

**August 9, 2017
Regular Session
City of Gaston**

Present: Mayor Tony **Hall**, Jerry **Spaulding**, David **Meeker**, Bill **Martin**, Chris **Jeffries**, and Don **Richter**.

Absent: Rod Hale

Staff: City Recorder Wenonah **Blanchette**, Public Works Director Brent **Whittaker**, City Clerk Sharon **Bregante-Candau**, Washington County Deputy Bobby **Wormington**, City Engineer Eric **Hoovestol**.

I. Mayor Tony **Hall** called the regular meeting to order at 7:02PM.

II. ROLL CALL: Recorder **Blanchette** conducted the roll call for the record with:

Councilor Jerry **Spaulding**: present
Councilor David **Meeker**: present
Councilor Bill **Martin**: present
Mayor Tony **Hall**: present
Councilor Chris **Jeffries**: present
Councilor Rod **Hale**: absent (excused)
Councilor Don **Richter**: present

III. ADDITIONS/CHANGES OR CORRECTIONS: None

IV. STAFF/COUNCIL/COMMITTEE/SUPERVISOR REPORTS:

Police: Deputy **Wormington** reported the July 2017 statistics: 81 total incidents, 20 public demand or calls, 61 self-initiated calls, 4 arrests, 23 stops, and 6 citations. Contract hours: 132.85 hours expected, 146 hours supplied. On July 1, an individual known to the police was arrested for offensive littering when he dumped his garbage around but not in the dumpster at Brown Park. After his release on July 2 and return to Gaston, the individual trespassed on several properties going door-to-door asking for marijuana and harassing people. He was warned not to come back and has not returned.

On July 4, a different person was contacted, put on police officer hold (POH), and transported to the hospital for a mental health evaluation. On July 17, an unknown person burned items at the Riverside Apartments. While there were no suspects, police conversations at the time with kids about not playing with fire might be why the incident has not reoccurred. On July 25, a female suspect known to the police was arrested for violating a restraining order and transported to jail without incident. On July 31, a victim reported three gopher traps stolen after he set them in the ground. Further investigation revealed the son did his dad a favor and put them back in the barn. Deputy **Wormington** said the search and rescue academy Washington County conducted every year to train 14-20 year old's in search and rescue techniques and get them certified graduated 15 new kids this year. Washington County used these academy graduates to do all its searches.

Mayor **Hall** asked if the County could do anything about the report about more people accumulating on the property on the South Road that has been an issue in the past. Deputy **Wormington** said the police have been out to Mr. **Dickson's** place many times. He did not know the status of the ordinance violation served to Mr. **Dickson** for the garbage, but the police were working on this ongoing investigation.

City Clerk: Clerk **Bregante-Candau** added the following items to her written staff report and responded to Council questions:

- The card swiper/online payments system was up and running as of yesterday.

- The figures and schedule of work for the water loan letter of interest have been refigured for repayment of the \$59,020 loan over three years; the letter was ready for approval and signature.
- The ODOT local agency liaison, **Bill Jablonski**, contacted the Clerk to set up an onsite visit with ODOT and the Federal Highway Administration (FHWA) to review the information the City submitted for the East Main restoration hopefully in September.
- The City now had a complete business directory of Gaston businesses for the Fire Marshall. All businesses have paid the new business license fee, which brought in \$500 in revenue.
- The Clerk would need to check with the Fire Department to see if she was qualified to train employees on the defibrillator, but the Fire Department could do that training.

City Recorder: Recorder **Blanchette** added the following information to her written staff report and responded to Council questions:

- The mystery of the missing chunk of water usage from the standpipe was solved when staff discovered an individual with a key had been obtaining water from the standpipe for about a year. Public Works Director **Whittaker** has replaced the lock again. Clerk **Bregante-Candau** reported the person had kept track of his usage, and when approached by Deputy Wormington, came in and paid the amount owed. Staff explained to the individual the proper procedure for obtaining water from the standpipe. Deputy **Wormington** explained the person was not arrested because he had purchased the water the same way as last time he did this by documenting his water usage and paying one time at the end of the year.
- The Recorder could forward e-mail instructions to Councilors for the app to access the security cameras from their phones.
- Staff has scheduled the 2015/2016 audit for September, leaving only the 2016/2017 audit to complete. The State has been docking Gaston 10% of its share of the state-shared revenues until the City got its finances caught up.

Mayor **Hall** recommended all Councilors with compatible phones download the security camera app as a way to monitor City employees. Public Works Director **Whittaker** pointed out the Councilors could use the app to see if people were on site but not for disciplinary action, except for things like theft. Mayor **Hall** commented the security cameras were exceptionally good for monitoring the parking lot.

Public Works: Public Works Director **Whittaker** said both items under Citizen Communication were encompassed within his report. **The Council** granted permission to address the items during his staff report.

- **Using the standpipe property:** Public Works Director **Whittaker** reported Courtney **Schaefer** approached him about using the standpipe property for a pit stop on the bike trail, comprised of one outhouse and a table. She could not use the park because her event was at the same time as the Wapato Showdown.

The Council agreed to grant permission to use the standpipe property for a pit stop.

- **Waste Management Franchise:** Public Works Director **Whittaker** introduced Kim **Meacham**. Ms. **Meacham** distributed handouts to the Councilors containing information on Waste Management's rates and on the benefits of yard debris recycling. She described her efforts to obtain yard debris service, including talking with Public Works Director **Whittaker** and Waste Management. The suggestions she received to burn the debris or haul a truckload of yard debris on her own to the recycler did not work for her. While the potential cost increase of \$2.61 for bi-weekly yard debris service from Waste Management could be of concern to many people, there was the potential to save money overall by shifting the yard debris currently put in the garbage to a yard debris container and reducing the gallon size for garbage.

Mayor **Hall** informed Ms. Meacham the Council has already begun discussions with Waste Management about yard debris service and 20-gallon garbage cans. The Council intended to conduct a second citizen survey with these three options on it to find out what the citizens wanted. Ms. **Meacham** mentioned her informal survey of her neighbors found they all believed yard debris recycling was a great idea. Starting a yard-recycling program might also be a way to nudge people into making their yards more visually presentable and helping to beautify the city.

Public Works Director **Whittaker** added the following information to his written staff report:

- No Country Mobile Estates residents responded to his letter informing them the City was increasing their water pressure; the residents needed to watch their plumbing and water heaters and inform the City immediately if there was a problem.

[Added to the agenda]

- **Cove Orchard Water Association (COWA) Agreement:** Public Works Director **Whittaker** explained the problem necessitating a new agreement was a legal verbiage problem of COWA being 20 connections past the number allowed in the current agreement. The City had the capacity to supply COWA, its biggest customer, with the water its members needed. His main concern was the lack of information regarding COWA's cross-connection and the possible need for a backflow prevention device on COWA's water line on the other side of the meter.

Public Works Director **Whittaker** discussed the possibility of acquiring COWA. COWA was a non-profit co-op with a volunteer board of directors and a part-time employee working 8 to 10 hours a month. COWA has expressed some interest in the possibility. Acquiring COWA would open up new funding avenues to Gaston, such as funding from Business Oregon and the State because a lot of money was available for consolidation. He asked for Council direction on whether he should continue the conversation and involve the City Engineer to see if consolidation was feasible and good for the City and its water system. He did not want the City to adopt a system that was at the point of catastrophic failure and encumber the citizens of Gaston with the expense of bringing the system up to Code.

Public Works Director **Whittaker** responded to Council questions:

- Cove Orchard currently purchased its water from the City of Gaston.
- While the conversation has not yet reached how the City would acquire COWA, it was likely the City would assume the COWA system via an agreement.
- An additional benefit would be the possibility of qualifying for additional funding through State Emergency Management to connect Gaston's system with Yamhill as a secondary and emergency source. While the City of Hillsboro promptly fixed its recent pipe failure and notified the Public Works Director when it happened, having additional water sources, such as Yamhill and LA Water Co-op, would be good in the event of a catastrophic failure at Hillsboro. This move might also provide Gaston with some negotiating power in its talks with Hillsboro.
- COWA's rate structure would be included, but at a slightly higher rate. The benefits to COWA would be the availability of staff water personnel to respond to emergencies and more controls, such as cross-connections and backflow prevention devices. The Public Works Director's tour of their system found that some of COWA's water meters were in the 6 to 9 million gallon range.
- Per the Public Works Director's conversation with the City Attorney, there were some incentives if the City chose to pursue acquisition. COWA would have a lot of updates to do and new requirements to meet, so there would have to be a new agreement with the City, which would likely include a new price structure and the installation of a high hazard backflow device.

Councilor **Spaulding** said he did not know if he would be positive about acquiring another system, given what the trailer court system cost the City.

Mayor **Hall** asked if the revenues produced from COWA would pay for improving the existing infrastructure, and if COWA's water tank storage capacity was sufficient.

- Public Works Director **Whittaker** COWA's 80,000 gallon storage tank was more than sufficient to meet its needs, and clarified excess capacity was available.
- He did not know what plans COWA might have in wanting to tie in with Gaston.

Councilor **Richter** believed it was a good idea to hook up with Yamhill, which wanted to build a new reservoir. Mayor **Hall** mentioned Gaston possibly selling water to Yamhill, Carlton, and another small city, potentially if the City could get an agreement from Hillsboro to increase its water allotment.

City Engineer **Hoovestol** confirmed revenue, the system's condition, and rate structure were all components to consider in acquiring COWA. As with any system, there was always power in more connections as far as revenue and overhead, given the economy of scale. COWA's reservoir was new, but he did not know the condition of their lines. COWA provided only domestic use and not fire flow.

The Council agreed more research was needed. Mayor **Hall** suggested conducting an assessment study of the COWA system. City Engineer **Hoovestol** said the cost depended on the level of research and assessment that Council wanted. Public Works Director **Whittaker** said he intended to request \$3,000 for engineering help.

While COWA has expressed interest in this possibility, Public Works Director **Whittaker** wanted to have actual information about the COWA system before talking with the Board again. He did not want to pursue this if the COWA system was in such bad shape that fixing it would increase Gaston residents' rates.

City Engineer **Hoovestol** noted the three plus mile water line from Gaston to COWA was under COWA's maintenance responsibility from the meter to the trailer park. Public Works Director **Whittaker** said that line was the original construction, but if the City could upgrade the line for emergency use and backfill either way, as well as providing fire flow to COWA and connect with Yamhill and other small water systems in the area, then Gaston could potentially obtain sizable grants for upgrades and consolidation.

Councilor **Richter** suggested inviting the COWA Board to meet with the Council next month.

- **LA Water Agreement** Gaston's emergency connection with LA Water agreement expired and was not renewed. Work on updating the agreement was in progress.
- **School Storm Drain** The City has not received the final billing from Firwood on the CTE Building Storm Drain Project. City Engineer **Hoovestol** clarified he would forward the bill to the City once he received it.
- **Hydrology Study for East Main Street:** Public Works Director **Whittaker** asked for Council direction regarding which proposal to accept: AKS or Firwood Engineering.

Councilor **Richter** observed Firwood was the low bid at \$25,000 versus \$30,000. Public Works Director **Whittaker** reported the Firwood was also the most prepared and professionally put together with its information presented in simple and understandable terms; Firwood had the best background.

City Engineer **Hoovestol** noted the knowledge that this area flooded every year was so common in Gaston that no one thought to tell him about it. He only learned about it last winter when the road started falling apart. He explained it would not be an easy engineering feat to address the problem; he needed the information that would be gained from the hydrology study to determine which engineering options were feasible to deal with the water.

Public Works Director **Whittaker** recalled the Council already approved a hydrology study up to \$25,000. He emphasized the study was not an attempt to eliminate the flooding but rather to figure out how to rebuild the road so it would last and not require expensive repairs every couple of years. The initial investment was about creating a road structure as a long-term investment.

Councilor **Richter** described a possible solution to raise the road using pit-run gravel and cement. Public Works Director **Whittaker** said the feasibility study would look at raising the road and its potential to increase the water on the Zawodny property which might make the City liable. He reiterated the discussion was not about what the solutions were but rather whether solutions could be provided.

Mayor **Hall** asked how staff conducted the bidding process for the feasibility study. Public Works Director **Whittaker** explained his failure to do sufficient research on the process resulted in the Council asking him to obtain three bids. Since this was a professional services project, technically, the City was not supposed to get bids but rather requests for qualifications. Of the three companies he contacted, one bowed out while the other two agreed to submit bids even though they knew that was not the right process.

Councilor **Richter** said if he did not work for AKS Engineering in Forestry and had to recuse himself from the decision, he would pick AKS Engineering because they were really sharp. However, as a Councilor he would have to pick the low bid. Mayor **Hall** confirmed the City Charter required Council to select the lowest bid.

Clerk **Bregante-Candau** noted the City would be having a meeting with ODOT and FHWA to discuss the City's funding request submitted for the East Main project. She asked if the City should first check with those agencies to see if the City should be getting a hydrology study. If the City obtained funding through ODOT and FHWA, those agencies would have to approve the City project. Those agencies might want to do an onsite visit first and assess what they required as part of doing things their way. Public Works Director **Whittaker** commented the engineering costs qualified for the reimbursement. The intent of the feasibility study was to determine how to do the project in order to get the project approved.

City Engineer **Hoovestol** believed Clerk **Bregante-Candau** brought up a good point and suggested that Council proceed with selecting the low bid. Clerk **Bregante-Candau** said the ODOT/FHWA on site meeting would likely occur within the next six weeks. City Engineer **Hoovestol** said they could modify the scope of work at a later time.

Motion by Councilor **Meeker**, seconded by Councilor **Martin** to approve funding for Firwood Design's flood prevention analysis on East Main for \$25,075. Motion failed 3-3. Ayes: **Meeker, Martin, and Hall**. Nays: **Spaulding, Jeffries, and Richter**.

While Mayor **Hall** was not certain Councilor **Richter** should not recuse himself from the vote, Councilors **Spaulding** and **Jeffries** argued Councilor **Richter** could vote because AKS was not involved in a vote to accept the lowest bid.

Mayor **Hall** said the Council would revisit this matter after getting more information relating to Clerk **Bregante-Candau's** question.

- **Brown Park Electrical Proposal:** Public Works Director **Whittaker** said the electrical GFCI outlets proposed for installation at the park to address the unsafe condition of the current electrical outlets could be used for anything, but were specifically for the upcoming car show.

Motion by Councilor **Spaulding**, seconded by Councilor **Richter**, to approve \$3,245 for Five Star Electric to do electrical improvements at Brown Park. Motion carried unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, Jeffries, and Richter**. Nays: 0

Clerk **Bregante-Candau** asked if the Council wanted to approve the letter of interest for the State Water Revolving Fund for the new water meters. Mayor **Hall** recalled that Council had

approved up to \$135,000 to purchase water meters, but staff then discovered the City Charter allowed the City to borrow only 5% of its budget, or up to \$59,020. Clerk **Bregante-Candau** reviewed the information sheet from Pat Hart, Ferguson Meter Automation, detailing the option to pay for the 117 iPERL water meters and one hand-held unit over three years at \$59,235, \$37,000, and \$37,400 respectively. In addition, there was the installation cost of one hour of the Public Works Director's time per meter to install 350 water meters also paid out over three years.

Motion by Councilor **Richter**, seconded by Councilor **Spaulding**, to approve the letter of interest for \$59,020 for the water meters financing through the State Revolving Water Fund. Motion carried unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, Jeffries, and Richter**. Nays: 0

V. CITIZEN COMMUNICATION:

- **Waste Management Franchise Discussion** – This item was discussed under the Public Works Director's staff report.
- **Height Restriction for Parking along Highway 47** Clerk **Bregante-Candau** referenced the documentation in the packet regarding the business owners' input on the height restriction. The Mayor also talked to Jeff **Rasmussen**, owner of the Gaston Market, about putting a height limit sign approximately 40 feet from the intersection of Park and Front Street with the rest of the street remaining as two-hour parking. The documentation also included pictures of the City of Hillsboro's height restriction signs addressing the same scenario. She spoke with the ODOT representative who did the safety study; he said the City could request the height limit signs. She asked for Council direction on how to proceed. She also reviewed the vehicle heights listed in the documentation. She noted staff also discussed a height restriction at the intersection of Main and Front Street/Hwy 47.

Mayor **Hall** confirmed there was still a problem in the area and the City should post a sign there too. Clerk **Bregante-Candau** said, once the signs were in, the City needed to ask for enforcement. The ODOT representative told her people would park there in spite of the signs without enforcement.

Mario **DePiero** believed Council had reached a consensus agreement two meetings ago on a height restriction of 8 feet in order to preclude large vehicles from parking there while still allowing the residential full-sized trucks at 7 feet to 7.5 feet high to park there. Councilor **Jeffries** argued since the lower vehicles could not see around the 7-foot high trucks either, those trucks should be included in the height restriction.

Mayor **Hall** noted the apparent Council consensus for a 6-foot height restriction for parking 40 feet from the intersection at the intersections of Park and Hwy 47 and Main and Hwy 47. Deputy **Wormington** noted that a 6-foot height limit meant no full-sized truck would be able to park there, which would impact the majority of everybody in town.

Councilor **Spaulding** stated his concern was a school bus driver unable to see to pull out safely at both those intersections, which put a busload of children in danger. Councilor **Jeffries** concurred the sight lines at those two intersections were very bad. Mr. **DePiero** said he drove a sedan and it did not matter whether there was a full-sized truck or another sedan parked at the intersection: the visibility was almost zero in either case. He observed the intent was to eliminate the huge box trucks and semi-trucks that completely blocked the sight lines. He suggested a 7-foot height restriction to exclude the larger box vans and semi-trucks while allowing the community to utilize the parking.

Motion by Councilor **Martin**, seconded by Councilor **Spaulding**, to make the height restriction 7-feet high. Motion carried 5-1. Ayes: **Spaulding, Meeker, Martin, Hall, and Richter**. Nays: **Jeffries**.

Julie **Daley** reported the City trees between the road and the sidewalk next to the Frontier's building and the building next to her house were hanging so far over into the road that traffic was hitting them. Mayor **Hall** said the Public Works Director would look into the matter.

VI. PRESENTATIONS:

VII. CONSENT AGENDA:

- Bills Payable for August 2017
- Minutes for Work Session, June 14, 2017
- Minutes for Budget Committee Meeting, June 14, 2017
- Minutes for Budget Hearing, June 14, 2017
- Minutes for Regular and Executive Session, June 14, 2017
- Emergency Operations Plan

Motion by Councilor **Jeffries**, seconded by Councilor **Spaulding**, to approve the Consent Agenda as listed with Accounts Payable of \$101,819.10. Motion carried unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, Jeffries, and Richter**. Nays: 0

VIII. NEW BUSINESS:

- **New Front Office Computer**

Recorder **Blanchette** referenced the proposal from Ernest Solutions to replace the front desk computer for \$1,850, including a touch screen monitor. She noted the report on the clean-up of the current 2007 front desk computer that found 3,800 viruses. She was concerned the computer could crash at any moment.

Councilor **Spaulding** suggested increasing the memory to a minimum of 24 GB RAM because 8 GB was low. Councilor **Jeffries** concurred. Public Works Director **Whittaker** pointed out the proposed computer would not come pre-loaded with the usual garbage but instead have only necessary programs on it, which reduced the amount of memory needed. The \$1,850 included Ernest Solutions building the computer from scratch and installing it, as well as upgrading to a touch-screen monitor.

Councilor **Spaulding** commented it would cost approximately \$700 to build the computer as described. Recorder **Blanchette** clarified to Councilor **Jeffries** it would be good to go through Ernest Solutions for the front desk computer but the City could ask for other options. Clerk **Bregante-Candau** recalled Mr. **Murry** also identified the hard drive as a problem.

Councilor **Spaulding** suggested getting a Core i7, a minimum of 16 GB RAM, and the ability to increase the memory to a minimum of 24 GB RAM. Councilor **Jeffries** concurred. Public Works Director **Whittaker** questioned the need for that much memory or processing speed, given the computer would not be used for gaming or online video streaming and staff already had supplemental memory and processing speed in another device. Councilor **Spaulding** pointed out the City would be paying \$1,800 for five-year-old technology.

Staff emphasized the need to replace the computer before it crashed, which Ernest Solutions thought would happen soon. Mr. **DePiero** suggested that Council set a not to exceed amount for the computer purchase. Recorder **Blanchette** indicated to Councilor **Jeffries** she would use the touch screen for everything, such as the water bills.

Councilor **Jeffries** suggested purchasing only the desktop computer with an i7 Core, as the touch screen monitor was not needed right now but the desktop computer could crash. Councilor **Spaulding** concurred.

Motion by Jerry **Spaulding**, seconded by Chris **Jeffries**, to approve the purchase of a desktop computer with a Core i7 not to exceed \$1,800. Motion carried unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, Jeffries, and Richter**. Nays: 0

- **Hydrology Study for East Main Street** – This item was discussed under the Public Works Director’s staff report.

IX. OLD BUSINESS:

- **2017-01, Nuisance Ordinance, Draft-1st Reading**

Mayor **Hall** noted the City Attorney re-wrote the nuisance ordinance to update it.

Motion by Councilor **Jeffries**, seconded by Councilor **Richter**, to approve the Ordinance 2017-001, the ordinance defining nuisances, declaring nuisances, and describing abatement procedures. Motion carried 5-1. Ayes: **Meeker, Martin, Hall, Jeffries, and Richter**. Nays: **Spaulding**

- **Small Cities Allotment Grant Street Dedication**
 - **Resolution 17-008, 2018 Special Cities Allotment**

Recorder **Blanchette** requested approval of a resolution identifying a specific street to accompany the City’s grant application. Staff checked to make sure the City could still submit the application, given it was past the submittal deadline.

The Council discussed which street to select. Recorder **Blanchette** said the City has submitted Third Street every year. Clerk **Bregante-Candau** pointed out E Main Street was not eligible as it was part of the County road system. Third Street did fit the eligibility criteria of streets that were inadequate for the capacity they served or in a condition detrimental to safety, as it was very narrow and used by the school buses.

Motion by Councilor **Jeffries**, seconded by Councilor **Richter**, to use the 2018 Special Allotment Program on Third Street. Motion passed unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, Jeffries, and Richter**. Nays: 0.

Clerk **Bregante-Candau** asked any Councilor who wanted anything in particular addressed when MACC-TVCT records the Gaston parade to contact her or Mary.

X. COMPLAINTS

XI. EXECUTIVE SESSION

Pursuant to ORS.660 (2)

- (b) To consider dismissal or discipline of or hear charges or complaints against an officer, employee, staff member, or agent, if the individual does not request an open meeting,*
- (e) To conduct deliberations with the person you have designated to negotiate real estate transactions,*
- (h) To consult with your attorney regarding your legal rights and duties in regard to current litigation or litigation that is more than likely not to be filed.*

Mayor **Hall** recessed the meeting to Executive Session at 9:04 PM.

Mayor **Hall** reconvened the regular meeting at 9:20PM.

Mayor **Hall** called for a motion to approve the Memorandum Of Understanding for 104 Onion Lane. Motion was made by Councilor **Meeker** and seconded by Councilor **Jeffries** to approve the MOU. Motion carried with those voting Aye: 6, Nay: 0. Motion carried.

Mayor **Hall** called for a motion to approve litigation at 410 Hedin Terrace. Motion was made by Councilor **Richter** followed by Councilor **Martin** to file with small claims amounts owed to the City for land use planning services at 410 Hedin Terrace. Aye votes: 2, Nay: 3. Motion failed.

XII. ADJOURNMENT: Mayor **Hall** asked for any further business, none heard. Meeting adjourned at 9:24PM

Mayor Tony Hall

Attest:

City Recorder Wenonah Blanchette