

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

Councilors Present: Brownson, Rocka, Herman, Hilton, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Dart-Mclean, Community Development Director Leatherman, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, City Engineer Crater, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, Inc.

PRESENTATIONS

Item 3(a): Water System Master Plan Update

Director Harrington said the State required this master plan update every 20 years. The updates identify the various features of the water system, capacity, future demands, water rights, the distribution system, and storage. This update would also include a water model analysis that will identify inadequate piping.

Katie Moshman Project Engineer, HGR Consulting, briefly introduced her team. She gave a PowerPoint presentation on the Oregon Health Authority (OHA) requirements, a description of the water and distribution systems, existing conditions, anticipated demands, and recommendation projects.

Director Harrington added that good geographical information system (GIS) data was very important for the modeling. Astoria has one person on staff that does this work. Hiring a consultant would be quite expensive. He also noted that Astoria has done very minimal rate increases over the years, but staff will have to develop a strategy to fund the necessary work. A rate study would be done to ensure industrial users were paying a fair share. A system development charge (SDC) study would also be done. Both studies would inform an overall water and sewer rate strategy.

Councilor Rocka asked if a 20 percent rate increase would apply just to the water rate or both water and sewer. Director Harrington explained that rate increases to fund the water system projects would just apply to the water rates, and if the City had a sewer master plan, the plan could include recommendations to raise the sewer rates. A 20 percent increase in water rates would equal about \$6.00 a month for the average household water user.

Councilor Rocka confirmed that Director Harrington was referring to seafood processing when he spoke about water usage at the Port.

Councilor Herman understood there was less water available to fight fires in the west end of town. Director Harrington responded that the model indicated the older pipes have less capacity. Some structures have fire suppression systems and the Fire Department has techniques for dealing with decreased water flow, although, the situation was not ideal and the Fire Department would be happy to have more water coming out of those hydrants.

Chief Crutchfield confirmed he had spoken to Director Harrington about the issue in the past. If there was a fire so large that the hydrant system was not adequate, the Fire Department would request rural tankers drive water to the site.

Councilor Rocka stated residents are only billed every other month, but the figures cited were per month.

Councilor Herman asked how long the CSO surcharge would be billed. Director Harrington said it would be quite a while and noted the City had not yet taken out the next loan. City Manager Estes added that Staff was working on methodologies to reduce the CSO surcharge.

Mayor Jones asked for details on the low pressure issues in Emerald Heights. Director Harrington stated the master plan recommended a booster pump. The tanks were placed at a high elevation because the infrastructure is a gravity fed system. Engineer Crater added that the East Astoria water line was completed in the late 1990s; however, some older lines still come off that line through Emerald Heights. Additionally, there are several private hydrants in that area which the City does not maintain.

Mayor Jones asked if all of the high priority projects would be completed at once. Director Harrington clarified that those projects would be completed in phases. Staff was already working with the Infrastructure Finance Authority (IFA) to prepare for any stimulus money that might be made available. Staff also needs to be prepared to move forward with a low interest loan. Staff would identify one capacity project and one resiliency project, because each type of project requires separate funding resources. All of these projects will be very complex. He explained that before this draft of the master plan updates would be finalized, Staff would continue to take comments from the Council, the public, stakeholders, and the State. In about a month, the final plan would be presented to the Council for adoption. Over the summer, Staff would like to schedule a work session with the Council to discuss a funding strategy.

Councilor Brownson said the projects needed to be done. The City is lucky that the system has held up as well as it has. He asked what could happen if the City were unable to turn off one of the water valves at the reservoir. Director Harrington said a larger part of the neighborhood would have to be shut down. More valves make it easier to do repairs and give Staff more control over the system. However, new valves and new lines will not need repairs.

City Manager Estes noted that providing adequate water was an economic development priority for business expansion and development, and a priority for residential infill projects. Astoria's large employers have been included in this plan update as stakeholders.

Melanie Olson, Business Oregon, stated her organization wanted to support Astoria's efforts to provide safe drinking water to businesses and residents. They were looking at funding strategies and she hoped they could help the City obtain stimulus money that might be made available. Other funds are available for these types of projects as well.

Councilor Brownson asked if stimulus money would be federal or state funding. He also wanted to know if Business Oregon had more funding coming from the State than they had in the past.

Ms. Olson said the stimulus money would be federal funds, which she expected to flow through existing programs. Business Oregon is helping partners apply for those funds, if they become available. She could not speak to State funding. Revenues were down and she did not know what future revenues would be. Business Oregon has revolving loan funds, which are managed to make sure funds were available going forward. However, they also rely on recapitalization from the legislature to award grants and subsidized interest rates.

PROCLAMATION

Item 4(a): National Future Farmers of America Week

Mayor Jones read the proclamation declaring February 20-27, 2021 as Future Farmers of America (FFA) Week in Astoria.

Olivia Rickenbach said the FFA focused on personal growth and growth in the community. Through FFA, she had begun helping people and accepting public speaking invitations. She had also learned more about how to achieve her goals for the future. As an FFA reporter, she reports to the community about what FFA is doing. Each FFA members tries to be a good leader and help others as much as possible. FFA has provided many opportunities for members to serve the community. She has taken plant science and agriculture classes, and raises sheep. She has also competed in horse judging, parliamentary procedures, and marketing. She attends leadership camps and competitions that help her and the FFA chapter grow. She tries to set a good example of what an FFA member should be.

REPORTS OF COUNCILORS

Item 4(a): **Councilor Herman** reported that she participated in the City Council goal setting session, which was productive. She thanked the department heads for their presentations. She attended the annual neighborhood meeting of the Astoria Warming Center, which is required by the City. The gathering was uneventful, as no neighbors attended. The warming center has worked hard to ensure that it is a good neighbor. She attended the monthly membership meeting of the Astoria Downtown Historic District Association (ADHDA) and the League of Oregon Cities virtual round table.

Item 4(b): **Councilor Hilton** reported that he checked on his neighbors while the power was out. He thanked Public Works, City Manager Estes, Pacific Power, the Police and Fire Departments, and Asplund for assisting the community. He also met with commercial fisherman over the weekend to discuss the potential ban on gillnetting in the Columbia River.

Item 4(c): **Councilor Brownson** reported that he attended a workshop on expanding enterprise zones, which County Commissioners also attended. He also attended the ADHDA meeting. He reported a shake alert had been scheduled for March 11th.

Item 4(d): **Councilor Rocka** reported that he appreciated the goal setting session. He learned a lot from the department heads about their challenges. He also reported that while walking his dogs at Alderbrook yesterday, he saw how hard the east end of town had been impacted by the ice storm.

Item 4(e): **Mayor Jones** thanked public safety Staff and the Public Works Department. The dispatchers were very busy. He also thanked Asplund and Pacific Power for helping out. The Parks Department cleaned up all of the trees. He met with Amy Baker from Clatsop Behavioral Health to discuss the need for drop-in care and transitional housing. Those topics will be discussed at the next Homeless Solutions Taskforce meeting on March 4th from 10:00 am to 12:00 pm via Zoom.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7(a) Maritime Memorial Committee Meeting Minutes DRAFT
- 7(b) Astoria Public Library Advisory Board Meeting Draft Minutes for October 6, 2020
- 7(c) Liquor License Application from Gaetano's Market and Deli LLC doing business as Gaetano's Market and Deli located at 1004 Commercial Street for an Off-Premises Sales License

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 8(a): Second Reading and Adoption of Amendment (A19-03A) to Astoria Development Code

In December of 2019, the Astoria Planning Commission held a work session to discuss a potential City-initiated amendment to the Astoria Development Code with regard to Accessory Dwelling Unit regulations and other housing issues.

Planning Commission opened the public hearing for the proposed legislative amendment, A19-03, on July 28, 2020, reviewed the staff report, received testimony and continued the hearing to a date certain of August 25, 2020. The Planning Commission held the public hearing for A19-03 on August 25, 2020, reviewed the staff report, received testimony and continued the hearing to a date certain of September 22, 2020. At the September 22, 2020 public hearing, the Planning Commission continued the hearing to a date certain of October 6, 2020. The Planning Commission held the public hearing on October 6, 2020, reviewed the staff report, received testimony, considered options for moving forward and decided to bifurcate A19-03 into two amendments A19-03A – all of the proposed amendment EXCEPT the Group Living Facilities portion and A19-03 B – only the Group Living Facilities portion of the amendment. The Commission continued A19-03A to a

date certain of October 27, 2020. The Commission also continued A19-03B to a date certain of November 24, 2020. At the October 27, 2020 meeting, the Planning Commission considered the proposal and continued the item to a date certain of November 24, 2020. At the November 24, 2020, the Planning Commission recommended approval of the proposal as shown as highlighted text in Exhibit 20 to the staff report. The recommended text is shown in the proposed Ordinance exhibit. Council held a public hearing and first reading of the ordinance at the February 1, 2021 meeting.

It is recommended that the Council hold a second reading of the ordinance and if in agreement approve the ordinance.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to approve the ordinance amending the Astoria Development Code sections concerning accessory dwelling units and residential structure types. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Mayor Jones read the rules of appeal into the record.

Item 8(b): Resolution Clarifying Compensation Policy and Practice for Police Sergeants, Managers, and Chiefs

In October 2014, the City Council adopted a resolution establishing compensation policy and practice for police supervisors in the classification of sergeant and others in order to achieve equitable pay within the Police Department and foster career service and merit principles deemed essential to the public interest. This resolution specifically references sergeants and "police managers," however, no definition for police managers was included. To assist in the implementation of the resolution a revised resolution has been prepared which clarifies inclusion of all non-represented management/confidential positions in the Police Department to document existing policy and practice for wages and benefits provided to sergeants, the Administrative Services Manager, the Emergency Communications Manager, the Deputy Chief of Police and the Chief of Police. No changes to wages and benefits are included and this revised resolution as it is presented to clarify initial intent. It is recommended that Council adopt the updated Resolution as presented.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Brownson, to adopt the Resolution clarifying compensation policy and practice for Police Sergeants, Managers, and Chiefs. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 8(c): Authorization to Solicit Bids for the 2021 Bear Creek Harvest Project

A variable retention harvest project is proposed for 43 acres of the Bear Creek Watershed during the summer of 2021. The harvest is located on the northwestern corner of the property, and on a flat ridge to the West of Bear Creek. This project has been designed for long-term water quality, forest health, and resilience goals. The net proceeds to the Capital Improvement Fund from these forest treatments are estimated to be \$250,000 after harvest, road, and reforestation costs. It is recommended that City Council authorize staff to solicit bids for the 2021 Bear Creek Harvest Project.

Mayor Jones confirmed with Staff that the watershed was 3,700 acres, so the harvest would include a little over one percent of the total acreage. He hoped the City would get \$250,000.

Councilor Herman stated that some people might assume a harvest is a typical logging operation. However, harvests improve the health of the forest.

City Forester Hayes added that the area is almost exclusively hemlock and borders the neighboring property to the west. The diversity of species will be increased over time, so cedar will be planted and all of the existing spruce, alder, and cedar will be retained.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Hilton to authorize staff to solicit bids for the 2021 Bear Creek Harvest Project. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 8(d): Authorization to Accept Bids for the 2021 Bear Creek Pre-commercial Thinning Project

The Bear Creek Watershed includes approximately 70 acres of forest that blew down in the windstorm of 2007. These areas are now 14 years old and exceptionally dense, with close to 1,000 trees per acre. In order to improve forest health and watershed function, the City Forester has proposed a pre-commercial thinning of these areas, decreasing tree density to approximately 300 trees per acre.

It is recommended that City Council authorize the City Manager to accept bids and execute a contract for the Bear Creek Pre-Commercial Thinning.

Mayor Jones asked for the average size of the trees. He also wanted to know if they had value, and if they would be removed or just dropped and left in place.

City Forester Hayes explained that because the stand is so dense, the trees are very small, at an average of three inches in diameter and 13 to 20 feet tall. Trees this size have no value.

Director Harrington added that the density restricts the trees' growth. The trees would be dropped and left in place.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka to authorize the City Manager to accept bids and execute a contract for the Bear Creek Pre-Commercial Thinning. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 8(e): Writ of Mandamus File in Response to Appealed Historic Landmarks Commission Case AP 20-05 of EX 20-04

City Attorney Henningsgaard will outline options the City may take in response to the writ of mandamus filed by the applicants of Historic Landmarks Commission case (appealed) AP 20-05 of EX 20-04.

City Attorney Henningsgaard stated the City had been named as a defendant in the lawsuit and the Court has required the City to file an appearance by February 25th. The lawsuit is an appeal of a permit to replace windows in Mr. and Mrs. Levy's house. The Lower Columbia Preservation Society (LCPS) is a party involved in the lawsuit. The Council needs to decide whether he should file an appearance on behalf of the City, and if so, what position the City should take. He recommended the City take no position and provide information and assistance to the court.

Councilor Rocka stated the Council did not hear the case. Therefore, he believed the Council should take no position. Councilors Brownson, Hilton, and Herman agreed.

Mayor Jones called for public comments.

Rachel Jensen, P.O. Box 1334, Astoria, Executive Director, LCPS, said Astoria's unique historic character had not been preserved by accident. Astoria has had an established program for protecting historic resources for decades. The Historic Landmarks Commission (HLC) was established in 1977 and policies related to historic preservation had been included in the Comprehensive Plan since 1980. The historic properties ordinance has been on the books for nearly 30 years and provides the legal basis for regulating alterations, demolitions, and the moving of historic structures. Many repairs and minor renovations are allowed in Astoria for historic properties without HLC review. This is a case of significant alteration and the destruction of historic fabric and craftsmanship. The proposed replacement is with non-historic materials. An application for a certificate of appropriateness must be reviewed by the HLC, which includes a public notice and public hearing. The HLC's

decision can be appealed to the City Council. In the case of the Levy's application, LCPS agreed with Planner Fryer's original Staff report that recommended denial, but did not agree with HLC's findings and asked well within the allowed time for the decision to be reviewed by the City Council. The appeal fee was \$500 and LCPS was prepared to prove their assertions at the appeals hearing scheduled for January 19th. However, the applicants filed a writ of mandamus on that day, which cancelled the appeals hearing, taking the matter to Clatsop County Circuit Court. Because the City scheduled the appeal hearing after the 120 day deadline for a final land use decision, LCPS was not heard and the Council was not given the opportunity to consider the evidence. LCPS filed a motion to intervene because approving this application would violate a substantive provision of the City's land use regulations and the Comprehensive Plan. LCPS believes that the Council would have agreed that several of the historic design review criteria were not met. She asked the Council to take seriously this failure of public process. It was unfair that the applicants did not receive a decision within 120 days and it was unfair that the public participants were not given the opportunity to have the HLC's decision reviewed by the Council. She also asked that the Council actively defend the City's preservation program and uphold the historic property ordinance by instructing the City Attorney to work with LCPS in defending the land use regulations.

Doug Thompson, Chair, LCPS, said he wanted to know why the Mayor chose to hear this matter during the regular session instead of an executive session.

Mayor Jones explained that this discussion was about deciding how to direct Staff. The Council was not discussing the details of the case, so no executive session was necessary.

City Attorney Henningsgaard added that he had adequate opportunities to discuss these issues with his clients on several occasions. Additionally, the Council cannot make an official determination in an executive session.

Mr. Thompson urged the Council to think about taking no position. If the City does not participate and defend the ordinance, the City runs the risk of not being part of the solution if there are negotiations. The City of Astoria is a certified local government, which comes with responsibilities. As the defendant in this lawsuit, the City has a dog in this fight and should stand up for its preservation program by participating.

Mayor Jones stated the Council was prepared to hear the appeal when it had been scheduled.

Councilor Rocka explained that taking no position was not a rejection of LCPS. The Council heard conflicting stories of whether the windows could or could not be repaired. He supported the historic preservation ordinance but the Council did not have the chance to hear the appeal. It was difficult to take a position without knowing the facts of the case.

City Council Action: Motion made by Mayor Jones, seconded by Councilor Herman, to authorize City Attorney Henningsgaard to file an appearance, which takes no position in Levy v. City of Astoria. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

Councilor Herman thanked Councilor Hilton for checking on Alderbrook residents last week.

ADJOURNMENT

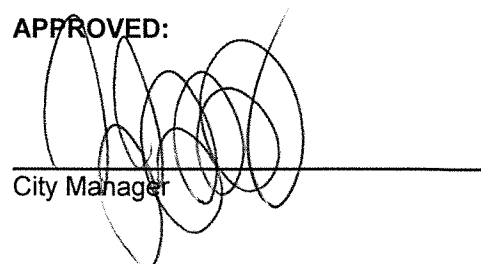
There being no further business, the meeting was adjourned at 8:44 pm.

ATTEST:



Finance Director

APPROVED:



City Manager