the bid amount. It is recommended that the City Council authorize this Pay Adjustment for the WWTP Effluent Treatment Upgrades project for \$5,106.37. Funds are available for this project through IFA funding.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to authorize a Pay Adjustment No. 3 for the WWTP Effluent Treatment Upgrades project for \$5,106.37. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(f): 11th Street CSO Separation Project – Pay Adjustment No. 6 (Public Works)

The 11th Street Combined Sewer Overflow (CSO) Separation Project primarily consisted of installing over 10,000 linear feet of new storm water pipe. In certain instances, existing water and sanitary sewer pipes were replaced where construction of the new storm pipe compromised the integrity of the existing infrastructure. Due to the extent of utility replacement work along 8th Street, the entire roadway from Commercial to Niagara was rebuilt from curb to curb and most of the sidewalk was replaced. Substantial completion of the construction work was achieved by Tapani, Inc., on schedule in December 2013 to meet the DEQ deadline. Since that time, Tapani crews have been working on final punch list items, which could continue for the next few months. Pay Adjustment No. 6, for \$64,387.79, includes a variety of changes that are itemized in the memorandum for this item. The three largest line items in this change order are for construction of concrete features. This change order also includes costs due to more Centurylink conflicts. A claim was submitted to Centurylink in December and staff has been informed a formal response is forthcoming. It is recommended that the City Council authorize this Pay Adjustment for the 11th Street CSO Separation Project for \$64,387.79. Funds are available for this project through IFA funding.

City Manager Pro Tem Estes noted that due to the scope and scale of this project, a 15 percent contingency was included which equaled \$857,577. After this change order, the contingency balance would be at 31 percent. An additional change order is currently being negotiated between the City and Tapani, which should be resolved soon.

Councilor Herzig asked if the crosswalk markings that are already wearing away were included in the punch list. City Engineer Harrington explained that the winter weather had been harsh. A second application of paint has already been applied, but the streets were sanded and studded tires drove over the new pavement. The City is still discussing whether Tapani should be held liable for those conditions. He confirmed that the City is also working on the crosswalk at 8th and Commercial, which began to chip away prior to winter.

Councilor Herzig said that landscaping rocks were removed from Donna Carson's property at 1311 8th Street when the sidewalk was being rebuilt. Her property is on a corner with a steep slope and she is concerned that there could be some slumping without some type of rock barrier. She does not want the original rocks returned, but would like some resolution. City Engineer Harrington replied Staff would look into the issue.

Mayor Van Dusen asked if the City ever received money from Centurylink. City Engineer Harrington stated that the money has not been received and Staff is currently working on resolving this issue. The City hopes they can come to a friendly resolution.

Mayor Van Dusen explained that Centurylink had some underground utilities in the area where the City intended to do some CSO work. Centurylink failed to respond to the City's notifications, which delayed the entire project and increased costs.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to authorize the Pay Adjustment for the 11th Street CSO Separation Project for \$64,387.79. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(g): Authorize Slope Easement for Tax Lot 200, Map T8N-R9W Section 17DD – Astoria Landfill Closure/Sports Complex Project (Public Works)

At the direction of the Oregon Department of Environmental Quality (DEQ), the City is in the process of closing the landfill at 1800 Williamsport Road and assisting in the development of the new Sports Complex. As a condition of the approval of the Sports Complex Project, a traffic study was completed. The study recommended that the earthen slope immediately north of the landfill entrance along Williamsport Road be excavated to improve driver sight distance. The majority of the excavation work is located within the Williamsport public right-of-way and on City property with the exception of a small area across from the landfill entrance. The small area is located on private property owned by Mr. Duffy Duncan of 1798 SE Wall Street Astoria. In order to complete the sight distance excavation work an easement is required. Mr. Duncan has agreed to provide this easement. It is recommended that Council authorize an Easement Agreement from Mr. Duffy Duncan to the City of Astoria for the proposed roadway improvements along Williamsport Road.

Councilor Herzig confirmed that Mr. Duncan was not present.

City Engineer Harrington displayed a photo of the area and explained how sight distance was limited by the existing landscape. He showed how the sight distance would improve after the excavation work was complete and noted which property was owned by Mr. Duncan.

Councilor Mellin said she visited the property earlier in the day and confirmed that Mr. Duncan would not receive anything in return for granting the easement.

Mayor Van Dusen suggested the City send Mr. Duncan a thank you note signed by City Council if the easement is authorized. Councilor Mellin believed the City should do more than just send a thank you note. Mayor Van Dusen suggested making an official resolution and having it framed for Mr. Duncan.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to authorize an Easement Agreement from Mr. Duffy Duncan to the City of Astoria for the proposed roadway improvements along Williamsport Road. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(h): Authorize Clatsop County Household Hazardous Waste Facility Lease Agreement (Public Works)

The Clatsop County Board of Commissioners established a Household Hazardous Waste Committee to oversee the Household Hazardous Waste program adopted by the County in 2009. The program, in cooperation with Western Oregon Waste (now Recology), is designed to provide alternative disposal methods for hazardous materials such as paint, motor oil and pesticides. The Committee (made up of the County, cities within the County, Recology and various fire districts) identified a site to potentially locate a Household Hazardous Waste Facility at the former landfill during development of the County Household Hazardous Waste Management Plan. A presentation by Maureen Taylor of the Clatsop County Health Department regarding the Household Hazardous Waste program will be made at the March 24, 2014 Council meeting.

The Clatsop County Health Department has requested that the City provide a lease area at the landfill property for a County Household Hazardous Waste Facility (HHWF). The proposed area is adjacent to the existing Recology lease area on the west side of the access road. The Oregon Department of Environmental Quality has

awarded a grant to the County for development of the facility. A Lease Agreement is needed to fulfill the grant requirements. Should the Lease be approved, the County plans to hold collection events eight times per year on Saturdays. Collected materials will be hauled off to a proper disposal area. The attached Lease Agreement has been reviewed and approved as to form by City Attorney, Blair Henningsgaard. It is recommended that City Council authorize the Mayor to sign the Lease Agreement for the Clatsop County Household Hazardous Waste Facility to be located at the former Astoria Landfill property.

Director Cook displayed the area on the screen and identified the transfer station and the site of the proposed facility.

City Manager Pro Tem Estes noted that the site would be .88 acres. He recalled that Ms. Taylor identified the types of services provided at the facility, which would be a benefit to Astoria and Clatsop County residents. The County is eligible for a grant of \$77,000, which requires an agreement allowing the development of a facility.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to authorize the Mayor to sign the Lease Agreement for the Clatsop County Household Hazardous Waste Facility to be located at the former Astoria Landfill property. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen stated this was another good of example of how the City works in partnership with the County.

Item 7(i): Authorize Transfer of County Owned Property at the Astoria Landfill Site to the City of Astoria (Public Works)

During the preliminary development of the Sports Complex Project, the City had requested that Clatsop County transfer ownership of various tax lots located within and adjacent to the former Astoria landfill site to the City. The property was needed to improve the sports complex intersection access and to construct a wetland mitigation site. During the wetlands mitigation permitting process, staff learned of an option referred to as payment-in-lieu that allows a payment to be made rather than establishing a mitigation site. These monies are used to fund a larger mitigation effort in an area with greater overall benefits to the environment. The payment-in-lieu amount of \$21,750 was paid by Columbia Memorial Hospital. The County parcels are no longer needed for the wetland mitigation site; however, as a community partner on the Sports Complex Project, the County has proposed deeding that property over to the City along with the property for intersection improvements. The County has prepared a Quitclaim Deed for the property transfer. The Quitclaim Deed has been reviewed and approved as to form by City Attorney, Blair Henningsgaard. It is recommended that City Council accept ownership of the County property at the Astoria Landfill site, and authorize the Mayor and City Manager Pro Tem to sign the deed once approval has been obtained from County Board of Commissioners.

Councilor LaMear believed this was a wonderful agreement. She explained that when she was first elected to City Council, parts of this property were state-owned, city-owned, and county-owned. Acquiring the property will provide better access.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to accept ownership of the County property at the Astoria Landfill site, and authorize the Mayor and City Manager Pro Tem to sign the deed once approval has been obtained from County Board of Commissioners. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig suggested sending the County a framed proclamation.

Item 7(j): Authorization to Purchase One Cube Van for the Parks and Recreation Department (Parks)

The Parks Department is requesting approval to purchase a cube van to assist in the care and maintenance of the City's Parks and Recreation Facilities. The Parks and Recreation Department does not have a large vehicle fleet, which requires the Park Maintenance Division to travel in pairs to accomplish tasks that would be completed more efficiently if the pair was able to travel individually. The addition of a cube van would also provide the Parks Facility Coordinator with transportable storage and would eliminate the need to make trips back and forth to the Parks Department Shops. Three quotes have been received for a used 16-foot, 35000

series, cube van, with 115,000 miles or less, and a 6.0 v8 engine form three dealerships. The quotes are as follows:

Penske Truck Leasing Company	\$14,000
Enterprise Truck Company	\$16,000
Don Lee Motors, Inc.	\$16,950
Lum's Auto Center	Declined to bid
Ocean Crest Chevrolet Buick GMC Cadillac	Declined to bid

It is recommended that the City Council approve the purchase of one 16 foot, 3500 series, cube van from Penske Truck Leasing Company in the amount of \$14,999. Funds are available in the Capital Improvement Fund.

City Manager Pro Tem Estes noted that Staff has inspected and test driven the van being suggested, which was found to be in good condition and mechanical repair.

Councilor Mellin confirmed that this van could potentially be used for the CHIP program. Volunteers who participated in the program brought their own tools. Director Cosby said volunteers would need to provide their own tools for some time. The van will be geared toward City facilities, allowing tools to be kept on hand to repair and maintain areas like the Aquatics Center and Shively Park.

Councilor Herzig complimented the Parks Department for receiving three quotes.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Herzig to approve the purchase of one 16 foot, 3500 series, cube van from Penske Truck Leasing Company in the amount of \$14,999. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(k): Amendment to the Four-Party Agreement for the Sports Complex

This agenda item was added during Item 4: Changes to the Agenda.

City Manager Pro Tem Estes explained that Staff identified an issue regarding the financing associated with the project where the City must retain ownership of the land where the Sports Complex is to be built. Currently, the four-party agreement between the school district, Recology, the City and Columbia Memorial Hospital, states that ownership of the land will be transferred. Staff is recommending City Council approve amending that portion of the agreement, allowing Staff and the City Attorney to move forward with the agreement.

City Attorney Henningsgaard added that a lease agreement is being proposed with the school district. A tentative draft of the proposed amendment has been emailed to City Council and he has already spoken with Mr. Van Thiel about the issue. The lease would be unusual in that it would be a perpetual lease requiring the school district to abide by DEQ regulations. In order to qualify for a loan from IFA, the City must retain ownership of the property. He confirmed the only reason a lease arrangement is being made is because of the IFA loan. The City's liability would not really change in any way. The City would still be responsible to DEQ for the cleanup. The IFA loan is the source of the City's funds to comply with the DEQ requirements for closing and monitoring the landfill. As long as the amendment is drafted correctly, the City will not have any greater liability. The school district will be responsible for their structures and activities on the property for as long as they occupy the property.

Councilor Herzig asked if the City would be responsible for any slippage or earth movement. City Attorney Henningsgaard said responsibility would be determined based on why the earth movement occurred. The City's primary source of potential liability will stem from the landfill. Hopefully, Staff will have all of the issues resolved in a way that prevents liability.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin, to authorize an amendment to the Four-Party Agreement that allows the City to retain ownership of the Sports Complex property, initiate a lease agreement with the school district, and authorize the Mayor to sign the revised Four-Party Agreement. Motion carried 3 - 1. Ayes: Councilors LaMear, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

LJ Gunderson, 413 Franklin Avenue, Astoria, thanked Mayor Van Dusen for recognizing her as a volunteer on the Design Review Committee and Historic Landmarks Commission. She is also proud to be involved with the Astoria Downtown Historic District Association (ADHDA). The ADHDA likes to keep the City informed of its activities because the City helps fund the ADHDA. The 4th Annual Jane Barnes Review will be held on Saturday, March 29, 2014. Jane Barnes was one of the first European women to come to Astoria and 2014 marks her 200th birthday. During the event, men in the community will put on a fashion show dressed as women at the Astor Street Opry Company (ASOC) Center. This is the ADHDA's second largest fundraiser. The Topsy-Turvy Fashion Show will begin at 7:30 pm. General admission tickets are \$25 and front row tickets are \$40. Tickets can be purchased at Old Town Framing, Gimre's, and at the ASOC Center. The ADHDA entered this event in the Oregon Main Street Competition and won Outstanding Fundraiser of the Year Award. The ADHDA also holds an annual clean-up day to support the community outside of the downtown area. This year, the ADHDA is adding more clean up days. The next clean up day is on Sunday, April 6th from 10:00 am to 4:00 pm. Volunteers will gather at the Transit District parking lot. The City, Boy Scouts, quilting clubs, neighbors and many others usually participate. The streets, empty parking lots, the Riverwalk, and other areas are cleaned. Recology brings dumpsters and bags. In previous years, visitors have even volunteered for this event. She challenged everyone wanting green spaces and a clean city to join the ADHDA and help clean up the town.

Tiffany Estes, 721 Exchange, Astoria, noted that the clean-up event is scheduled for a Sunday to minimize interference with businesses.

Ardis Chapman, 458 Hamburg Avenue, Astoria, said she lives in the house she was born and raised in. She was concerned about the Taylor Street access. She explained that the bottom of Hamburg is adjacent to a roundabout, where making a left turn is difficult because of the signs, trees, and a sculpture. Traffic coming from the left cannot be seen, which is unsafe. She would like Taylor Street changed from one-way traffic to two-way traffic to allow left turns. She understands there are many legal issues with changing the direction of traffic on Taylor, but she was unsure what the issues were. The residents did not know what could be done to make the situation safer.

Eric Gregory, 470 Hamburg Avenue, Astoria, agreed with Ms. Chapman. There seems to be many legal issues with the possible solutions. The entire neighborhood is at its wit's end getting out of the area. A serious accident will occur. Icy conditions make the area worse and log trucks are now coming through. The neighborhood would be glad if the City could come up with a solution.

Ms. Chapman said she does not usually see multiple vehicles moving in that area. If the street was not a one-way, drivers could see oncoming traffic and make adjustments.

Councilor Herzig said he has spoken with the Oregon Department of Transportation (ODOT) and City Staff about this issue. The road cannot legally accommodate two-way way traffic due to a landslide in the area and the road was narrowed. The direction of the one-way traffic can be changed so that residents on Hamburg could travel south on Taylor to access the roundabout. ODOT is willing to conduct a traffic study where Taylor enters Florence and Alameda on the possible effects of changing the direction of traffic.

Mr. Gregory said the road would only need to be widened about five feet to accommodate two-way traffic.

Mayor Van Dusen noted this was an ODOT issue. ODOT has made it clear that the road cannot be changed to two-way traffic. He has spoken to individuals at ODOT who indicated that the solid waste dump station was designed to accommodate vehicles that must dump from the left side.

Mayor Van Dusen recessed the regular City Council meeting to convene the Executive Session, which was added to the agenda during Item 4: Changes to the Agenda.

EXECUTIVE SESSION

Item 9(a): **(ORS 192.660(2)(a) – Employment of Public Officers, Employees and Agents – Discussion of the Search for a New City Manager (Added Item)**

The regular City Council meeting reconvened at 8:40 p.m.

Mayor Van Dusen stated the Council has agreed to officially advertise the open position City Manager. He noted the City of Astoria pamphlet used for other City department heads would be released along with the official notification, which he read as follows:

"The oldest American settlement west of the Rocky Mountains, Astoria, population 10,000, is a historic city located at the mouth of the Columbia River in the northwest corner of Oregon. Astoria is the county seat and is a full service city with a strong economic base. While fishing and timber continue to be vital industries, Astoria has developed a regional and national tourist designation. The City enjoys strong intergovernmental cooperation and serves as a medical and professional services center of northwest Oregon and southwest Washington. Astoria provides a high quality of life with historic ambiance, a beautiful geographic location and an endless range of outdoor activities. Appointed by a five-member City Council, the City Manager oversees the departments of Finance, Administration Services, Community Development, Public Works, Parks and Recreation, Library, Police, and Fire with 105 full-time employees and a \$30.5 million annual budget, including water and sewer enterprise funds. The ideal candidate possesses progressively responsible municipal government experience with at least five years in a leadership role. A Bachelor's degree is required; a Master's degree is desirable. Salary is in the range of \$105,000 to \$115,000. Please send your cover letter and resume electronically to the Mayor and City Council, in care of Julie Yuill, Executive Secretary to the City Manager."

He noted contact information is included.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to approve the release of the notification soliciting applications for City Manager. Motion carried unanimously. Ayes: Councilors LaMear, Herzig, Mellin and Mayor Van Dusen; Nays: None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 p.m.

APPROVED:



City Manager Pro Tem