



## MONROE CITY COUNCIL MINUTES

**February 26, 2024**

**6:00 PM**

**Monroe Community Center**

1. **CALL TO ORDER:** Mayor Sheets called the City Council meeting to order at 6:02 P.M.

**Roll Call:** Present: Mayor Sheets; Councilors: Cuthbertson, Lindner, Myers, Ritch, Williams.

Councilor Winther joined the meeting at 6:14 PM.

Staff present: City Administrator Martinenko

**PUBLIC COMMENTS: None**

### 3. **STAFF REPORTS AND PRESENTATIONS:**

3.1. **Sherriff's Report.** The Council reviewed the Patrol Log with the Benton County Sheriff Deputy present. There were no questions for the Deputy and the Council thanked him for his time and work in Monroe.

3.2. **Republic Services Presentation.** Mr. Ken Larson of Republic Services presented a proposal to enhance recycling and yard waste services in Monroe. Currently, the city only has once-a-month recycling service, which Larsen describes as the lowest level of service provided by their business unit in Western Oregon. He proposes adding weekly yard debris and recycling service, bringing Monroe's services in line with surrounding counties. The additional cost for these enhancements would be \$6.15 per month for residents. Mr. Larson explains that residents could offset this cost by downsizing their trash carts, as 30 to 40% of landfill waste could be diverted to recycling or yard waste. He emphasizes the convenience and environmental benefits of weekly recycling and yard debris pickup.

Mr. Larson discussed upcoming changes in state recycling laws, which will expand the types of materials accepted for recycling, particularly plastics. He suggests that implementing these changes now would prepare residents for the future regulations.

Councilor Myers queried the automatic inclusion of services for all customers, which was affirmed by Mr. Larson. Councilor Lindner raised concerns about affordability and compared service rates with neighboring counties, to which Mr. Larson explained potential savings through downsizing carts.

CA Martinenko addressed the process for city approval, suggesting a resolution to declare intent, followed by public notification and a subsequent vote. Mayor Sheets sought clarification on communication plans, which CA Martinenko detailed, including flyers, social media, and town hall presentations.

Councilor Lindner raised questions about the cost, notification process, and alignment of pickup schedules with Republic Services' calendar and app. Mr. Larson assured the Council members that the proposed enhancements would benefit residents and that Republic Services has a communication plan ready to inform the community about the changes. The Council discussed the process for moving forward with the proposal, including drafting a resolution and allowing for public comment before



deciding. The Council expressed appreciation for the presentation and will consider the next steps for implementing the proposed changes.

- 3.3. **Long Tom Watershed Council Presentation.** City Administrator Martinenko introduced Dana Dedrick and Jed Kaul from the Long Tom Watershed Council. Dedrick and Kaul provided an update on the section 1135 Dam Removal project with the US Army Corps of Engineers. Dedrick explained the project seems to be progressing, as there is funding available for the work. Dedrick mentioned that Elliott Porter, the Corps project manager, requested letters from the city reaffirming their commitment to the project, which would help secure funding.

Next, Jed Kaul discussed the grants secured for the project. One grant covers 25% of the cost share for the 1135 project, with the US Fish and Wildlife Service covering that portion. Another grant covers the cost of the water intake project. There is also a pending grant from the National Oceanic and Atmospheric Administration, which would cover additional costs and include funding for riparian restoration. The discussion also touched on the need for careful consideration of the project's impact on wildlife habitats, such as backwater areas and sluices where fish and other wildlife reside.

Councilor Cuthbertson raised concerns about the potential impact of lowering the dam on fish habitats and other wildlife. She mentions her own property and the potential loss of habitat for fish and wildlife. The discussion emphasized the importance of considering these impacts and potentially seeking additional restoration funding to address any negative consequences.

- 3.4. **City Administrator Report.** CA Martinenko addressed the Council, focusing initially on the importance of understanding conflict of interest issues, particularly as it pertains to public officials. He encouraged Council members to review the Oregon Government Ethics Commission (OGEC) website for guidance and mentions upcoming trainings on public records. Martinenko mentioned that OGEC offers personalized training for the council if needed.

CA Martinenko announced the hiring decision for a position within the Public Works team. He introduced Mr. Luke Perdue as the selected candidate, highlighting Perdue's qualifications and experience as a water operator. He explains the decision to offer Perdue a Utility II position instead of Utility I due to his background, education, and experience, which aligns better with the Utility II level.

The discussion transitioned to differential payments for additional certifications, contingent on meeting Continuing Education Unit (CEU) requirements. Martinenko explained the offer letter's details, including salary steps and additional pay for certifications.

Discussion ensued regarding the Oregon Paid Leave program, its eligibility criteria, and implications for Mr. Perdue, who is expecting a child in May. Mr. Martinenko provided insights into the program's application process and highlighted the employer's obligations.



CA Martinenko then addressed the recent increase in late water bill payments, attributing it to various factors like economic hardship and forgetfulness after the holidays.

CA Martinenko updated the Council on FEMA reimbursement for storm-related expenses and discussed potential grants for water system improvements, including a no-cost grant opportunity that could fully fund the project.

The discussion shifted to development projects in the city, including a proposed apartment complex on Kelly Street and increased interest in developing the Cathy Loving property. Martinenko also mentioned ongoing discussions with Benton County regarding urban growth boundary (UGB) expansion and potential land swaps. Martinenko discussed easements for Depot Street and access for the Oaks property along with issues with developing this property

CA Martinenko concluded on challenges faced in serving notices to individuals, prompting discussions on alternative methods of notification to ensure compliance with ordinance enforcement activities

#### **4. CONSENT AGENDA**

4.1. Councilor Cuthbertson asked about the legal and attorney related expenses. CA Martinenko said the expense for Judge Blake is the usual payment for his quarterly services. The other legal expenses are for the Terrill Case. Martinenko added that Mueller & Swank is for the audit, not legal. Councilor Ritch asked about the Springbrook expense. CA Martinenko said that this the normal yearly support payment. Councilor Ritch moved to approve the consent agenda and Councilor Winther seconded. With no further discussion, Mayor Sheets called for a vote: Cuthbertson: Yes; Lindner: Yes; Myers: Yes; Ritch: Yes; Williams: Yes; Winther: Yes. Motion Carried.

#### **5. NEW BUSINESS**

5.1. **Resolution 2024-01:** Adopting a Consolidated Master City Fee Schedule. The meeting proceeded to discuss Resolution 2024-01 concerning the adoption of a consolidated master city fee schedule. CA Martinenko informed the attendees that currently, there isn't a consolidated fee schedule in place. He mentioned that an ordinance from the previous month, 2024-01, which was scheduled for a second reading this month, is significant for the resolution to work.

Martinenko further elaborated on the complexities involved in consolidating the fee schedules, noting that certain fees are already established by resolution, such as those related to the water system and planning fees. However, the majority of fees are embedded within ordinances, requiring each ordinance to be individually amended to establish the fees by resolution. He discussed the proposed approach of consolidating all documents to make it easier to navigate and understand. One suggestion was to have one ordinance that would amend various sections to establish the fees by resolution, effectively streamlining the process.



Although initially hoping for a simpler solution, Martinenko acknowledged the need for a thorough and meticulous process to transition the fee establishment method from ordinances to resolutions. He mentioned consulting with the attorney, who supported the idea of having one comprehensive ordinance to amend multiple sections at once, ultimately setting all fees by resolution. Martinenko concluded by emphasizing the importance of ensuring that the master fee schedule is established accurately and efficiently. He said he would continue to work with the attorney on drafting a comprehensive ordinance to amend various sections and establish fees by resolution. Further discussions and decisions regarding the consolidation and transition process to be carried out in subsequent meetings.

- 5.2. **Resolution 2024-02: Dam Removal Letter of Intent to the Army Corps of Engineers.** CA Martinenko provided details on the resolution, explaining that it encompasses authorization to sign the draft letter attached to it, along with the self-certification of financial capability, which the City's finance officer is required to sign. Martinenko suggested consolidating these components for approval. He clarified that the content of the letter primarily reflects the City's commitment to the project and emphasized that the City is awaiting confirmation of funding and other requirements before finalizing its decision.

Councilor Lindner then motioned to authorize the letter and the signing of the non-federal sponsor certificate. Councilor Rich seconded. With no further discussion, Mayor Sheets called for a vote: Cuthbertson: Yes; Lindner: Yes; Myers: Yes; Ritch: Yes; Williams: Yes; Winther: Yes. Motion Carried.

- 5.3. **Application for Storage Ordinance.** CA Martinenko presented the proposal, highlighting the need for clear criteria for storage applications and potential considerations, such as fire department access, location on one's property, street width, and visibility at corners. Councilor Cuthbertson raised concerns about visibility at corners and suggested aligning the criteria with existing regulations for vision areas around corners. Martinenko emphasized that the decision-making process would primarily be administrative, with the possibility of appealing to the Council for exceptions. Discussion ensued regarding the specifics of how applications would be evaluated, including the potential for a permit fee and the duration of permits. Martinenko suggested a renewal period of six months to a year. Council raised concerns about liability, especially regarding potential fluid leaks from stored vehicles. CA Martinenko acknowledged the need to address liability concerns before proceeding with the ordinance. Overall, there was consensus among attendees in favor of the proposal, with Mayor Sheets expressing support and highlighting the lack of RV storage options in the area. CA Martinenko agreed to further develop the proposal, considering the feedback received, and present it for approval at a future meeting.
- 5.4. **Use of City Park for Organized Events.** Mayor Sheets introduced the next agenda item, which pertains to the use of city parks for organized events. CA Martinenko provided an overview of the current situation, explaining that while the city has allowed certain



organizations to use park facilities without rental fees, the insurance carrier now requires additional bonds and indemnity assurances.

Martinenko presented an application template provided by the insurance carrier, which mirrors the program used by Junction City. Martinenko suggested aligning the city's policy with the recommendations of the insurance carrier to ensure adequate protection.

Discussion ensued regarding whether event organizers could obtain their own insurance coverage and the potential costs involved. It was noted that while it is possible for organizers to obtain their own insurance, it may be more convenient for them to utilize the city's program. Mayor Sheets highlighted the importance of addressing liability concerns, especially in light of recent incidents in other municipalities. He emphasized the need to balance the interests of event organizers with the city's obligation to maintain public access to park facilities, particularly restrooms. Council also raised concerns about the exclusivity of park facilities during organized events, with Martinenko clarifying that park restrooms must remain open to the public at all times, even during reserved events. This was identified as a common issue in many parks, where event organizers may inadvertently inconvenience other park users.

Council agreed that the city should adopt the insurance requirements outlined by the insurance carrier to mitigate liability risks. The importance of maintaining public access to park facilities was emphasized, and Martinenko committed to clarifying the city's policy regarding restroom access during organized events.

**5.5. Recreational Immunity Update Impact on Monroe's Paths.** Mayor Sheets introduced the topic of recreational immunity, particularly focusing on its implications for Monroe's paths. CA Martinenko provided a detailed update, referencing a recent case involving a pedestrian injury on a path in Newport, which led to a legal dispute over recreational immunity. Martinenko explained that the case highlighted a loophole in Oregon's recreational immunity laws, wherein individuals injured while accessing recreational areas via paths were not always covered under the immunity provisions. The appellate court ruled that the determination of whether the injured party was engaging in recreational activity was subjective and should be decided by a jury. To address this issue, the Oregon Senate proposed a bill to amend the recreational immunity laws to explicitly include activities such as running, biking, and walking. Martinenko informed the council that the bill had been approved by the Senate and was pending review by the House and the judiciary committee.

Martinenko then outlined measures to mitigate liability risks for Monroe, including the installation of warning signs on paths to inform users of the risks associated with recreational activities. He also discussed the concept of constructive immunity, whereby proactive maintenance and prioritization of path improvements could provide legal protection for the city. Martinenko emphasized the importance of having a comprehensive maintenance plan for city assets, such as playground structures and park benches, to demonstrate due diligence in ensuring public safety.



Council members expressed support for these measures and acknowledged the need for ongoing maintenance planning and risk management. They agreed that prioritizing path improvements and implementing warning signage were prudent steps to mitigate liability risks for the city. Martinenko urged council members to stay informed about legislative developments regarding recreational immunity and reiterated the importance of proactive risk management strategies for Monroe's public spaces.

- 5.6. Feasibility Study and Technical Memorandum for Footbridge.** CA Martinenko presented a feasibility study and technical memorandum regarding the construction of a footbridge in Monroe. The proposed footbridge would serve as a utility vehicle bridge and would also accommodate water and sewer infrastructure. This feasibility study was funded by AFRANA and with the help of Planning Commissioner Greydanus.

Martinenko highlighted the importance of the footbridge for enhancing the city's resilience and cost-effectiveness, particularly in light of recommendations to increase the size of the pipeline for the wastewater collection system. Currently, the pipeline is buried horizontally under the river, but the footbridge would offer an alternative route, providing additional access to the water plant and the other side of the river in case of emergencies. The proposed footbridge is estimated to cost \$3.2 million and would require regulatory approval from agencies such as the Corps of Engineers due to its location in the flood zone.

Council raised concerns about potential environmental impacts, wildlife disturbance, and ongoing maintenance costs associated with the footbridge. Martinenko addressed these concerns by explaining that the project would undergo thorough review and inspection to mitigate any adverse effects. Council members also inquired about potential funding sources for the footbridge, including grants and community development funds. Martinenko mentioned that the project could qualify for grants focusing on infrastructure resiliency and equity, particularly in disadvantaged communities. Additionally, considerations were made regarding public access to the footbridge and the need for security measures to prevent unauthorized entry or vandalism.

## **7. OLD BUSINESS:**

- 7.1. Short Term Rentals.** CA Martinenko mentioned he is putting together information from other Cities to present at a later work session.
- 7.2. Library IGA.** CA Martinenko reported he is in talks with Corvallis and would update Council at the March Work Session.
- 7.3. Emergency and Disaster Recovery Planning.** CA Martinenko updated Council on resiliency planning with a possible grant to create a resiliency hub in Monroe. Martinenko said It appears that the South Benton Food Pantry may be the non-city partner that the grant requires, which seems logical given their resources and capabilities. However, the specifics of how this partnership would function within city buildings or elsewhere are still largely conceptual. Benton County seems to be taking the lead on this, and they're



already collaborating with the Food Pantry on a related grant. We are waiting to see how the details unfold and what conditions or restrictions may apply as they continue to develop the plan. Right now, they are focused on bringing all the stakeholders together to move the project forward.

- 7.4. **Budget Committee recruitment.** Mayor Sheets updated Council on recruiting for the Budget Committee and said he has not received applications. The recruitment is posted on the City's social media and website. CA Martinenko said he would put the recruitment in the March Utility Billing.

## **8. CITY EVENTS**

- 8.1. Mayor Sheets updated Council on upcoming events, specifically the Monroe BBQ and Logging Festival on May 18, 2024.

## **9. COMMITTEE REPORTS**

- 9.1. **Budget.** Mayor Sheets reiterated the ongoing recruitment and clarified the number of non-elected members should match the elected officials at the meetings. He said that April would be the timeframe for the first budget committee meeting
- 9.2. **Economic Development.** CA Martinenko mentioned that Benton County Planning and Economic Development have ideas for potential business opportunities in Monroe and would like to discuss with the committee at a future meeting.
- 9.3. **Finance and Human Resources.** Councilor Lindner said there would be a meeting in March to discuss the Oregon Paid Leave program and updating the Employee Handbook.
- 9.4. **Ordinance.** There are no meetings scheduled. CA Martinenko said the next meeting would come after the short-term rental information is gathered and presented at a work session.
- 9.5. **Parks.** Councilor Cuthbertson said that the Parks Committee has some new members and will work on getting a date scheduled.
- 9.6. **Public Works.** Councilor Cuthbertson updated Council on the recent Public Works meeting. She said the advisory committee identified several action items, including the development of work plans to prioritize tasks effectively and a tour of the water system. Additionally, the advisory committee is addressing the parking issue at the Dragon Elementary School area, considering alternatives such as parallel parking to ensure safety and accessibility, especially during emergencies. CA Martinenko added that the advisory committee proposed adding stop sign placements to address traffic concerns at 7th and Pine Street. The process involves advisory committee recommendation, Council approval, and implementation by city staff. These recommendations will go to the Council next month for consideration.

## **10. COUNCILOR COMMENTS**

- 10.1. Councilor Cuthbertson updated Council involving a recent tragedy involving one of our local business owners who lost their property in a fire. They are currently residing in an RV



temporarily. Councilor Cuthbertson suggested the Council offer exceptions to our regulations to assist them during this challenging time. CA Martinenko said that properties can utilize trailers for up to 30 days. Beyond that, the Council may need to act to extend the time. Mayor Sheets said the City should monitor the situation and act accordingly if they require an extension of time.

**11. OTHER BUSINESS:**

11.1. None.

**12. ADJOURN:** Mayor Sheets adjourned the meeting at 8:34 p.m.

**Approved by Council Action on March 25, 2024**

Mayor Dan Sheets

Date:

Attest:

Steve Martinenko, City Recorder