

1. **Call to Order/Pledge of Allegiance/Roll Call.** The Joint City/Port Meeting was called to order by Mayor Cramblett and Port President Groves at 7:00 PM. CM's Fitzpatrick (via phone), Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett were present. CM Groves was excused. Port Commissioners Cramblett, Caldwell, Mohr, and President Groves were present. Also present were City Administrator Gordon Zimmerman, Interim Port General Manager Paul Koch, City Recorder Kathy Woosley, Port Marketing Manager Holly Howell, Port Interim Economic Development Director Don Mann, City Planning Consultant Stan Foster, Port Attorney Tommy Brooks, Gyda Haight, Peter Rue, and Camera Operator Betty Rush.
2. **Additions or Amendments to the Agenda.** CA Zimmerman said he would like to add 3.d. WaNaPa Truck Length Restriction.

3. City/Port Discussion Items:

- a. **Review Role of Planning Commission Regarding Port Industrial Development.** CA Zimmerman explained that Councilors and Port Commissioners need to make sure that they don't talk to the Planning Commissioners about the plot plan for the Industrial Park.

Planning Consultant Foster said the City wants to avoid costly appeals. He encouraged all to be very circumspect with discussions among family members that may be on the Planning Commission. He said we want the Planning Commissioners to be able to make a decision. He said the City Council will need to be available to make any final decisions necessary as well.

PC Caldwell asked the names of the Planning Commissioners. CA Zimmerman named Todd Mohr, Jason Sergeant, Gyda Haight, Larry Cramblett, and Virginia Fitzpatrick. Planning Consultant Foster said that even though Todd Mohr may be a source of technical information he would advise Todd to recuse himself from the decision making when the Port's land use case comes before the Planning Commission. He said that Todd is an employee of the Port and a spouse of a Port Commissioner. He explained that he couldn't be prohibited from sitting on the Planning Commission but that there could be an appearance of impropriety and could create a problem.

PP Groves asked if a Planning Commissioner would have to just declare a conflict of interest or actually recuse themselves. Planning Consultant Foster said any conversation should be disclosed, of course, but would strongly advise Todd to recuse himself. He said it is appropriate to declare the potential conflict.

CM Walker asked how Larry Cramblett's position on the Planning Commission would differ from Todd Mohr's. Planning Consultant Foster said any discussion would have to be disclosed but Todd works for the Port and the City would want to be cautious about making any mistakes in terms of procedure. He said the process needs to be protected and would not want the Land Use Board of Appeals (LUBA) to remand any decision.

CM Walker asked if a decision could be made by the Planning Commission if three of them recused themselves because they are related to Port Commissioners and City Councilors. CM Helfrich said Todd as a Port employee and spouse of a Port Commissioner is why it is different for him. Port Attorney Brooks explained that the applicant has a right to an unbiased decision maker. He explained that Todd may, but not sure of that, benefit from the decision but with his wife as the applicant may present an

appearance of being bias. He said everyone will have to be very conscience of the conversations they are having and over disclose on ex-parte contacts.

CA Zimmerman outlined the planning process and the Planning Commission's role in that process. Port Attorney Brooks explained that if recusals result with having less than a quorum there is a doctrine of necessity. He said a decision has to be made so they could use that if necessary.

CM Walker said perception is reality for a lot of people. He said this could very well come up. He advised all to carry a notebook and write down the date and conversation if talking to a Planning Commissioner. He said just keep everything above board.

IPGM Koch asked Planning Consultant Foster to explain the negative risks. Planning Consultant Foster said if there is an appeal of the Planning Commission the decision would go to the City Council, then to LUBA if Council's decision is appealed. He said this would be at a cost of at least \$10,000. He said usually LUBA will remand the decision back to Council due to errors made in the process.

IPGM Koch asked what issues the Planning Commission may be recommending to Council for a decision. Planning Consultant Foster said if it is a zone change the final decision rests with Council. He said if it is adjustments to lot lines or something like that the Planning Commission will make the decision. He explained that there may be enough variations to the proposed Port's upcoming land use case that the Planning Commission may make a recommendation to Council with the effort of making sure that the decision is legislatively approved.

PP Groves asked if discussion of real property could be discussed in executive session. Port Attorney Brooks said the exemption is for purchasing of land and more to do with public contracting rules. He said the land use context has to be open and transparent.

PIGM Koch said there are potential special interest groups interested in what happens in Cascade Locks and asked if there are any special procedures or practices that we should follow. CA Zimmerman said the City's process has to be followed to the letter for the best protection. Planning Consultant Foster said this is the same process that is followed for everyone. He said we all want to do the right thing and is confident that these waters can be navigated. PP Groves agreed saying we want to see things happen in Cascade Locks.

b. Status of Both Jurisdictions on Infrastructure Implementation. CA Zimmerman said the City is very close to having a completed application to United States Department of Agriculture (USDA) Rural Utility Services for the funding of the Water Master Plan projects. He said as soon as the environmental review is received the City will submit the application. He said the City will then find out how much will be funded and what projects they would like to see the City complete. CA Zimmerman explained that the Council will make the decision on which projects to undertake based on the amount of funding received. He said it is possible to receive the funding in 150 days. He explained that this would make it possible to construct at least the two projects needed for industrial park development, which are the 12" water line from Herman Creek road into the industrial park and the Crystal Springs Reservoir during the construction season of 2015. He said the other projects could be staged to do later. He said this will all depend on funding.

CA Zimmerman said regarding wastewater, there is some telemetry work for communications with the lift station in the industrial park. He said it is adequate for current needs but will need to be reviewed to handle potential growth beyond what is currently expected for the industrial park. He said the current budget will have funds to replace the telemetry and the Master Wastewater Plan will outline what is necessary to repair lift stations in industrial park.

CA Zimmerman explained the electricity project is being delayed until the next fiscal year due to other projects taking precedence. He said the material is on hand and ready to install an electric distribution line which is sufficient for any projects that are being contemplated now. He said it will take four to six weeks to complete once started. He said it will be installed in plenty of time before the businesses are in.

CA Zimmerman said there is an industrial electric rate in place. He said the City is working with the Oregon Association of Water Utilities for development of a water rate and an industrial water rate. He said then the City will review the sewer rate. He said the rates should be in place by the third quarter of this year.

PP Groves asked how many megawatts of power would the lines into the industrial park provide. CA Zimmerman explained that the lines are going to be designed to provide up to 10 megawatts of power.

PC Cramblett asked for clarification that the water project for the industrial project wouldn't be started until next spring. CA Zimmerman explained that it would depend on when funding is received. He said the water projects are relatively simple to do and would not take long once started. He said it is anticipated that the project would be complete and available to the Port by the third quarter of 2015. PP Groves asked where the water would be coming from for the industrial park. CA Zimmerman explained that part of one of the projects in the Water Master Plan is to upgrade well #1 to double the capacity. He said there would be wells #1 and #2 with the development of well #3 to be determined. He said the placement of well #3 will depend on many factors to include geological, engineering and economic development.

PP Groves asked if this project is going to include the water line all the way through town. CA Zimmerman explained that it is on the list to do but again would depend on funding. He said Council will make the decision as to what projects will be done with the funding. CA Zimmerman said timing will be the question. He said Council will have to make the decisions when the options become available. PP Groves said the Port Commission has to decide what part they need to do to supply a land purchaser with the water they need. CA Zimmerman explained if the Port receives their funding first they could run the 12" line into the industrial park and that would allow the City to pay for other projects. He explained that both the City and the Port should be working as fast as they can to secure funding.

Don Mann gave the Councilors and Commissioners a list of Port approved capital expenditures for the Port Industrial Park. He explained the estimate is 1.5 – 2.5 million dollars to complete the immediate need projects. He said the second page is the staff prioritized list and are working on a list of funding options. He said it is important for the City and Port to keep each other informed as this process moves along.

CM Walker asked about flowage easements at a cost of \$20,000. Don Mann said there are two flowage easements on the port property. He said one was recorded in 1962 and

set at 90', which is a level that would be over the dam if the pool flooded. He said this makes no sense. He said the other was recorded in the 70's to a level of 82.2'. He said there are very rigid restrictions in the flowage easement areas. Don said the Port is working with the Corp with an attempt for the Port to retain the control of the flowage easement area. The Port doesn't want to sell any of the waterfront property. He said the estimate was set with the idea of possible litigation or a lot of trips to Salem, Portland, or Washington, D.C. PP Groves said the Five Port Caucus will probably take on this issue.

Don reported that Bear Mountain Forest Products is very close to a letter of intent for purchasing land for their expansion. He said there are more details to work out with the final sales agreement but anticipate finalizing the agreement late summer. He said they would like to start construction this fall. Don said he is working with Morale Orchards toward a letter of intent and working on a draft letter of intent with Heuker.

Don said the Port is continuing to negotiate with Nestlé. He reported that Hytorc just renewed their lease for another four years. He said the Port is meeting with Jackson Vanderpool to continue discussion for his property. PP Groves said the Port has an interested buyer for the property east of Jumpin' Jax Java to the post office. Holly reported that she is working with potential clients to occupy the flex building.

Mayor Cramblett said the citizens have to know that they are going to have to put into this also. He said it is going to cost the citizens some money. He said this is a big project for both the Port and the City and it is going to take money to make it happen. He said the City and Port are doing their due diligence to finance these projects.

c. The Role of the Intergovernmental Agreement. IPGM Koch said the Port and City entered into an Intergovernmental Agreement in July of 2013. He said this set the stage for serious discussions that are upon us. He said this is an agreement for the City and Port to work together to determine the cause and figure out a financial plan. He said there is still a lot of work to be done to figure out who pays, costs, reimbursements, etc. IPGM Koch said that it will be important to work together hand in glove to successfully land these new developments.

d. Truck Length Restriction on WaNaPa. CA Zimmerman said that ODOT reported that the City had requested a truck length restriction on WaNaPa. He said a search was done in archives and couldn't find any record. He said ODOT has agreed to lift the restriction if the City and Port send a letter requesting the restriction of the 65' truck length be lifted. PC Caldwell moved, seconded by PC Mohr, to lift the 65' truck length restriction on WaNaPa.

PC Mohr said since this item wasn't advertised as an action item on the agenda there may be citizens that want to speak to this. Port Attorney Brooks said it is legal and acceptable to take care of now. IPGM Koch said this is an issue that needs attention soon but the Commission is meeting next week and could be taken care of then. IPGM Koch and CA Zimmerman said they would prepare letters for both boards to review at their next meeting. PC's Caldwell and Mohr withdrew the motion and second.

- 4. Appearance of Interested Citizens to Share a Variety of Perspectives on Issues Facing Our Community.** Peter Rue said that he has lived in Cascade Locks since February and moved here from Indiana. He spoke of the development in Indiana and worried about the impacts to Cascade Locks. He asked about requirements of incoming industry for employment of Cascade Locks residents. He said truck traffic through town could have an impact on citizens in town.

PP Groves said the Port's industrial land is 77 acres. He said currently truck traffic comes into town and out the other end. He said the truck length restriction has nothing to do with truck traffic to the industrial park. He said the Port is looking at other options for a truck route. He said trying to make things happen in Cascade Locks is difficult. PP Groves said there will be a lot of restrictions put on us. He explained the difficulty of hiring local. He said there is going to be some special training programs offered to citizens if Nestlé builds in Cascade Locks. He said legally you can't say you are just going to hire Cascade Locks residents. Holly reported that a relationship is being built with Mount Hood Community College who is committed to spending time in our community offering resources to help in this area also.

CM Walker said most people that live here commute out of town for work. He said we are trying to locate family wage jobs here. He said there aren't enough kids here to support our school.

CM Randall stated that we live in the National Scenic Area and everything is a work in progress. He said there are a lot of restrictions put on us. He said we have an urban growth boundary. He said the City will never be able to go beyond the urban growth boundary. CM Randall explained the Gorge Commission's original intent to enhance communities and promote economic development. He said Cascade Locks is mindful of the environment around us and we are focusing on tourism and recreation. He said we are not pursuing anything that will be a detriment to our City.

CM Busdieker said she has lived here for seven years. She said it is really motivating to see so much progress.

Mayor Cramblett declared a recess at 8:30 PM before entering into the City's business portion of the agenda. The Port Commission left the meeting.

5. City of Cascade Locks Consent Agenda:

- a. Approval of Minutes of May 12, 2014 Council Meeting.**
- b. Ratification of the Bills in the Amount of \$ 167,833.28**
- c. Approval of Electric Department Invoice for \$11,472.22**

Mayor Cramblett reconvened the meeting at 8:36 PM. CM's Fitzpatrick (via phone), Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett were present. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Peter Rue, and Camera Operator Betty Rush. **Motion:** CM Helfrich moved, seconded by CM Randall, to approve the Consent Agenda. The motion passed unanimously by CM's Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.

6. City of Cascade Locks Action Items:

- a. Approve Resolution No. 1299 Establishing a Policy for Fire, Ambulance and Emergency Entry into Residential, Businesses, Commercial, or Industrial Structures.** CA Zimmerman explained that Sheriff English stated that the police department has their own statutes regarding entry if they need to. **Motion:** CM Busdieker moved, seconded by CM Randall, to approve Resolution No. 1299 establishing a policy for fire, ambulance and emergency entry into residential, businesses, commercial, or industrial structures.

CM Walker asked if the boxes were at a cost to the business owner. CA Zimmerman said they were. Mayor Cramblett reiterated that business owners are not required to have one.

The motion passed with CM's Fitzpatrick, Randall, Helfrich, Busdieker, and Mayor Cramblett voting in favor. CM Walker opposed stating he was against residential being included in the resolution.

b. Approve Gorge.net Assumption Agreement. CA Zimmerman reported on some editing changes to be made to the agreement as suggested by CM Busdieker. He clarified the statement regarding access to Gorge.net's books is with 10 days written notice.

Motion: CM Helfrich moved, seconded by CM Busdieker, to approve the assumption agreement with Gorge.net.

CM Busdieker wanted to clarify that the franchise fees wouldn't be paid but reinvested into the deployment of the cable. She said she wanted to clarify that Section 5. D. means survival of the agreement is perpetual. CA Zimmerman said it is. CM Busdieker wanted clarification that each waiver as stated in Section 8. J. is a waiver requested in writing for each individual time. CA Zimmerman said any waivers would be case by case.

Mayor Cramblett asked if there was any estimate as to how much employee time would be given to Gorge.net. CA Zimmerman said the City would work with Gorge.net for a year and any time after that there would be a charge for the time.

CM Helfrich said this is something that he has been working on for four years. He said it is a great opportunity for the City to divest themselves of something that is costing the rate payers money. He said it also allows for a good quality product and future fiber development into the industrial park.

CA Zimmerman said he also wanted to clarify that Gorge.net will take over the billing portion of CATV immediately as they assume broadband billing. He said Gorge.net will be sending the City a check for the CATV revenue. He said the City will continue paying the providers.

c. Preliminary Election Results. CA Zimmerman said the EMS funding measure received 138 votes in favor and 78 opposed. He said there were only 39% of the electorate that cast a ballot so the measure failed. He said he was looking for direction from the Council as to where to go from here. He said because it was a 2-1 vote in favor he hoped a similar measure could be placed on the November ballot since there isn't a requirement for 50%. There was consensus of Council to place a measure on the November ballot. CA Zimmerman said he would be bringing a resolution and ordinance to Council.

CM Fitzpatrick said he thought on the night of the election that the measure had passed and didn't realize until the next day that it hadn't. He said let's try it again and keep on going.

CM Helfrich said he attended the Nestlé sponsored BBQ. He said there was a good showing of citizens. CM Busdieker said she went to the museum. She said she was pleasantly surprised as to how much is there. She said she was really angry about the election. She said you hear people complain about their votes not counting so they don't vote. She said for all the people that didn't vote you made the votes of people that voted not count. She said she thinks that people should be participating in the things that are important to the community. CM Busdieker thanked the City and Port Staff for a good job on cleaning up town for Memorial Day weekend. She said it was exciting to see so much happening. CM Walker said he was disappointed in the voter turn-out. He said this was an important decision to make as a community. He said Cascade Locks, historically,

is high in voter turn-out. CM Walker said the Council decided to get out of the recreation business due to financial issues. He said he has received comments from citizens about being disappointed with the lack of activities for the youth. He said he would like to get a report on what is available in town for the youth and how the program is working now. CM Randall said he didn't have a lot more to add regarding the ballot measure but because of the Charter the emergency service funding would be put on the ballot again in November. He urged citizens to vote in favor of funding emergency services. He said we need it. Mayor Cramblett agreed that typically Cascade Locks is high in voter turn-out. He said when he was at the post office talking to people about the measure he found out that a lot of people weren't even aware of it. Mayor Cramblett said there are a lot of citizens in town that are working with the youth. He said he is aware of hikes, ice cream socials, and knew there was an Easter Egg Hunt. He said there are things going on. CA Zimmerman said the Port is considering hiring a person to supervise recreation for the summer to expand programs offered at the port properties. He said he would get as much information as he could for Council.

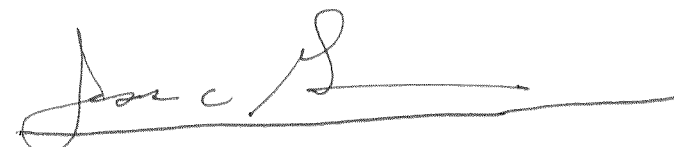
Mayor Cramblett said it was a busy weekend in town. He contributed extra vehicles stopping in town to the new businesses. CM Helfrich said Thunder Island Brewery has an artwork display on people that rode bikes across trails through the states. He said this business is also a great addition to our community.

7. **Adjournment. Motion:** CM Helfrich moved, seconded by CM Busdieker, to adjourn. The motion passed unanimously by CM's Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett. The meeting was adjourned at 9:00 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Tom Cramblett, Mayor



Jess Groves
President, Port Commission

6/19/14