

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:34 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, Interim Police Chief Halverson, Special Project Manager Spalding, Fire Chief Crutchfield, Public Works Director Harrington, Assistant City Engineer Moore, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, LLC.

PRESENTATIONS

Item 3(a): 2022 Dr. Edward Harvey Historic Preservation Awards

Mayor Jones provided background information about Dr. Harvey and the historic preservation award. He presented the 2022 Dr. Edward Harvey Historic Preservation Awards, and the recipients are:

- Residential - Theodosia Woods and family, for restoring the single-family dwelling located at 644 31st Street.
- Commercial - Merwyn Apartments, for restoring and rehabilitating the building at 1067 Duane Street.
- Individual - Lucien Swerdloff. In recognition as one of the Founders of the Historic Preservation Program at Clatsop Community College, for his contributions to historic preservation, coordinating workshops throughout the community and demonstrating many of the crafts, and for his passion to educate and inspire countless students, forever impacting the overall historic character of the City of Astoria.

Julie Garver, Innovative Housing, said the best thing about working in Astoria was the Astorians. She met many residents while working on the Merwyn. It was great to see the building today versus a few years ago. City Staff persevered through some unique challenges during the restoration. She thanked John Goodenberger for assisting with the restoration as well. She noted that students from the community college helped to restore windows and the Astoria Downtown Historic District Association (ADHDA) helped obtain funding for the project. The Historic Landmarks Commission had said no to demolishing the building and she appreciated everyone who wanted to see it saved.

Lucien Swerdloff thanked the City and his students. He noted that he and his students had worked on the Customs House over the weekend and there were plenty more buildings to work on.

PROCLAMATIONS

Item 4(a): National Historic Preservation Month

Mayor Jones read the proclamation declaring May 2022 as National Historic Preservation Month in Astoria. The proclamation was presented to John Goodenberger.

Item 4(b): SBA Small Business Week

Mayor Jones read the proclamation declaring May 1-7, 2022 as Small Business Week in Astoria.

Kevin Leahy, Small Business Development Center (SBDC), said the Small Business Administration (SBA) was one of the SBDC's key funders. The funding allows the SBDC to provide free and confidential advising. The SBA was a great resource during the pandemic and the SBDC was honored that the Mayor made the proclamation.

REPORTS OF COUNCILORS

Item 5(a): Councilor Hilton had no reports.

Item 5(b): Councilor Brownson congratulated the Dr. Harvey award recipients. He reported that he held a Meet the Council event for Ward 2 to discuss interest in a south slope homeowner's association. He also attended the League of Oregon Cities (LOC) spring conference, which included a listening session on broadband, a work session on effective leadership, a tour of regional water projects, and talks on federal infrastructure funding, homeless inclusion, system development charges, property tax reform, and more.

Item 5(c): Councilor Rocka reported that he attended the City's listening session on housing development, which was very well done and very well attended. The next listening sessions would be on May 4th, one at 12:00 pm at the Barbey Center and one at 5:30 pm at the middle school. He received his second Moderna booster at the drive-in clinic at Camp Rilea. Appointments for vaccines can be made by calling the County Health Department. He attended the Budget Committee meeting and the Columbia River Estuary Study Taskforce (CREST) meetings. He reported that according to Zillow, the typical home value in the area is now \$452,000. He also spent time at Life Boat Services and interviewed some of the people who take advantage of the programs. One of the interviews would be aired on KMUN on Monday. He encouraged everyone who had never met a homeless person to listen to the interview.

Item 5(d): Councilor Herman reported that the Astoria Nordic Heritage Park was almost complete. The gateway arch, the midsummer pole, trunks representing immigrants' belongings, and the Scandinavian trolls have been installed but would remain covered in plastic until the grand opening in June. She attended Blooming Crazy Floral's ribbon cutting, which has a new owner.

Item 5(e): Mayor Jones had no reports.

CHANGES TO AGENDA

There were no changes to the agenda.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7(a) City Council Work Session Minutes of March 30, 2022
- 7(b) City Council Work Session Minutes of April 4, 2022
- 7(c) Minutes for Homelessness Solutions Task Force (HOST)
- 7(d) Liquor License Application from Scull and Sientz LLC doing business as Silver Salmon Grille located at 1105 Commercial Street for a Full On-Premises, Commercial Sales License

City Council Action: Motion made by Councilor Herman, seconded by Councilor Rocka, 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): Continuation of Public Hearing of Ordinance Amendments to City Code 6.010, 6.065, 6.070, and 6.400 to Provide Additional Provisions to Existing Abandoned Vehicle Ordinance

On March 16, 2022, Staff presented at the Council Work Session on the proposal to address the increasing number of abandoned, stored and derelict vehicles on public rights-of-way. At the April 4, 2022 City Council meeting, a public hearing was opened to obtain feedback through Council and public discussion as a means to fine tune the proposal. On April 18, 2022 Council held a second public hearing to obtain feedback through Council and public discussion where Staff provided an update on the proposed ordinance modifications related to abandoned and derelict vehicles. Staff is proposing to amend the definition of "abandoned vehicles" to include vehicles left on the right-of-way that have expired registrations or are not registered, vehicles without license plates, inoperative, and dismantled and partially dismantled vehicles. Additionally, vehicles that are stored on the street that pose an immediate danger to the public such as leaking fluids, etc. can be immediately removed. The ordinance also allows for the removal of a vehicle that simply moves a short distance to avoid towing if it meets one of the required violations.

It was noted that further legal review was necessary from City Attorney Henningsgaard as well as with some other legal professionals specializing in this area of law. Staff has also reviewed ordinance modifications adopted in other jurisdictions that have experienced similar challenges addressing these vehicles. Staff has continued to work with Attorney Henningsgaard and Attorney Chad Jacobs with Beery, Elsner & Hammond to further refine the ordinance in this complex and ever-changing area of law.

Attached to the memo is the second draft of the proposed Astoria Code ordinance modifications presented at the last meeting. This draft includes edits made through the legal review process with the Mr. Jacobs and the City Attorney. Approval of the proposed modifications to Astoria Code will provide additional tools to officers to address the increasing complaints received relating to derelict vehicles. Special Projects Manager Geoff Spalding will be presenting the most recent ordinance draft at the May 2nd Council meeting. It is recommended that the City Council continue the public hearing on this matter and hold the first reading of this amended ordinance.

City Manager Estes noted there was a typographical error in the draft ordinance, which stated it would be adopted by emergency. He clarified that Staff was not proposing an emergency adoption and the error would be corrected prior to the second reading.

Special Project Manager Spalding provided an update on the most recent version of the Codes, which was included in the Agenda packet. The only substantive change was correcting the emergency clause. The rest of the changes were minor and/or added clarification. He also explained that the intent of the Codes was to address safety and livability issues. Police would respond to calls for service, but would not go looking for these Code violations. Additionally, Police would work with individuals to resolve the issues prior to taking any other action. He noted that in the future, these Codes might need to be revised as some of the vague State laws were clarified.

Councilor Rocka asked if Uniontown could have the same exception as the downtown parking area. Parking is very limited in Uniontown and he believed faster action in the area was necessary.

Manager Spalding stated the exception was already included in the existing Code language and no changes to that exception was being proposed.

Councilor Brownson agreed there were parking issues in Uniontown.

Councilor Rocka suggested the Uniontown business district be included in the exception as part of these Code changes.

City Manager Estes requested that Staff be given time to work on that change. He explained that the Code contains a lot of details specific to the downtown core, where there is an overlay with additional regulations. If the Council wanted to include other business districts, he requested a continuance to the next meeting.

Manager Halverson added he would be concerned about unintended consequences.

Councilors Rocka and Brownson confirmed for Mayor Jones that they would be willing to move forward with the Code changes as proposed by Staff, and work on adding business districts to the exception separately in the future.

Mayor Jones called for public testimony. There was none. He closed the public hearing and called for Council discussion and deliberation.

Councilor Herman said she hoped the legislature and appellate courts would not gut the City's ordinance.

Councilor Hilton stated this ordinance was very important to the safety of the community. He hoped the issues would be remedied as quickly as possible.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Hilton, to hold the first reading of the Ordinance amending City Codes 6.010, 6.065, 6.070, and 6.400 providing additional provisions to

the existing Abandoned Vehicle Ordinance. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 8(b): Public Hearing and First Reading of the Pretreatment Ordinance

In order to formalize the City's new Industrial Pretreatment Program, an ordinance was developed to establish the foundation of the program including information about topics such as permitting, compliance, reporting, and enforcement. As discussed during the Council presentation on April 18th, the Pretreatment Ordinance has been developed over many months using the EPA template with the guidance and contribution from multiple technical experts including Dale Richwine with Richwine Environmental, our consulting attorneys with Ring Bender, City Attorney Henningsgaard, and City staff.

There are two resolutions that accompany this ordinance, but those documents will be presented at later Council meetings as separate and distinct topics: a resolution establishing waste allocations to specific fermentation beverage cluster businesses; and a resolution establishing the new sewer rate structure. It is important to note that the Pretreatment Ordinance must be adopted prior to approving any associated resolutions. The anticipated schedule has been updated to present the two resolutions at separate meetings to keep the topics clearly distinct and separate issues. It is recommended that Council hold a public hearing and consider holding a first reading of the Pretreatment Ordinance adopting requirements and procedures for the pretreatment of industrial wastewater.

Assistant City Engineer Moore gave a PowerPoint presentation on the City's development of their new Industrial Pretreatment Program, the Industrial Pretreatment Ordinance, and the City's next steps.

Jeff Ring and Tina Hein, Attorneys with Ring Bender, presented the details of the ordinance. The intent of the ordinance was to ensure that the City would remain in full compliance with State and Federal requirements.

Mayor Jones called for a recess at 8:49 pm. The meeting reconvened at 8:55 pm.

Mayor Jones opened the public hearing and called for public comments.

Jeremy Towsey French 1450 Exchange St., Astoria, founder of Reville Ciderworks, said Engineer Moore had been very helpful and referred him to an environmental consultant who identified processes to help with this issue. This ordinance had been a long time coming. Fort George, Buoy Beer, the City and consultants had committed a lot of time to understand the science and the engineering. He did not have any issues with the science and engineering because so much due diligence had been done. However, he did have significant issues with the administration and management of the program. He requested a work session with the Community Development Department to discuss his issues. No one wants the City to incur any Environmental Protection Agency (EPA) fines and he was firmly committed to doing his part and not ruin the community. However, the administration and management do not make sense. The ordinance does not read like an Astoria policy, it is not collaborative, and the Council referenced an appeal policy by name only.

Dave Kroening, Buoy Beer, 2 7th St., Astoria, said Staff continued to work very well with him. He was concerned with the unknowns about what could happen in the future and how the ordinance would play out. Some of the changes to permits that could occur might not be necessary. The City Council had approved his permits and he wanted to make sure there would be a public process if those permits needed to be changed. He also wanted to know how quickly permits would be changed and how he could participate in that process. He appreciated the need for high fines as an incentive to comply, but \$5,000 a day was not something his business could handle. No maximum penalties was scary. This was a new process and penalties could be assessed for a small infraction. He agreed the ordinance was necessary, but wanted the ordinance to make sense.

City Manager Estes responded that Buoy Beer, Fort George, and Staff had discussed changes to the permits and the ordinance had been updated to reflect that conversation.

Engineer Moore added that the breweries had expressed concerns about changes being to permits made by the Public Works Director. Staff addressed this concern by changing Section 5.4 Item A of the ordinance to state,

"Public Works Director, with City Council approval on significant changes, may modify an individual wastewater discharge permit for good cause, including..." a whole host of reasons.

Kevin Leahy said he believed this ordinance was a move in a positive direction. He met with Public Works Staff to understand the conversations and he had been very involved with the fermentation sector. Everyone wants to work together, but the issues were very complex. This ordinance looked well-written, but large and small breweries take on a lot of debt when opening or expanding and side streaming in the winter is costly.

Mayor Jones asked if Staff had spoken to Mr. Towsey French about his concerns related to the management of the program.

Engineer Moore stated Staff had not had any specific conversations about how the program would be managed.

Mr. Towsey French clarified that he was concerned that the ordinance lacked acceptance criteria and definitions for "substantial" and "significant". He believed the ordinance required the Public Works Director to make decisions subjectively and allowed the Public Works Director to delegate authority in varying degrees. An appeal could be ignored and after a period of time the decision becomes final. He wanted to know how much transparency there would be in the management process. He would share a document with Staff that outlined the specific areas of the ordinance he had concerns with.

Engineer Moore responded that while the flexibility in the ordinance may seem unclear and uncomfortable, that flexibility was key to Staff's ability to work with stakeholders to ensure their success. The City will always want the breweries to be successful. The ordinance is intended to deter someone who was not trying to be successful.

Ms. Hein added that the model contained provisions that the Department of Environmental Quality (DEQ) expected in this type of ordinance. The City's permit was up for renewal in 2023 and if DEQ is not satisfied with this voluntary program, they will require a full mandatory program which will be much more costly for the City and the users. In addition to the administrative review, if a permit holder is unhappy with the Public Works Director's decision, there is a judicial review option in Clatsop County Circuit Court.

City Manager Estes further explained that the permits were granted by the City Council and significant modifications would also be approved by the City Council.

Ms. Hein said that change to the ordinance was uncommon. Most pretreatment ordinances do not require City Council approval and changes are left to the Public Works Director's discretion. Staff recommended this change to accommodate the stakeholders' concerns.

Mayor Jones closed the public hearing and called for Council discussion and deliberation. Public Works Staff, consultants, and the fermentation industry had been working on this ordinance for several years. He appreciated all of the hard work. Staff would continue to communicate with stakeholders as the City moved forward with the program. The Council recognized the importance of the fermentation industry in the community and was committed to working with the industry on implementing the ordinance.

Councilor Herman said she felt comfortable proceeding with the ordinance. She appreciated all the time that Public Works Staff had given City Council to educate them over the years. She also appreciated the cooperation of the breweries, cideries, and distilleries. If the City did not include the punitive measures in the ordinance, the EPA and DEQ would tell the City how to run the program.

Councilor Brownson stated the ordinance allow the City to work with the breweries instead of dealing directly with the EPA and DEQ. He appreciated that the Council had to approve of the Public Works Director's decisions because a public discussion would take place. The fermentation industry has become so important to Astoria and it is the City's job to work with the industry into the future. There were a lot of ways to approach pretreatment, but he believed Staff would do well at implementing this program. He hoped Staff would have discussions with Business Oregon and other players to help breweries financially.

Councilor Rocka said he did not believe all discretion could be removed from this or any ordinance. Including the Council in decision making should be comforting. The fermentation industry would have influence on any Council

based on the good that it brings to the community. The City has been supportive all along the way and he believed that would continue with future Councils and Staff. This ordinance was necessary to avoid fines, a takeover by State agencies, and to keep the environment safe.

Councilor Hilton stated he remembered a few years ago when Alderbrook complained to City Council about the smell of beer. He had laughed and said it smelled like money. It was his job as a Councilor to protect the City and those who invest time and money in building the community. He suggested that anyone concerned about the future run for office or find someone to run for office. He supported the ordinance, but also wanted to protect the industry.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Hilton, to hold a first reading of the Pretreatment Ordinance adopting requirements and procedures for the pretreatment of industrial wastewater. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 8(c): Consideration of Salary Resolution for Negotiated Contract and Resolution: Calculation Error Correction

On April 18, 2022 the City Council adopted a resolution which included negotiated increases for the new contract between the City of Astoria and the International Association of Firefighters – Local 696. Effective July 1, 2021 and paid retroactively, 3% wage increases will be applied to the pay tables for each of the three contract years. After the adoption a calculation error was discovered. This error has been corrected and the revised salary resolution is presented for consideration.

It is recommended that Council adopt the corrected Salary Resolution as presented.

City Council Action: Motion made by Councilor Hilton, seconded by Councilor Herman to adopt the corrected Salary Resolution. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 8(d): Review of City Council Goals 2021-2023

Following the City Council's decision to no longer pursue a public private partnership for workforce housing at Heritage Square, Mayor Jones has asked the City Council Goals for 2021-2023 be brought back to Council for dialogue and consideration. At the April 18, 2022 City Council meeting, the Council discussed changes to several goals. The revised goal language is attached. The Council can discuss the goal language further and if in concurrence adopt the City Council goals, as revised.

Mayor Jones said the major change was made to the housing goal. Language referring to Heritage Square had been removed. City Council had decided to focus on increased density and support affordable housing projects. He called for public comments. There were none.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson to adopt the 2021-2023 City Council Goal as revised. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 8(e): Authorization to Award Contract – 2022 Timber Sale (Salmonberry Harvest)

On March 21, 2022, City Council authorized staff to solicit bids for a proposed thinning project with group selection for approximately 66 acres of the Bear Creek Watershed during the summer of 2022. The harvest is located on Spur 12, between patch cuts that were conducted approximately 15 years ago. This project has been designed for long-term water quality, forest health, and resilience goals.

The City received bids from Hampton Tree Farms LLC and Sierra Pacific Industries. Sierra Pacific Industries' bid is the highest and is considered fair and reasonable. The estimated revenue is \$311,350.98 after

subtracting an approximate credit of \$75,000.00 for roadwork. City staff is recommending that City Council authorize the award of the 2022 Timber Sale (Salmonberry Harvest) to Sierra Pacific Industries.

Mayor Jones said the City was fortunate to own the watershed. The City is able to harvest a small percentage of the watershed every year to keep it healthy, get revenue, and support local logging jobs.

Councilor Brownson asked if the City had done business with Sierra Pacific before.

Ben responded that Sierra Pacific was a vertically integrated family owned company based in California, with sawmills in Aberdeen and Shelton. The City had not done business with the company before, but most local landowners have. The company is very familiar with timber sales and thinning sales.

Director Harrington added that the City was fortunate to have multiple bidders because the competition led to higher revenue generation on this project.

Councilor Rocka appreciated how specific the requirements were. The requirements protect the watershed.

Mayor Jones called for public comments. There none.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Hilton, to authorize the award of the 2022 Timber Sale (Salmonberry Harvest) to Sierra Pacific Industries. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 8(f): Resolution to Transfer Appropriations from Contingency to Materials and Services in Promote Astoria Fund #410

The Astoria Downtown Historic Development Association (ADHDA) has requested consideration for reallocation of remaining \$11,000 budgeted for ADHDA Community Outreach Officer activities be used towards a new ADHDA website. Executive Director West has indicated current estimated costs of a new website include approximately \$20,000 for the segment which would be primarily focused on tourist related endeavors, marketing and visitor activities.

ORS 294.463(2) provides guidance for the transfer of contingency to an appropriation category within a fund that in aggregate during a fiscal year or budget period are less than 15% of the original adopted budget, when authorized by resolution of the governing body.

At the time the Promote Astoria Fund budget was prepared a request for additional resources was not anticipated to assist with a website upgrade for Astoria Downtown Historic District Association (ADHDA) which would be focused on tourist related endeavors, marketing and visitor activities. ADHDA has requested consideration to utilize remaining funds of \$11,000 which were budgeted for Community Outreach Officer activities to be utilized toward the website upgrade. ADHDA has had a vacancy in the Community Outreach Officer position since the first of the year and will be recruiting in anticipation of having a new officer on board by July 1, 2022. The remaining \$9,000 would require a transfer from contingency to materials and services within the Promote Astoria Fund. A transfer in the amount of \$9,000 represents less than 1% of the Promote Astoria Fund appropriations. A resolution is attached for consideration and approval. Should Council approve the resolution, the Finance Department will return to Council with a revised contract with ADHDA to add the tourism marketing website.

Councilor Herman said she understood this transfer would not provide additional funding to the ADHDA. The money would just be used for a different purpose.

City Manager Estes clarified that the City would be providing an additional \$9,000 to the ADHDA.

Councilor Brownson said he was concerned about the community outreach officer position. It had been difficult to keep the position filled, which had resulted in leftover funds. He asked what was being done to address the revenue that came from the parking citations.

City Manager Estes responded that the amount allocated for the community outreach officer salary was increased in an effort to fill the position.

Jessamyn West, Executive Director, ADHDA, added that it had been difficult to keep a dedicated individual in that position and to hire someone at minimum wage with no benefits. The ADHDA appreciates this conversation. It was time consuming for the ADHDA to oversee this and frustrating for those dealing with parking violations downtown. The ADHDA believed this salary increase would help tremendously.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Brownson, to approve the Resolution transferring appropriations from Contingency to Materials and Services in Promote Astoria Fund #410. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.


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

Kathy Kleczek Northwest Transportation Options at Sunset Empire Transportation District, invited everyone to attend an interactive webinar on Thursday at 10:00 am to discuss electric vehicle charging and hear a presentation on the electric highway on the coast. The link to the webinar could be found on the North Coast Tourism Management Network Facebook page.

ADJOURNMENT

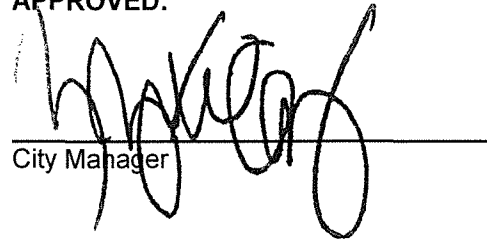
There being no further business, the meeting was adjourned at 9:45 pm.

ATTEST:



Finance Director

APPROVED:



City Manager