

# CITY OF MOSIER

small enough to make a difference

## CITY COUNCIL MEETING

Wednesday, March 18, 2020 6:30 P.M.

### **CONFERENCE CALL / PUBLIC WELCOME TO JOIN:**

**Dial-in number: (605) 468-8892; Access code: 597572**

**Online meeting ID: mosiercityhall8**

## AGENDA

I	6:30 pm	<b>Call to Order/Roll Call – Mayor Burns</b>	
II	6:32	Agenda corrections or additions	
III	6:35 pm	<b>Business from the Audience</b> - This is for Mosier residents and anyone else to express concerns, needs, or opportunities. Please keep your comments succinct and under two minutes. You may bring in written materials for Committee and Staff to review. The Facilitator can assign the issue to a future Committee meeting, or to an appropriate Committee or staff member. Please realize that we cannot always offer a response immediately but will give the matter due consideration. We encourage the participation of all stakeholders in our community.	5 mins
IV	6:40 pm	<b>Approval of: 02/05/2020 Council Meeting Minutes</b>	5 mins
V		<b>BUSINESS</b>	
1.	6:45 pm	OPRD Large Grant Application Resolution – Nick Kraemer	10 mins
2.	6:55 pm	USDA Grant/Loan Resolution – John Grim	10 mins
3.	7:05 pm	Definition of Emergency Declaration for Council – Laura Westmeyer	10 mins
4.	7:15 pm	<b>Announcements</b>	10 mins
		<ul style="list-style-type: none"><li>- <b>Next Scheduled Council Meeting 4/1/20</b></li><li>- <b>COVID-19 Precautions</b></li><li>- <b>City employees working in shifts</b></li><li>- <b>No public meetings in Mosier until Governors meeting ban is up</b></li><li>- <b>Others?</b></li><li>-</li><li>-</li></ul>	
VI.	7:15 pm	<b>ADJOURN</b>	

## **CITY COUNCIL MEETING**

February 5, 2020 at 6:30 P.M.  
Mosier Senior Center at 500 Second Ave.  
Mosier, Oregon 97040

### **MINUTES**

**Call to order 6:30**

**Agenda additions or corrections:**

**Mayor Burns: Addition: Item number: 4.5 Read a letter from a resident**

**Colleen Coleman: add Chief Renault, Mosier Fire to speak to the Pacific Power Emergency Response.**

**City Council Attendance: Mayor Burns, Emily Reed, Charlie Cannon, Acasia Berry, Witt Anderson, Peny Wallace**

**City staff: Colleen Coleman City Manager, Laura Westmeyer City Attorney, Nick Kraemer City Planner, John Grim City Engineer, Jayme Bennett City Recorder**

**Absent excused: Lacy Gries**

**Approval of Mosier City Council Meeting Minutes from NOV 6, NOV 20, DEC 4:**

**Motion: Peny Wallace**

**Second: Emily Reed**

**All in favor, motion carries**

**Correction:**

**Acasia name spelling**

**Nick Kraemer open public hearing for land use application:**

Goes through a slide show, explains process to qualify decision makers, qualifying criteria, then we will take public testimony, starting with applicant, proponents/opponents, applicant rebuttal, ideally the council will ask questions throughout, however, in a limited manner, only if it is relevant and pressing. Then decide if new info was put forward or if we close the public hearing and move forward.

City council deliberation is helpful, if kept to criteria, then, adopt or deny. Every decision has to be adopted via ordinance - and please remember nothing good happens after 9:00 pm in a public meeting.

Qualify decision makers: review criteria for ( reference slide show)

No qualifying bias on the council.

**Public Testimony:**

Brian Barrett - I feel loaning money is a conflict - (6:42)

Laura - attorney - prior to opening the public hearing

Nick Kraemer defers to Laura Westmeyer, City Attorney

It is determined everyone is a decision maker - unbiased.

Staff report contains the relevant criteria, which you will use for your decision making process.

**Criteria for conditional use is reviewed verbally and shown on slides.**

Nick likes the design, as it is suited for a short term rental - not more permanent - ie: no garage, etc.

Acasia: how broad are the changes in the future use: do they return to council for every change?

Nick Kramer: we would follow the permitting regulations. This application is for the entire property - the site is being developed at once- every time we go back for further review or submittals, we look at this as if it was one, each time they do something new, it is all reopened for open space, parking etc.

**Characteristics of commercial property in our code are reviewed verbally and shown on slides.**

John Grim on the same slide: referencing improvements - we can require full improvements. No improvements, or a deferred development agreement, as a way to get the applicant to participate later when the city is ready to develop an area that is currently unplanned.

Additionally, negotiated via site plan review - would be partial improvement on both sidewalks.

Nick Kraemer is referencing Center Street and HWY 30 (not 3rd Ave).

Applicants made the case that most of Center street would not be developed at this time, and Most of the land will remain open space - and not be developed therefore no improvement is deemed appropriate.

Nick Kraemer: not many adverse impacts, if any - existing trees have been raised by the community therefore we raise this issue today- requiring the trees be retained could be overly burdensome to the applicant therefore could reduce the amount of green space in the area. We have limited amount of green space, and it is difficult to define the line given it is meant to be a highly developed commercial zone, not a park.

**Variance criteria reviewed verbally and on slides:**

Parking variance: 10 offsite parking spaces might be needed for the proposed use.

Proposes the parking map - which is indicative of a dedication in the public right of way eventually as it is partially in the public right of way and partially on private property.

Bryan McGeeney - only asking for 4 spaces- leaving the rest public - keeping as many spaces as there are now.

Witt Anderson: is there still a possibility for public parking facing East on the South side of 3rd Ave?

**Major variance decision making criteria reviewed verbally and on slides.**

We are only requiring 4 spaces.

Nick Kraemer: by limiting occupancy on stay meets the criteria.

Site plan review step would look closer at more tedious things - reference commercial zone standard slide.

Applicant: desire to build 4 short term rental units to accommodate tourists - a "base" like a "camp" - they have review the Transportation System Plan (TSP) - various objectives in the community and tried to look for the best use for the community. They want to consolidate the use to the most dense area to leave the center open to maximize green space in the short term, future development long term (9 tax lots total).

Mayor Burns: if we have a parking variance based on open space - do you have to keep that open in the future - Bryan McGeeney: it opens the entire approval up if we alter the open space.

Bryan McGeeney compliments Nick Kramer and his planning prowess.

Peny Wallace: Are the trees on the site plan identified by the circles?

They have preserved some trees- parking encroachment and sidewalk require the removal of the trees.

Mayor Burns: can we reconsider the parking for retention of trees.

Discussion around vegetative buffers - and mitigation

Witt: is the open space in perpetuity - or subject to future development

Bryan: we want it to remain open space in the short term.

Emily: can you move the 2 on the west side north a bit?

Mayor Burns: you're covering more than 65%

Witt Anderson: you showed 25%

Reinstate the original plat line - currently it is 2 tax lots

Treated in this application as one lot - in the future - leaving it open to subdivide and redevelop.

-

Restaurant expansion is 600 feet (outdoor covered space).

Witt Anderson: recognizes this is highly developed commercial zone - you are talking about green space and trees?

Peny Wallace: please clarify the preservation of the trees component

Charlie cannon proposes an offset of open or green space offset long term to memorialize the green space minimum requirement - of 35% for commercial  
Bryan proposes an easement onto other lots.

## **PUBLIC TESTIMONY**

Nick Kraemer: when you come up to give testimony you must testify to the criteria - you must raise an issue clearly enough people can understand what it is and make your best case tonight and any decision is subject to LUBA appeal.

Brian Barrett - 204 center across the way from the proposed development - glad I came to the meeting, now I know more, I would like to see more residential, but I know this is needed. I am glad to see the parking on 3rd- as center is narrow - I would like to know about the squirrel abatement proposal when you start construction to avoid them invading neighboring properties.

Applicant agree to address the squirrel issue.

In the early 90's I remember a history of the Oregon trail on this property somewhere - does anyone here remember that? No one does. City Recorder to review historic files in archive.

Kris Fade (1120 State Rd.)- moved here 10 years ago - really excited about this property and sees this as a benefit to the other small businesses in town as well as agro tourism.

Matt Gerlack (7410 Wagon Rd.) - I think it is important to bring more business to the community, provide more community space and also understand change is inevitable and we need to go about it best as possible and take all the stake holders into account, the kids that go to school, the people that live across the streets.

Suzie Conklin (1890 Paradise Ridge)- Owned the Wildflower cafe, built the MoCo building - nothing new happening here, that building has already been a coffee shop, then gift shop, then coffee shop, then restaurant, now we are just adding a couple cabins, we are bringing 8 more people to town, it's more amenities and it's more places to stop, everyone loves downtown most when it is active, this isn't much of a change, I think it is a great idea.

Mike Glass, I want to know what Brian Barrett means by more residential needed - We have a few small establishments to get a foothold in town. Some of the zoning laws are not in line with the way the world has changed. We have empty lots for 50 years. It would be great if we could do something with them.

Maybe commercial lots are more suited for HWY 30

## **No opponents**

## **Anyone want to say something?**

Acasia - open space open to the public?

Green space will be to open to public and ideally mingle with MoCo and Brenna's with a public fire pit etc.

Conditions: no long term principal residential. Proposed is: short term rentals 30 days or less. State laws referenced for restrictions, subject to Transient Lodging Tax (TLT).

**Reads the conditions of approval**

TLT - huge benefit to the city

Witt Anderson: Colleen said System Development Charges (SDC's) are negotiable  
John Grim will make an estimate on the SDC's based on Equivalent Residential Units (ERU's) as they apply.

Parking on Center is an issue:

Witt Anderson: it seems to me we are getting quite a bit of parking on Third, we have parallel on one side of Center Street (East).

Chief Renault requests life safety standard code is brought current in the existing building. Applicant agreed to do so.

Initially proposed as type II review, staff level only.

Witt Anderson - staff should do this - if there are some glaring questions - bring it back to council.

Brian Barrett (neighbor) requests noise ordinance be adhered to - and Nick Kraemer suggests existing city code addresses that concern already.

Consider a motion to approve with the conditions as changed (which will be included in the final document):

**Mayor Burns: reads above verbiage**

**Witt Anderson: makes a motion as stated above**

**Peny Wallace: seconds**

**All in: motion carries**

**8:47pm Closes the hearing.**

Emily Reed is super excited about this, and that the tree preservation concern was a legitimate concern, not an easy thing to go over and that the open space that is being considered for mitigation is being heavily weighted in this decision.

Mayor Burns- we still don't have a cross walk by the post office. Let's elevate this to Scot Hage for more direction.

Emily has an announcement - she would like to resign and she would like to propose Mosier Center Committee replacement be Arlene Burns and City Council president be Witt Anderson.

**Witt Anderson honored to be nominated -**

**Motion: first, second, carries.**

**Arlene on MCC:  
first, second ,carries**

Emily reads a letter:

I'd like to take a moment to share a couple of thoughts.

I'm leaving now for a few reasons. The first is that I feel really good about Mosier Center – we have a great Architect and have just hired a professional fundraiser. I also feel good about most of the Council being up to speed and know what's going on with the projects.

With the year 2020, there's been a lot of focus out there on looking back at the last decade. And most that for me has been volunteering in Mosier - 8 years on Council + the farmers market, the 100 Year celebration, the Grange, and the school. My main motivation was to build community and to make up for working in marketing (to add something tangible like the butterfly mural instead of an ad campaign for Pizza Hut). And I've learned a ton about how to get things done with small groups of people who aren't getting paid.

But I've also learned that Small Enough to Make a Difference can go both ways. There is a dynamic that I've experience several times now that is a real worry.

In a town this small, we are working with a small group of people and there's bound to be disagreements. And that's good. Sometimes you get your way and sometime you don't. But what really matters is how you disagree. People can get upset, people can talk passionately – that's all good. What isn't good is when people are not able to disagree in a constructive way. We see this on the national stage these days and it's filtered down to our little Mosier.

But several times now, when there has been a difference of opinion, people in our town have not had the ability to talk things out. Instead they have resorted to slander to discredit. This has real consequences in a town this size. And it's almost impossible to counteract.

And it's not a matter of 'just don't care what people say about you.' In a town this small it affects the future of the organizations – the school and the city. In a town this small it affects the strength of the relationships of our community – people see that kind of negativity back away from volunteering and keep their heads down. It affects the health of the people who are attacked. It has a physical effect – stress, lack of sleep, depression, suicidal thoughts. It affects careers. Family. Kids.

The studies show that being falsely accused is far more damaging than being accused of something you actually did. Truth matters.

If we want people to step up and lean in and put their free time and energy into our organizations, we can't let this kind of thing happen. Accusations and slander kill all this good we have. All the community, and connection.

# CITY OF MOSIER

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When we allow slander and accusations into the process – it becomes partisan and corrupt. And it creates a climate where the only way to safely serve on council is to go with the flow and not step up when you have a different opinion.

If we are to have a healthy city, there needs to be a way to address this.

Truth matters and right matters.

Colleen Coleman: I will miss Emily, she's been a mentor to me and I will miss her ability to listen to my perspective and give me hers, she is one of the professionals I have come across in my career that has the ability to reconsider opinions and positions.

**ADJOURN 9:04**

DRAFT



**RESOLUTION NO. 2020-01**  
**A RESOLUTION OF THE CITY OF MOSIER CITY COUNCIL**  
**APPLICATION FOR A LOCAL GOVERNMENT GRANT FROM OPRD**

IN THE MATTER OF AUTHORIZING THE CITY OF MOSIER TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR DEVELOPMENT OF THE MOSIER CENTER PLAZA AND BIKE HUB ALONG HWY 30 AT THE INTERSECTION OF MAIN AND SECOND STREETS ON BOTH SIDES OF COLUMBIA RIVER GORGE NATIONAL SCENIC HIGHWAY/HWY 30, DESIGNATING THE PROPERTY ENCOMPASSED BY THE NEW PLAZA AND PARK AS PUBLIC OPEN SPACE AND PARK AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION.

**WHEREAS**, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

**WHEREAS**, the City of Mosier desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

**WHEREAS**, the City Council and Staff have identified bike/ped trailhead, rest area and interpretive improvements at the Mosier Center Plaza and Bike Hub Site as a high priority need in the City of Mosier; and

**WHEREAS**, the Mosier Center Plaza and Bike Hub is an outdoor tourist interpretive park, bike and pedestrian trailhead connector, and welcome center that will provide amenities for visitors and locals and encourage outdoor recreation in the City of Mosier; and

**WHEREAS**, the City of Mosier has available local matching funds in the form of land value, to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

**WHEREAS**, the City of Mosier will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOSIER AS FOLLOWS:**

- Section 1: The City Council demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for development of the Mosier Center Plaza and Bike Hub on both sides of Hwy 30 in downtown Mosier at the intersections of Main, Second and Hwy 30.
- Section 2: Also, the City Council demonstrates its support for designating the property encompassed by the Mosier Center Plaza and Bike Hub as public open space and park land.
- Section 3: This Resolution shall be effective following its adoption by the City Council.

Passed by the City Council this 18th of March 2020.

ATTEST:

\_\_\_\_\_  
Mayor Arlene Burns

\_\_\_\_\_  
Jayme Bennett, City Recorder

## City of Mosier Resolution Number 2020-02

A RESOLUTION OF THE City CouncilOF THE Mosier, City of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water System

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Mosier, City of*(Public Body)*

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Seven Hundred Sixty-Three Thousand & 00/100pursuant to the provisions of ORS 287A; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*



## Emergency Declaration Definitions (for Council Consideration)

Declaring an emergency gives cities the ability to react and make adjustments to a variety of functions. It may be a determining factor for a city's eligibility to receive funding or reimbursements in the future, from either state or federal governments. It helps with coordination efforts and makes the sharing of resources easier among communities that are in states of emergencies. Here are some things that an emergency could do:

1. Authorize individuals to take action that might not otherwise be authorized. E.g. city manager to make decisions that might otherwise need to be made by action of the council. This would be limited to the actions described in the declaration, and time limited for the duration of the emergency.
2. Authorize city to suspend or waive certain policies or ordinances E.g. during an emergency where people are needing to stay in their homes, the city might want to waive the right to water shutoffs for nonpayment.
3. Establish a line of succession for city council and staff. E.g. If city manager is unable to act, the city recorder is authorized to act. If city recorder is unable to act, another position is designated.
4. Authorize the city's entering into contracts and agreements with other governments and for whatever purposes needed, when those would otherwise require competition under procurement rules, or be limited in spending authority etc.
5. Divert funds appropriated for certain purposes to meet the needs of the emergency.

Cities are authorized by statute under ORS Chapter 401 to declare emergencies. That is one of the emergency statutes that the Governor has been acting under, as well.

I'm happy to draft up an emergency declaration if you'd like to propose that to the Council, just let me know.