

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, Warr, Mellin, Mayor Van Dusen

Councilors Excused: None

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

Mayor Van Dusen announced that a meet and greet of the four finalists for the City Manager position was scheduled for the evening of Wednesday, July 30, 2014 at the Maritime Museum's Barbey Center. The community is invited to attend the informal gathering to meet the candidates, who will each speak for about five minutes. On Thursday, July 31st, the candidates will be interviewed by three panels, the Astoria City Council, a panel of community members appointed by Council, and a panel of City employees appointed by City Manager Pro Tem Estes. Each Councilor has talked with citizens in the community about volunteering to be on the five member community member panel and announced their appointment of the following panel members:

- Councilor Herzig appointed Doris Queener.
- Councilor Warr appointed Jim Servino who used to have a radio station in Astoria, moved away, and has moved back. He is the Assistant Director of the Chamber of Commerce.
- Councilor Mellin appointed Frank Spence, who has city manager experience.
- Councilor LaMear's appointee is pending as they are currently out of town.
- Mayor Van Dusen appointed Zetty Nemlowill, Chairman of the Astoria Planning Commission.

Mayor Van Dusen recognized Planning Commissioner Sean Fitzpatrick, who was present, and thanked him for his service to Astoria.

REPORTS OF COUNCILORS:

Item 3(a): Councilor LaMear reported that she helped clean up Shively Park on Sunday, July 20th, as part of the Citizens Helping Improve Parks (CHIP-in) program, which is going well. She thanked Director Cosby and Janice Galizio who have been leading the volunteers. About 30 Upward Bound students and other volunteers did a lot of pruning and weeding. The park looks 100 percent better than it did before. She attended the first annual Tribute to the Columbia River on Friday, July 18th, at Clatsop Community College. The speakers talked about different aspects of the Columbia River. She hoped more people would attend next year.

Item 3(b): Councilor Mellin reported that Steven Tokarski invited her to talk to his oral history class at Upward Bound about living in Astoria during the 1950s.

Item 3(c): Councilor Warr reported that he attended the Northwest Area Commission on Transportation meeting in Banks, Oregon about ten days earlier. Even though Astoria was not honored this year with a grant from the Connect Oregon program, the region did extremely well given the total funds available in the State. The State gave a presentation on possible future issues with earthquakes, tsunamis, mudslides, and tides.

Item 3(d): Councilor Herzig noted that at the last City Council meeting, he said the City should pick up the tab for the Senior Center's utilities for a year because they were losing membership and revenue due to being displaced. He clarified that the utilities should not be paid for out of the Parks and Recreation budget, as the Department is struggling to do so much with the funds they have. The situation

with the Senior Center also affects the Parks Department because they are planning to expand. He still believed the City should pay the utilities for the next year since the Senior Center is being displaced through no fault of their own. He thanked the Parks Department for sharing space for an additional year while trying to expand so many programs. He reported that a self-guided studio tour of 35 artists in 23 locations was scheduled for July 26th and 27th from 10:00 am to 4:00 pm. Brochures for the event can be picked up at any downtown art gallery. The Column is hosting an arts festival on July 26th. Councilor LaMear will be at the festival with a book she wrote. The Column has been added as a destination on the studio tour. He reported that the fire department would host an open house on August 2nd. He thanked the citizens who have faithfully attended City Council and other commission meetings. Sitting in uncomfortable seats takes a lot of time and energy, but he values the citizen's input and dedication. Whether the comments are complimentary or critical, he believes it is great that the community cared enough about Astoria to challenge the City at times. The City should be proud of its citizens who give so much of their time to participate in democracy.

Item 3(e): Mayor Van Dusen reported that he and Councilor LaMear joined the Hospital Board at the landfill closure, where the new athletic facility will be located. The City was legally mandated to close the landfill. The landfill could have been fenced off and allowed to release methane into the air, leaving the property unusable; however, the landfill has been closed up very well, and the City will apply for an award. The property will be used by the Coast Guard and student athletes. The landfill closure event was very impressive. Turf will be rolled out on to the field on Monday, July 28th, and locker rooms have been built. This is a tremendous reuse of a beautiful piece of property that will be environmentally protected. He is proud of the community for closing the landfill in such a way that many people can enjoy the property for years to come.

CHANGES TO AGENDA: Councilor Herzig requested the addition of Regular Agenda Item 6(e): Proposed Amendment to the City Charter.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 6/16/14
- 5(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 6/24/14
- 5(c) Fee Agreement with Propel Insurance (Finance)**

Councilor Warr requested Item 5(c): Fee Agreement with Propel Insurance be removed for further discussion.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig, to approve Items 5(a) and 5(b) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 5(c): Fee Agreement with Propel Insurance (Finance)

Councilor Warr asked for an explanation of the fee agreement. It appears as if City County Insurance Services (CCIS) reduced the City's fees by enough to pay the contract with Propel Insurance and the City's agreement allows CCIS to give Propel commissions for services. It appears as if the City is paying \$12,000 per year to have Propel act in the best interest of the City while CCIS is also paying Propel to act in their best interest, which may not be in the City's best interest.

City Manager Pro Tem Estes explained that the City has worked with Propel and their representative for many years. In the past, the City was not encouraged to take on additional insurance above what was needed. While the contract does include that provision, the City does not believe the provision has been forced, or that additional funds have been taken as a commission from CCIS. He confirmed for Councilor Warr that he believed the insurance company was acting ethically with the City. Propel has been great to

work with and their representative, Scott Farmer, has developed a great working relationship with the City over the years.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Item 5(c) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Authorization to Amend Contract for Sale of Excess City Property (Public Works)

At their August 5, 2013 meeting, the City Council authorized award of a contract to Area Properties for the sale of excess City Property. The contract included a commission of 6% of the sale price and there was to be no commission paid until the property closed. All marketing, advertising, web presence and signage were to be paid for by Area Properties. It was later determined that the 6% commission would not cover the cost of Area Properties' expenses on some of the properties. In discussions with Area Properties relating to their costs, the City's Special Project Consultant agreed to a \$1,000 minimum commission on each property sold. As stated at the July 7, 2014 City Council meeting, a contract amendment would be brought to the July 21, 2014 Council meeting. It is recommended that the City Council authorize an amendment to Section 2.A Compensation of the contract with Area Properties to read: "The City agrees to pay Consultant an amount not to exceed 6% of the sales price or a *minimum of \$1,000 per property sold* for performance of those services provided herein."

Councilor Warr believed staff and the consultant authorized the \$1,000 payment without City Council knowledge or consent. While he intended to vote in favor of the amendment, he did not want to see something like this happen again in the future. This is not a good way for the City to conduct business.

Councilor Herzig agreed. He was concerned about setting precedence. Mike Morgan was employed by the City as staff. He negotiated the contract revision to say that City staff, without prior approval, could renegotiate a contract. City Council then feels obligated to honor the revision which sets a terrible precedent. He did not see how this could be allowed.

Councilor Mellin said this was a mistake; however, Area Properties is a reputable company that has consistently offered free assistance to the Women's Resource Center. Area Properties has contributed to the community and should be given the benefit of the doubt, as they are not making much money on the sales of the City's properties. She was in favor of the amendment.

Mayor Van Dusen asked how much more money the amendment would cost the City. Director Cook said he did not have that information with him, but so far, the total commission paid including the \$1,000 minimum was \$13,000.

Mayor Van Dusen asked how many times the minimum payment was paid. He wanted to keep what staff has done for the community in perspective. Millions of dollars in grants have been received because staff negotiated for the City. These grant funds have provided for projects like the 17th Street Dock, both bridges, City Hall, the public safety building, and the fire truck. The community is proud of the grants and takes credit for them. Then, a mistake was made, which cost the City less than \$13,000. People make mistakes and the City's integrity is involved. When the City goes to the Department of Environmental Quality (DEQ) to say it will close the landfill, the City closes the landfill. When the City says it will pay a \$1,000 minimum, the City pays the minimum. How much is the City's integrity worth? The citizens of Astoria do not want a City Council that fails to follow through. He believed it was important to support City staff on this issue. The community is proud of the money that staff brings in to make Astoria a better place and this was just a mistake. The mistake was not intentional.

Councilor Herzig responded to comments about integrity by reminding that Councilors took an oath of office that includes some fiduciary responsibility. He honored Mayor Van Dusen's sense of integrity and

his call to honor staff's agreement with a private consultant; however, he believed the integrity was misplaced because the amendment would betray City Council's fiduciary responsibility. City Council cannot give City money away just because a member of staff signed a contract, and then changed his or her mind. As much as Council would like to honor staff, the money is going to Area Properties, not staff. The City must not allow a consultant to say they want more money after the fact. If Area Properties wanted more money, they should have worked harder to sell the properties for more money.

City Council Action: Motion made by Mayor Van Dusen, seconded by Councilor Mellin to authorize an amendment to Section 2.A. Compensation of the contract with Area Properties to read: "The City agrees to pay Consultant an amount not to exceed 6% of the sales price or a *minimum of \$1,000 per property sold* for performance of those services provided herein." Motion carried 4 - 1. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Item 6(b): Award Construction Contract for Astoria Headworks Hydroelectric Project (Public Works)

The Astoria Headworks Hydroelectric Project will be constructed within the City's existing municipal water system. A hydroelectric turbine will use up to six cubic feet per second of water for hydroelectric generation and will provide up to 30 kilowatts of power. The power will be used for Headworks operations and any excess power will be fed back into the Pacific Power grid and sold to Pacific Power. After the water passes through the turbine, the water will continue to the City of Astoria's existing water supply system for distribution for municipal use.

On June 2, 2014, the City Council authorized staff to solicit bids for the project. The following competitive bids were received:

Contractor	Total Bid
PCR Inc.	\$348,400.00
Big River Construction	\$375,375.00
James W. Fowler	\$458,750.00

The Engineer's Estimate prepared for the project was \$400,000 with a 10% Contingency. Funding for the project will come from the following grant sources:

Funding Source	Amount
Infrastructure Finance Authority	\$ 87,600.00
Pacific Corp Blue Sky Grant	\$169,000.00
Energy Trust of Oregon	\$143,000.00
Total Funding Available	\$399,600.00

Assembly and manufacturing of the vault and the turbine could take up to three months. Installation of the vault and turbine is anticipated to take approximately one month. Interconnection and testing will be carried out thereafter, and the project should be complete and operational by the end of January, 2015. This is consistent with the deadlines agreed upon by the funding agencies. It is recommended that Council authorize award of a construction contract to PCR Incorporated in the amount of \$348,400.00 for the Astoria Headworks Hydroelectric Project.

Councilor Herzig confirmed that completion by January 2015 was required by the funding agencies. City Engineer Harrington said the City would have time to test the facility to make sure it was operational.

Councilor Herzig said with regard to the Senior Center, the City has been told this was the wrong time of year to receive bids because the bids are inflated. He assumed that the City had to proceed with getting bids for this project because it was on a fixed timeline. Director Cook disagreed that it was the wrong time

of year to receive bids for hydroelectric projects. The industry is not the same as the Senior Center restoration project.

City Manager Pro Tem Estes confirmed that the total project with the contingency added is \$383,240, adding that the City had a \$400,000 grant to fund the project.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize award of a construction contract to PCR Incorporated in the amount of \$348,400.00 for the Astoria Headworks Hydroelectric Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(c): Resolution Setting a Public Hearing for the Vacation of the 23rd & 26th Streets Rights-of-Way (Public Works)

The City has received a request from Columbia Memorial Hospital (CMH) for the vacation of 11,453 square feet of 23rd and 25th Streets rights-of-way adjacent to their property located at 2255 Exchange Street. CMH would like to use the 23rd and 25th Streets rights-of-way to construct a parking lot for the Hospital. City staff has reviewed the applications and is in support of the CMH's request, with the following conditions: The proposed vacation will need to include an easement/provision for existing City/Franchise utilities and future utilities. Due to the public benefit that will be provided by the vacation, an assessment does not appear to be applicable for this proposal. The applicant will be responsible for actual costs for processing the request. It is recommended that the Astoria City Council adopt the resolution of intent to hold a public hearing on August 4, 2014 concerning the proposed vacation of 23rd and 25th Streets rights-of-way.

City Manager Pro Tem Estes showed a map indicating the area to be vacated.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to adopt the resolution of intent to hold a public hearing on August 4, 2014 concerning the proposed vacation of 23rd and 25th Streets rights-of-way. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig asked if a conflict of interest existed as Mayor Van Dusen and Councilor LaMear are on the Hospital Board.

Mayor Van Dusen and Councilor LaMear clarified that they were not on the Hospital's Board of Directors. They were only invited to sit with the board members. Mayor Van Dusen explained that he is a member of the committee that monitors the hospital's rating, and for more than 30 years, the City has allowed the hospital to borrow money if the hospital has a committee with the authority to monitor their rating.

Councilor Herzig apologized for the misunderstanding and explained that he misunderstood Mayor Van Dusen's comment that he and Councilor LaMear were invited to "join the board" which meant join the board at an event.

Item 6(d): Resolution to Become an Official Healthy Eating Active Living (HEAL) City (Parks)

The Parks and Recreation Department, with support of the Clatsop County Department of Public Health, is looking to join the Healthy Living Active Living (HEAL) Campaign. The HEAL Cities Campaign is based on the premise that cities play an important role in public health in the way they are designed and the kinds of programs offered to residents. The League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the Healthy Eating Active Living (HEAL) Cities Campaign in 2012. HEAL Cities is a campaign working to implement policy which could shape the environment in which employees, residents and businesses make decisions about nutrition and physical activity. Within these cities, healthy and fit environments will allow residents to make the healthy choice, the easy choice.

The HEAL Cities Campaign does not require the City of Astoria or the Parks and Recreation Department to adopt any additional mandates nor does it require any additional funding; however, it does provide suggested policies, tools, resources, and possible granting opportunities to guide Astoria's businesses and residents in health and well-being. To assist in data collection, provide necessary resources, and reduce the impact to the Parks and Recreation Department, the Clatsop County Department of Public Health will provide an AmeriCorps VISTA dedicated to work on the HEAL Cities Campaign. It is recommended that City Council approve this resolution implementing the Healthy Eating Active Living (HEAL) Campaign.

Mayor Van Dusen noted this was Director Cosby's idea. Director Cosby said she believed the campaign would be a great resource for the City. The program offers several grant opportunities.

Councilor Mellin said the program was started by Kaiser, which Astoria does not have. Employers must consider insurance costs and good health means lower insurance costs. People in the community are encouraged to adopt healthier lifestyles. Many cities have joined the program because it is important for everyone to look after their health.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to approve the resolution implementing the Healthy Eating Active Living (HEAL) Campaign. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(e): Proposed Amendment to the City Charter

This item was added to the agenda by Councilor Herzig during discussion of Item 4: Changes to the Agenda.

Councilor Herzig stated that any amendments to the City Charter needed to be approved by the voters. His proposed amendment would have to be published by August 15, 2014 and would be added to the November 2014 ballot by September 15, 2014. He proposed the addition of the following sentence to Chapter 5: Powers and Duties of Officer, Section 5.1: Mayor of the City Charter: "The Mayor shall appoint with the advice and consent of the Council." This would allow City Council to advise on future appointments to City commissions. He believed this resource would be an asset to the future Mayor. No one could replace Mayor Van Dusen's knowledge of the community and his connections to people, so he believed having the Council advise the Mayor on commission appointments was a good idea. He asked if City Attorney Henningsgaard could present wording at a City Council meeting in August 2014.

Councilor LaMear suggested the City contact the League of Oregon Cities to find out how appointments are made throughout the state in other cities. She believed the City should find out how effective other approaches have been, as she anticipated problems with trying to get Council's consent every time an appointment was made. A 15-member library steering committee was recently established and Council could spend a lot of time approving all 15 members. The Mayor takes suggestions from City Council and the public.

Councilor Warr believed finding people to serve on the many committees is a difficult situation. The Mayor works extremely hard at keeping the positions filled. Adding the possibility of opposition by one or two members of Council, dragging the process on, is unnecessary. He believed the Mayor was perfectly capable of making appointments, whoever the Mayor happens to be.

Mayor Van Dusen said he was curious to know how long the Charter has included the duty of the Mayor to appoint committee members.

Councilor Mellin believed the City elects a Mayor to make such decisions. Mayor Van Dusen always asks community members and Councilors for advice on who to appoint and she hoped subsequent Mayors would do the same. She did not believe a change in the Charter was necessary.

Councilor Herzig believed the voters should be allowed to weigh in on this issue. He did not believe this was up to City Council. People have talked to him about this and he has never personally been consulted by the Mayor about who to appoint to a commission. He wanted City Attorney Henningsgaard to present wording at the August 4, 2014 City Council meeting. In the meantime, the City can do some research with the League of Oregon Cities to find out how other cities make appointments. This would allow for a prepared discussion at the first City Council meeting in August.

City Council Action: Motion by Councilor Herzig to direct staff to conduct research with the League of Oregon Cities on how other cities appoint commission members and for City Attorney Henningsgaard to develop wording that reflects his proposed amendment to the City Charter for discussion at the first City Council meeting in August. Motion died for lack of a second.

Councilor Herzig said he hoped people would remember this in November.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Mayor Van Dusen asked if Irving Avenue would be closed at 18th Street until the new bridge is completed. Director Cook answered yes; the contractor will begin work the week of August 18, 2014. All of the washed out material that is part of the project will be replaced. An abutment will be built in the area as part of the bridge project. This is why the City has not refilled the material, but has kept it open. The project is allowed to take up to 16 months, but he believed it would be complete and Irving would be open in 10 to 12 months.

Mayor Van Dusen said he lives at 23rd and Irving. From 22nd and Irving to the east, a portion of Irving has a lot of trees that lean toward the street. If the trees are blown down, emergency vehicles would not be able to get to homes on Irving. He did not want to clear-cut the urban forest, but many of the trees fall each year. Double access makes the situation less critical than it could be over the winter. He asked if staff could look into this. Director Cook said the City's forester could review the area and an arborist could give an opinion on the safety of the trees. Staff could bring a plan to City Council.

Sue Skinner, 511 Jerome, Astoria, said she guessed there would not be any trees in the HEAL City. She wanted to know what action had been taken about the use of Casoron and other herbicides on City property. She also wanted a list of the pesticides and herbicides being used on City property. She requested signs be posted in areas that have been treated that indicate which herbicides and pesticides are being used. Director Cosby stated that the Parks Department began using Casoron two months ago. The City had not used Casoron for the past few years, but prior to about three or four years ago, it was used for decades. Over the past three years, the City has seen weeds greatly increase in some of the parks. The weeds are beginning to take over and something needs to be done about this. The Parks Department has been confronted with the challenge of meeting the community's request and demand to have green grass or a weed-free roundabout. Casoron 4G has been used cautiously only at the roundabout to help control weeds and it is not being used at any other park site. Since the last City Council meeting, she conducted some research on some of the concerns voiced at that meeting. She believed there might have been some confusion with other herbicides and pesticides that are used. A harsher dose of Casoron, called Atrazine, has been banned in many other places, but not in the United States. Atrazine is the second most commonly used product in the United States. She printed informational documents on the chemicals and offered to share them. This issue has been added to the Parks Board agenda for the next meeting on Wednesday, July 23, 2014. The Parks Department has asked the Parks Board to give them guidance on the issue.

Ms. Skinner said Casoron was used in Europe and was banned by the European Union in 2011. Casoron should not be used anywhere, especially near water, because it is very dangerous. She understood that no other herbicides or pesticides were being used anywhere else in the City. Director Cosby clarified the only location these chemicals were being used by the Parks Department was at the roundabout. Director Cook added that the Public Works Department uses a product similar to Roundup that has been approved for use near bodies of water. It is used to maintain the trolley tracks. The chemical is called Rodeo. No

pesticides or insecticides are used. Director Cosby indicated to Ms. Skinner that the City did not have plans to use Casoron in any other locations.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he felt compelled to speak out as a citizen. City Council voted for integrity in the opposite direction that it should have. A contract was made with a strong company. Area Properties has been around for a long time and they know what they are doing. They knew when they signed the contract that it meant something. Area Properties also knew who they were dealing with when signing the contract. The company was not dealing with a shadowy figure that is a nebulous employee of the City. All of the Council members are aware of the proper move. It does not seem appropriate that City Council believes a contract should be changed because of what an employee did. City Council decides what the contract should be and Council should stick with that. There was only one Councilor who was correct on this issue tonight. He was sorry to have to say this because he knew the Mayor will only have a few more meetings. He was not accusing anyone at the dais of wrongdoing. He understood the Councilors were all good people that were trying to represent the town and do a good job. There is nothing illegitimate about what City Council has been doing; however, when City Council does not do things right, it hurts the City. City Council has set a precedent that says contracts signed by the City do not mean anything. This is a terrible precedent. The City should pay attention to the pesticide issue because the companies that sell the pesticides have adequately tested only a few of the chemicals. The glyphosates in Rodeo are the only ingredients tested; the carrier chemicals and other ingredients are not tested. The inactive ingredients are often the most toxic and make up 90 percent or more of the herbicide. In the Gulf of Mexico, the chemicals used to clean up the spilled oil did more damage than the oil. The ingredients that never get tested, because they are not really the product, are the chemicals the City needs to start watching out for. He understood the issue was complicated and staff members cannot all become organic chemists; however, staff can use common sense and minimize use of the chemical techniques. These chemicals are expensive and support companies that the City should not want to support. The City could employ a lot of people to do mechanical weeding. The mechanical weeding done on the brush in Alderbrook is really impressive. He thanked those who did the weeding.

George McCartin, 490 Franklin Avenue, Astoria, thanked Mr. Farrar for his statements on the contract with Area Properties. He was pleased to see that the turbine was connected to the water system and that the alternative energy project would not cost the people anything. He thanked staff for working so hard to obtain the financing. After hearing Councilor Herzig's comments about the Senior Center's utility bills, he believed adding solar panels to the improvements being made to the Senior Center would provide long-term electrical savings. On January 13, 2014, he asked if any action would be taken under the Derelict Building Code on the Waldorf Hotel. He was informed that the City anticipated action would begin on April 13, 2014, but as far as he knew, this has not occurred. He believed it was time to move forward on this issue.

Item 7(a): Change First Meeting Date in September, 2014 (City Council)

Astoria City Hall will be closed on Monday, September 1, 2014, due to the Labor Day holiday; therefore, the first Council meeting in September will need to be changed. Past practice has been to hold the Council meeting on the following day, which in this case will be Tuesday, September 2, 2014.

Discussion of this item was postponed to the City Council meeting on August 4, 2014.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 pm.

APPROVED:



City Manager Pro Tem
Community Development Director