

CITY OF MOSIER

small enough to make a difference

MOSIER CITY COUNCIL MEETING

April 4, 2018 at 6:30 P.M.

Mosier Senior Center at 500 Second Ave.

I	6:30pm	Call to Order (please silence or turn-off cell phones)	
II		Agenda corrections or additions	5 min
III		Business from the Audience —This is an opportunity 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 Council and Staff to review. The Mayor can assign the issue to a future Council meeting, to a Council Committee, or to staff. Please realize that council cannot offer any response immediately, but will give the matter due consideration.	10 min
IV		Approval of: 03/07/18 - City Council Meeting Minutes	
V		BUSINESS	
1.	6:45pm	Audit (pdf) & Audit Letters (hard copy) of Completion – Standard Letters Presented to Council every year - Colleen	10 min
2.	6:55 pm	Confirm Budget Committee Members and Budget Schedule	5 min
3.	7:00 pm	“If I Were Mayor” Contest Certificates – Council member Wallace and Mayor Burns	15 min
4.	7:15 pm	Proposal for Bond Counsel for USDA Water Loan/Grant Application – Foster Pepper - Colleen	10 min
5.	7:25 pm	Request for Letters of Support for Wasco SWCD for OWRD Grant for Deep Wells – Mayor Burns	10 min
6.	7:35 pm	Mayor’s Report – Recent Small Cities Mtg. and Visit from Director of DEQ	10 min
7.	7: 45 pm	Plastic Bag Ban Ordinance Final Public Reading and Passage	10 min
8.	8:00 pm	Announcements	5 min
VI	8:05 pm	Adjourn	

March 23, 2018

VIA EMAIL

Mr. John Grim
City Engineer
City of Mosier
P.O. Box 456
208 Washington Street
Mosier, OR 97040

Re: Proposal for Bond Counsel Services – USDA Loan (Water System Project)

Dear John:

I am pleased, on behalf of Foster Pepper PLLC (“Foster Pepper”), to present this proposal to provide bond counsel services to the City of Mosier, Oregon (the “City”). This letter provides a brief description of Foster Pepper, and outlines the legal services that we would expect to provide to the City as bond counsel in connection with the issuance of a water revenue bond through the United States Department of Agriculture (“USDA”) to finance water system improvements and the interim loan for the project. We at Foster Pepper would be pleased to serve the City in connection with these financings.

Foster Pepper is a professional limited liability company established in 1904 with attorneys practicing in Seattle and Spokane, Washington. Foster Pepper has been nationally recognized as bond counsel for more than 70 years. Foster Pepper attorneys have served as bond counsel, underwriter’s counsel, general counsel and special counsel to over 450 governmental agencies in Alaska, Idaho, Montana, Oregon and Washington, and has substantial experience in USDA financings.

As bond counsel to the City, we would expect to perform the following duties:

1. Advise the City concerning the legal requirements applicable to the issuance and sale of a revenue bond and the interim financing obligation.
2. Provide representation of bond counsel (in person or by phone) at all meetings held by the City during the period of issuance and sale of the proposed bond and the interim financing when appropriate and when so directed by the City.

3. Prepare the necessary proceedings, notices and other documents necessary for the authorization, issuance and sale of an interim financing obligation to a bank, and for the sale of the bond to USDA. The bond documents shall be prepared in advance of the bond issue as is required by USDA.

4. Provide such other legal guidance and assistance, supervision and consultation, conduct such proceedings and provide such opinions as may be appropriate.

5. Supervise the printing and delivery of the interim financing obligation to the bank and the bond to USDA and prepare all closing documents.

6. Assemble and examine a transcript concerning all proceedings taken in connection with the issuance and sale of the interim financing and the bond.

7. Upon completion of all proceedings and upon our determination that all such proceedings and interim financing obligation and bond are valid, provide to the City and the purchaser our legal opinion approving the validity of all proceedings for the authorization and issuance of the interim financing and bond and their delivery and stating the status of interest on such interim financing and bond under the federal tax laws.

Foster Pepper represents many political subdivisions, companies, and individuals. It is possible that during the time that we are representing the City, one or more of our present or future clients will have transactions with the City. We do not foresee that any such representation, if it occurs, will adversely affect our ability to represent the City as provided in this letter, either because such matters will be sufficiently different from the issuance of the obligations so as to make such representations not adverse to our representation of the City, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the obligations. Execution of this letter will signify the City's consent to our representation of others consistent with the circumstances described in this paragraph.

We also call to your attention that Foster Pepper occasionally represents banks that may purchase the City's debt. We would not represent a bank on matters involving the City. By signing this letter, the City waives any conflict of interest as a result of our representation of banks on unrelated matters for bond or note issues not involving the City.

Our fees would be charged on a fixed fee basis. The fee is charged when and if the interim financing and bond are issued. As compensation for performing the services set forth above, our fees would be \$3,500 for the interim financing and \$5,000 for the bond (inclusive of costs).

Mr. John Grim
March 23, 2018
Page 3

We appreciate the opportunity to assist the City with its water system project. If the agreement we propose is satisfactory, please have a copy of this letter signed and return a copy to us.

Very truly yours,

FOSTER PEPPER PLLC



Stacie Amasaki

APPROVED AND ACCEPTED on behalf of the
City of Mosier, Oregon

Name

Title

Date

From: Lamson, Karen - NRCS-CD, The Dalles, OR
To: colleen.coleman@cityofmosier.com
Cc: arlene.burns@cityofmosier.com; [Kristen McNall \(kmcnall@gmail.com\)](mailto:Kristen_McNall_(kmcnall@gmail.com))
Subject: FW: Mosier Deep Water Supply Wells project
Date: Monday, March 26, 2018 1:58:32 PM
Attachments: [LOS_CityofMosier_DeepWellsGrant2.doc](#)
[LETTER-Shilah_Mosier_Deep_Well_-_Additional_Funds_Needed_2.0.docx](#)
[2018_CEPListFinal.pdf](#)

Hi Colleen,

On behalf of Wasco Co. Soil and Water Conservation District I would like to ask about adding an item to your Agenda for the next city council meeting.

We are working on a grant application to Oregon Water Resources Department to continue work on the Mosier Deep Water Supply Wells project, which is intended to provide benefits to available water for the City of Mosier and other users in the watershed.

Arlene Burns, and Kris McNall with the Mosier Watershed Council, are familiar with and supportive of the project. We are seeking a letter of support from the City of Mosier to include with the grant application, which will be submitted in the latter half of April.

I hope there is still time to have this topic added to your agenda for the upcoming meeting. If you need additional information, I'd be happy to provide more background.

Thanks for your time!

Karen Lamson
Conservation Planner
Wasco Co. SWCD
The Dalles, OR 97058
541-296-6178 X121

From: Lamson, Karen - NRCS-CD, The Dalles, OR
Sent: Friday, March 23, 2018 4:19 PM
To: 'arlene.burns@cityofmosier.com' <arlene.burns@cityofmosier.com>
Cc: [Kristen McNall \(kmcnall@gmail.com\)](mailto:Kristen_McNall_(kmcnall@gmail.com)) <kmcnall@gmail.com>; Olson, Shilah - NRCS-CD, The Dalles, OR <shilah.olson@or.nacdnet.net>; Lamson, Karen - NRCS-CD, The Dalles, OR <karen.lamson@or.nacdnet.net>
Subject: Mosier Deep Water Supply Wells project

Hi Arlene,

Thank you for your willingness to support the Mosier Deep Water Supply Wells project, once again. I have attached a letter that was written recently by Shilah Olson, our District Manager, to OWRD, about the project's background and progress, and explaining why we are requesting more funds.

During construction of the first of the 2 deep wells we experienced challenges that were unanticipated, which resulted in additional costs. The lessons we learned from the first well will guide us in the design and construction of the second well.

We had hoped OWRD would consider an extension to the original grant, however, they are requiring us to apply for a new grant for funds that will allow us to complete the project.

I also attached a draft "letter of support" for you to use or edit as you wish.

The 3rd attachment shows the Wasco County Economic Development Commission ranking of this project for 2018.

I would be happy to provide more background information, but thought this would be a start. Please feel free to share this information with Nate from Oregon Solutions as well.

Thanks again for your time and your support!

Karen Lamson
Conservation Planner
Wasco Co. SWCD
The Dalles, OR 97058
541-296-6178 X121

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WASCO COUNTY ECONOMIC DEVELOPMENT COMMISSION

515 East Second Street The Dalles, OR 97058 ♦ 541-296-2266 ♦ www.co.wasco.or.us/businesses/index.php

2018 Wasco County Community Enhancement Projects

<i>Priority</i>	<i>Project Sponsor</i>	<i>Project</i>
1	Deschutes Rim Clinic Foundation	<u>Medical Clinic Expansion</u> Deschutes Rim Clinic Foundation has completed their feasibility study, and are moving forward with fundraising efforts to expand the health clinic in Maupin . The Clinic received \$1 million in funding from the Oregon State Legislature for the project and substantial local donations.
2	Wasco County SWCD	<u>Mosier Well Repair</u> This project seeks to repair the co-mingling wells in the area around Mosier. Study of the problem continues as local property owners allow SWCD to scope wells to identify issues. Additionally, in partnership with one of the two largest water users, the SWCD supported boring a new deep well to replace old, comingling well. However, this project came in significantly over budget and the SWCD has used most of the resources they received to address the two largest users for this first attempt.
3	City of Mosier/ Mosier Fire District	<u>Joint Fire Hall/City Hall Development</u> The City of Mosier and the Mosier Fire District areceived \$500,000 for facility as well as the land the site through their negotiations with Union Pacific Railroad. They were also successful in receiving \$500,000 from the Oregon Legislature for the project. This will provide a strong foundation for continued resource development moving forward.
4	City of Maupin/Q-Life Network	<u>Maupin Fiber Network</u> The Maupin Fiber Project will bring gigabit speed internet access to homes and residents throughout the City of Maupin in addition to supporting improved wireless access throughout South Wasco County. With approximately \$900,000 invested or committed into bringing connectivity to Maupin, another \$500,000 is still needed to build out to residents, businesses, and community institutions.
5	City of The Dalles	<u>Dog River Pipeline Upgrade</u> City of The Dalles staff applied for grant funding from Oregon Water Resource Department to help fund the pipeline. The EDC was able to provide a letter of support for the project as well as some support during application development. However, they were not awarded funding by OWRD. The City has continued to move through the permitting process for the project and is still seeking funding.
6	Columbia Gorge	<u>Campus Housing and Workforce Training Skill Center</u> Reginal employers need skilled workers in wide-ranging fields.

	Community College	CGCC will respond through a workforce pipeline program emphasizing short-duration career-tech training with focus on high school to post-secondary transition and the incumbent workforce. Instructional programming will be informed by data, guided by industry, and physically supported by a Skill Center on The Dalles Campus with on-site workforce housing.
7	City of Maupin/ South Wasco County Library	<u>South Wasco County Library and Civic Center</u> The City Council in Maupin made an official decision to pursue the joint building and have purchased a site located next to the park in their downtown core for the development. They made a legislative request in the 2018 Short Session and are continuing to work toward identifying resources to complete this project.
8	Port of The Dalles	<u>Gorge Works Regional Internship Program</u> Gorge Works is a regional paid internship program in its pilot phase, supported by regional employers seeking skilled workforce, and regional economic development agencies. The Port is seeking \$25,000 to help fund added staffing capacity and marketing initiatives to fully establish the program. They are hoping to prove the value of this program to employers and job seekers over a two-year pilot period.
9	City of Mosier	<u>Well #5 Development and Eastside System Upgrades</u> The City of Mosier participated in a one-stop meeting with the various water system funding agencies to identify a path for financing this project as well as their Eastside Distribution System Improvements. They are currently working toward an application to USDA RD for funding of these two projects.
10	Dufur School District	<u>Solar4Schools Project</u> Dufur School District seeks to participate with Bonneville Environmental Foundation (BEF) in implementing the solar4schools program at the main campus in Dufur, OR. Total project cost is estimated to be \$65,000 with \$15,000 in matching funds required. This project will include the installation of a 5 kW Solar PV system at the main campus in Dufur, OR. BEF will provide staff and assistance to provide education, project monitoring, and support to school administration for 10 years. This will provide an opportunity for students in Dufur to gain hands on experience with green technology and renewable energy.

EXAMPLE DRAFT LETTER OF SUPPORT

Oregon Water Resources Department
Attn: Kim Ogren
725 Summer St NE, Suite A
Salem, OR 97301

Dear Kim,

The City of Mosier has been coping with the impacts of commingling wells and declining water levels for many years. The City spent well over \$100,000 to fix and finally decommission Mosier City Well #3 that was found to be commingling. This left the City with only one good well, City Well #4. In the summer of 2015, the water level in City Well #4 declined 28'. The city engineer has recommended that the City plan to develop a backup well.

The City has also invested significantly to upgrade its water and sewer system and install water meters, thus enabling the city and its residents to find and fix leaks and improve their water conservation efforts. These projects have left residents with a minimum water bill of approximately \$100/month. Meanwhile, the water situation in Mosier has impacted sales of properties in the city.

The City understands that the Wasco Soil and Water Conservation District (SWCD) along with two local orchardists, is applying for a second grant from OWRD to complete the Mosier Deep Water Supply Wells. The goal of the project is to relieve demand on the main groundwater aquifer used by the City of Mosier and many others, by drilling 2 deeper wells that will be used by the two largest irrigators. The first well was completed under the original grant, however, challenges encountered with the first well led to an increase in project costs.

If these orchardists were to pump from different aquifers than the City, that would hopefully relieve the pressure on, and declines in, the aquifer the City uses. Eliminating the declines in the City well would be of immense benefit to the City of Mosier. Furthermore, if these wells show that the water quality and quantity in the deeper aquifer is good, the City may consider using those aquifers in the future.

This project has been listed as a top priority project in 2018 by the Wasco County Economic Development Commission. It will greatly benefit both the City of Mosier, and the surrounding Mosier area community.

The City of Mosier supports this grant proposal that would allow both Mosier Deep Water Supply Wells to be completed.

Best Regards,

Arlene Burns
Mayor

ORDINANCE NO. 172

An Ordinance Amending Title 8 (Health and Safety) of the Mosier Municipal Code, by Adding a New Chapter 8.65 (Single-Use Plastics and Polystyrene Takeout Materials) and Imposing Restrictions on the Distribution of Single-Use Plastic Bags, Plastic Straws and Polystyrene Foam Containers in the City.

WHEREAS, the City of Mosier is an Oregon home-rule charter municipal corporation with a City Charter that grants it all the powers and authority that the constitution, statutes, and common law of the United States and this State expressly or implied, grant or allow as though each such power was specifically enumerated; and

WHEREAS, as a City that is located on the Columbia River that drains into the Pacific Ocean, too many single-use plastic bags, plastic straws and polystyrene foam containers are released or find their way into the local environment and the Columbia River, either being blown by the wind or as part of stormwater flow; and

WHEREAS, plastic consumer waste, including single-use plastic bags, plastic straws and polystyrene foam (styrofoam) cups and containers are a significant form of highly persistent environmental pollution that is harmful to wildlife; and

WHEREAS, plastic bag, plastic straw and polystyrene foam contamination of yard debris, household compost, wastepaper recycling, and other waste recovery streams damages sorting and processing machinery, impedes resource recovery, and contaminates loads of otherwise reusable or recyclable material; and

WHEREAS, the use of reusable bags and recyclable containers for day-to-day retail purchases reduces these troubling sources of contamination and reduces the need to manufacture plastic film from raw material, collect, and then discard to landfills after a single use; and

WHEREAS, the City aims to be a leader in Environmental Sustainability; and

WHEREAS, the City desires to amend the Mosier Municipal Code by adopting Chapter 8.65, set forth in the attached Exhibit A, and held a duly noticed public hearing for consideration of single-use plastic bags, plastic straws, and polystyrene foam regulations at its regular meeting on March 7, 2018, at which time the Council will take public testimony on the proposal.

NOW THEREFORE, the City of Mosier ordains as follows:

Section 1. Amendment. Title 8 (Health and Safety) of the Mosier Municipal Code is hereby amended by adding a new Chapter 8.65 (Single-Use Plastic Bags, Plastic Straws, and Polystyrene Foam containers) consisting of the provisions set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Severability. If any provision, paragraph, word, section, or article of this Ordinance or the Mosier Municipal Code Chapter 8.65 is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

READ FOR THE FIRST TIME on March 7, 2018.

READ FOR THE SECOND TIME and adopted on April 4, 2018. This Ordinance shall take effect on the thirtieth day after adoption.

Mayor, Arlene C. Burns

Attest:

Jayme Bennett, City Recorder

Approved as to Form:

Laura Westmeyer, City Attorney

Exhibit A

Chapter 8.65 - SINGLE-USE PLASTIC BAGS AND STYROFOAM CONTAINERS

Sections:

8.65.010 - Definitions

8.65.020 - Supervision and Enforcement by the City Manager

8.65.030 - Retail Bag, Styrofoam Container and Plastic Straw Regulations

8.65.040 - Enforcement and Penalties

8.65.010 - Definitions.

For purposes of this Chapter:

1. "City" means the City of Mosier, Oregon.
2. "City Manager" means the City Manager for the City of Mosier or the City Manager's designee.
3. "Food Provider" means any store, shop, restaurant, cart, or vendor located within the City of Mosier that sells food or beverage to customers.
4. "Recyclable Paper Bag" means a paper bag that meets all of the following requirements:
 - a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;
5. "Retail Establishment" means any store, shop, sales outlet, or vendor located within the City of Mosier that sells goods at retail.
6. "Reusable Bag" means a bag that is either:
 - a) Made of cloth or other machine washable material, or
 - b) Made of durable plastic that is at least 2 mils thick.
7. "Single-Use Plastic Bag" means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment or Food Retailer to a customer at the point of sale for use to transport or carry away purchases from the establishment or retailer.
8. "Polystyrene Foam Containers" means cups, take out containers, and similar, single-use food and drink containers made of polystyrene material.
9. "Plastic Straws" means take out straws for single-use food and drink containers made of plastic or synthetic material.
10. "Biodegradable Paper Straws" means straws used for take out food and drinks made from biodegradable paper.

8.65.020 - Supervision and Enforcement by the City Manager. The regulation and enforcement of Single-use Plastic Bags, Styrofoam Containers and Plastic Straws under this Chapter shall be under the supervision of the City Manager or the City Manager's designee.

8.65.030 - Retail Bag, Styrofoam Container and Plastic Straw Regulations.

1. Prohibition on Single-use Plastic Bags, Styrofoam Containers and Plastic Straws. Retail Establishments and Food Providers shall not provide or make available Single-use Plastic Bags, non-Recyclable Paper Bags, Styrofoam Containers or Plastic Straws.

2. Availability of Reusable Bags and Recyclable Straws, Cups and Containers. Retail Establishments and Food Providers shall make Reusable Bags, Recyclable Containers and Straws available at a reasonable cost to all customers.

3. Requirements for Paper Bags. Where a Retail Establishment or Food Provider makes a paper bag available to a customer at the point of sale, the bag shall meet the definition of a Recyclable Paper Bag.

4. Requirements for Paper Straws. Where a Retail Establishment or Food Provider makes a paper straw available to a customer at the point of sale, the straw shall meet the definition of a Biodegradable Paper Straws.

8.65.040 – Enforcement and Penalties.

1. Responsible Party. A person who is in charge or in control of a Retail Establishment or Food Provider or who exercises authority over the establishment or business that is not in compliance with this Chapter 8.65 shall be liable for any violations of this Chapter.

2. Penalty. A violation of this Chapter is a Civil Infraction enforceable under City of Mosier Municipal Code Chapter 2.10 (Civil Enforcement), with a minimum fine of not less than \$200 for each offense. Each single-use plastic bag, plastic straw, polystyrene foam container, and non-recyclable paper bag provided or made available in violation of this Chapter constitutes a separate offense.

3. Enforcement implementation. Enforcement of this Chapter shall will begin May 5, 2018 for retailers.