

# **CITY OF ROGUE RIVER**

# **City Council Minutes**

THURSDAY, OCTOBER 28, 2021

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

**CALL TO ORDER** The Regular Council meeting was called to order by Mayor Wayne Stuart at 6:00 p.m.

**INVOCATION** Pastor Rich Wheeler with the Foothills Creek Chapel delivered the Invocation

**PLEDGE OF ALLEGIANCE** Mayor Wayne Stuart led the Council and audience in the Pledge of Allegiance

**QUORUM** **COUNCIL MEMBERS PRESENT:**

Mayor Wayne Stuart  
City Councilor Jack Bird  
City Councilor Rick Kempa  
City Councilor Pam VanArsdale  
City Councilor Barb Hilty  
City Councilor Don Daugherty  
City Councilor Mark Poling

**ALSO PRESENT:**

Carol Weir, City Recorder  
Mike Bollweg, Public Works Director  
Jim Williams, Chief of Police  
Paige Chick, Clerk Typist

**LEGAL REPRESENTATIVE:**

Mike Franell, Attorney at Law

**MEDIA PRESENT:**

Brian Mortensen, Rogue River Press

A quorum was present and due notice had been published.

**COMMITTEE REPORTS:**

**Community Relations; Rogue River Chamber of Commerce:** City Councilor Rick Kempa reported that their meeting was being held at the same time but he was aware they were working on Halloween and Christmas activities.

**Community Relations; Rogue River Community Center:** City Councilor Barb Hilty reported that they were doing a carry out Thanksgiving Dinner on November 12, 2021 for \$8.00, they would be holding a Holiday Market on December 4<sup>th</sup> and they were looking for more volunteers to help with their activities.

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**Finance Committee:** City Councilor Don Daugherty reported that they met twice during the month of September 2021 to review and approve submitted bills and signed 81-checks totaling \$210,570.13.

**Middle Rogue Metropolitan Planning Organization (MRMPO):** City Councilor Pam VanArsdale reported they did not hold a meeting but she did attend the National Planning Organization Conference in Scottsdale, Arizona. She found it to be very interesting, data driven, three days of a lot of information that they would be considering in their transportation planning. Planning for 5, 10, 20 years was probably beyond their comprehension. More electrical vertical take off vehicles requiring vertical ports which requires a smaller footprint, such as a building or brown field locations. They also discussed the impact of climate change and transportation planning.

**Planning Commission Liaison:** City Councilor Barb Gregory reported they discussed conflicts in the City's municipal codes, reviewing previous conclusions and had a discussion about short term rentals compared to other cities codes. They also discussed Air Bed and Breakfast rentals, the City's Strategic Plan and manufactured home placement and replacement.

**Police Commission:** Chief Jim Williams report that Officer Gomez completed FTO training so they would have a second trainer, hopefully replace Officer Buren position unfortunately all the other departments in Southern Oregon were also hiring, preparing for that they were looking at promoting within and doing some ethics and leadership training preparing them for a promotional board, calls for service were holding steady but seeing an increase with winter setting in, and, working on some reoccurring ordinance violations.

**Rogue Valley Council of Governments:** Mayor Wayne Stuart reported they discussed Alert Wild Fire solving the data telemetry camera issue at Roxy Ann camera was still in process. The City of Medford did have access to the data from the taller tower which was the best location and the City of Medford and Fire District 3 were exploring a partnership to share the cost of the camera. The Rogue Valley Council of Governments agreed to pay the first year. They were still looking for a home to install the third camera. The finances were reviewed and all seemed well and they had been invited to present spring courses at Southern Oregon University.

**Council Advisory Committee:** Chair Francis Gilbert reported they discussed the presentation from Jamie Wright during the recent workshop and to promote volunteers for the steering committee. They also discussed the ground water issue and the grower's water trucks tearing down the roads. They will continue working with Rogue Valley Council of Governments on the Wild Fire Alert Program promoting a tower in our area.

**NEW BUSINESS:**

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**AGENDA ITEM 1** **FEMA:** Approve staff's efforts in continuing the process of Flood Insurance Promotion for the CRS Community Rating System.

MOVED (HILTY), SECONDED (DAUGHERTY) AND CARRIED TO APPROVE STAFF'S EFFORTS IN CONTINUING THE PROCESS OF FLOOD INSURANCE PROMOTION FOR THE CRS COMMUNITY RATING SYSTEM.

**AGENDA ITEM 2** **Grant Request:** 2020 CARES ACT Grant requests from the Rogue River Community Center and The Roost.

MOVED (GREGORY), SECONDED (VANARSDALE) AND CARRIED TO AWARD THE 2020 CARES ACT GRANT REQUESTS FROM THE ROGUE RIVER COMMUNITY CENTER IN THE AMOUNT OF \$8,125 AND THE ROOST IN THE AMOUNT OF \$7,000.

Mayor Wayne Stuart suggested that the City Council take a recess.

MOVED (GREGORY), SECONDED (VANARSDALE) AND CARRIED TO RECESS THE REGULAR MEETING AND IN PURSUANT TO ORS 192.660(2)(H) GO INTO EXECUTIVE SESSION TO CONSULT WITH COUNSEL CONCERNING LEGAL RIGHTS AND DUTIES REGARDING CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED.

The Regular Council meeting was recessed and the Executive Session was declared opened at 6:20 p.m.

**EXECUTIVE SESSION:** The City Council met in Executive Session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Wayne Stuart declared the Executive Session closed at 7:00 p.m.

The Regular Council meeting reconvened at 7:02 p.m.

**AGENDA ITEM 3** **Public Hearing:** Continue the public hearing from October 14, 2021 to hear an appeal filed by the applicant regarding CUP 2021-03, a Revocation of a Conditional Use Permit for property at 499 East Main Street, Rogue River, Oregon. Applicant: Hurst/HRP, LLC, Dale Hurst, Owner. Represented by: Ben Freudenberg, Attorney at Law.

Mayor Wayne Stuart declared the Public Hearing re opened at 7:05 p.m. to accept comments for property described as T36S R4W Section 15CD Tax Lot 802 by reading a prepared document which is a permanent part of the file.

Official notice had been given that the City Council would consider Laws and

Ordinances without having them established as evidence in the hearing record and that a copy of the minutes of the hearing would be available in the City offices along with the rules and procedures he was reading and of which become a permanent record of the file.

Mayor Wayne Stuart asked the City Council and audience if it was proper for the City Council to hold the public hearing: No comments were heard.

Mayor Wayne Stuart asked the City Councilors if they wished to declare any new ex-parte contact, site visit, or felt they had a conflict of interest, bias, or other reason to be disqualified from participating in the hearing. No comments were heard.

Mayor Wayne Stuart asked of anyone in the audience who wished to challenge any of the City Councilor's qualifications to participate in the hearing. No comments were heard.

Mayor Wayne Stuart turned the meeting over to the City Planner Ryan Nolan.

City Planner Nolan Ryan summarized that a Conditional Use Permit that had been approved in 2016 with fourteen specific conditions of approval. Since that time staff had been working with the applicant identifying several items that had not been addressed in the condition of approval. Based on staff's recommendation a hearing had been held and the Planning Commission voted to revoke the conditional use permit on the failure to meet ten specific conditions of approval. Following that the applicant on behalf of his Attorney filled an Appeal addressing eight specific issues. The City Council would be taking testimony of the applicant, public and staff to determine if they agree with the eight issues brought up by the applicant and then decide whether they would uphold the revocation of the conditional use permit as the Planning Commission voted to do or agree with the applicant and overturn the revocation. The public hearing was being continued to hear testimony from the Fire Marshal Mike Gavlik and any response from the applicant.

City Attorney Mike Franell reminded the public that the purpose of the continued public hearing was specifically to hear testimony from Fire Marshal Mike Gavlik and not to rehash everything that had already been stated in the public hearing and will be limiting testimony to Mr. Gavlik and any response or agreement with that testimony.

Rogue River Fire Marshal Mike Gavlik said he did not have a prepared statement but was present to answer questions.

City Councilor Pam VanArsdale asked Mr. Gavlik what his concerns were regarding the ice manufacturing plant.

Fire Marshal Mike Gavlik said as stated in the April 2021 meeting and his letters his

concern rest with a building that size if it were to catch on fire how they were going to mitigate that and more potential of a gas leak was his two big concerns either of which could trigger an evacuation and his third concern was how would that evacuation of Pioneer Mobile Park occur with the personnel that Rogue River has. He said he had a discussion with Mr. Hurst's Attorney of how to alleviate those concerns and they had some ideas they would like to share.

City Councilor Barb Gregory said she had questions about the ammonia, understanding that it was light and if the tank were to leak or explode on a dry day the ammonia would rise into the air.

Fire Marshal Mike Gavlik said in theory on a dry day it would rise.

City Councilor Barb Gregory said with as much of the ammonia that was in the plant what would be effects be to the community.

Fire Marshal Mike Gavlik said he was in no way an expert in hydrous ammonia but it was a very lethal gas if you were to breath it in an excessive quantity.

City Councilor Barb Gregory asked if it was a rainy day and it got wet.

Fire Marshal Mike Gavlik said ammonia had an affinity for moisture so it would adhere to the moisture and then become heavier than air, what they call an ammonia fog and settle into lower areas.

City Councilor Barb Gregory then asked what would that effect be on the community.

Fire Marshal Mike Gavlik replied that it would depend on the size of the leak, if it was isolated to where it was pooled, if the wind was blowing there were a lot of variables, such as how much of a leak and how strong the wind, which direction it was traveling, elevating or sinking, depends on the weather.

City Councilor Barb Gregory commented that Mr. Hurst had presented photos of lot of control mechanisms and safety features and asked if Mr. Gavlik felt that was adequate protection.

Fire Marshal Mike Gavlik commented that for what the plant was intended for it may by design have limited adequateness but due to the proximity he had concern that it may not be adequate for the proximity to residents. The control valves were inside the plant making it safe for the employees inside the building, the sensor detects a leak, an alarms goes off and safety valves shut then ventilated through the ceiling of the structure. That does not effect if there were to be a leak outside of the structure and maybe something could be done to address the safety if the leak originated outside the structure.

City Councilor Barb Gregory asked why would it leak outside if everything was contained inside.

Fire Marshal Mike Gavlik said that everything was not contained inside, think of your heat pump outside of your house. You have your furnace inside but you have a component that is outside of the house and this worked very much the same way. You have an evaporator, a condenser outside and all connected into the plumbing to the tank inside. If you have a leak that generates from those outdoor components there is no leak detention, no alarm system and no way anyone will know if there were a leak outside of the building.

City Councilor Barb Gregory asked if there was a way to do that protection.

Fire Marshal Mike Gavlik stated that he was not a design expert though he could theorize that maybe there was a way to have an alarm on the outside of two components with safety check valves but didn't know if that would be possible but he would look into seeing if you could add leak detention alarms with safety shutoff valves so that if there were a leak it would shut off everything which could minimize a catastrophic leak.

City Councilor Pam VanArsdale ask Mr. Gavlik what the worse case scenario because even though there is only one in million chance that would happen. No body thought the plant on the coast was going to burn down. If the wind would had been blowing differently it would have been a much more serious event for the people who live around there.

Fire Marshal Mike Gavlik commented on a fire in India an ice plant had an ammonia leak where two people died and sixteen people were injured, in the Philistines an ice plant had an ammonia leak and two people died and ninety people were severely burned or injured by the ammonia inhalation. Yes it is possible but not able to tell the odds since he didn't know the safety of all the ice plant because you don't hear about the plants that had nothing happen you hear about the ones that do happen. He said he didn't know about the safety history was, the life expectancy was, twenty years, forty years. Yes it is possible, things wear down and break down. But if that could be prevented with proper maintenance, replacement of components, and proper inspections he would have to hope so.

City Councilor Barb Hilty asked Mr. Gavlik to explain the process of an evacuation of either a fire or ammonia leak and what would it look like of Pioneer Mobile Park.

Fire Marshal Mike Gavlik said it would depend on what type of hazard they encounter. Starting with a gas leak, they did not have the equipment at the fire station, but they had no type of gas monitor to detect ammonia making it very difficult to reach the level of deciding a half mile evacuation. But that is what it looked like to him a simple gas leak evacuation was a half mile. If the ice plant were



on fire, it would be a one mile evacuation. That would look like a lot of mutual aid being requested as well as any public works, search and rescue, deputies, the police department, anyone that was able to do evacuations. But he was cautious because if they were doing an evacuation due to imminent life danger threat his department was the only ones who had breathing apparatus so if he were to put someone down wind he would be putting them in direct harm's way. So if they were to have people evacuate in place by sealing up doors and windows, stay in place, it may be the safer route.

City Councilor Barb Hilty said they were informed at the last meeting that there was no sprinkler system and asked if that was normal for that size of building.

Fire Marshal Mike Gavlik said the ice warehouse was rated an F2 or factory two which was not classified as a high hazard factory and by the fire code that did not require a sprinkler system for that type of construction.

Mayor Wayne Stuart asked about fire hydrants.

Fire Marshal Mike Gavlik stated that currently there were fire hydrants on the property, one on East Main Street, one half way down the driveway of the ice plant and one at the end of the ice plant.

City Councilor Barb Hilty asked the Fire Marshal if the ice plant was currently up to code, were there any violation against it and were they meeting the codes for fire.

Fire Marshal Mike Gavlik said they were up to date with fire and safety, he had done his inspections and they were up to and very compliant with today fire code.

City Councilor Jack Bird asked if there were specific safety codes for the ammonia as far as rules and regulations and were they being met.

Fire Marshal Mike Gavlik said there were the fire code and the mechanical code. The ice plant fell under the mechanical code and they were meeting all the mechanical codes. The fire code did not specifically address that ammonia system because it was treated as a closed loop system. In the fire world they look at the maximum allowable quantity accountable because it's in a sealed, recirculating system it was not counted as a chemical that applies to the fire code. It's not a store barrel of a substance that could be opened. Fire code did not govern that type of a system and that's why it fell under the mechanical code.

Public Works Director Michael Bollweg ask Fire Marshal Gavlik if his special protective clothing covered all of their skin.

Fire Marshal Mike Gavlik replied that their fire equipment covered all of their skin.

Public Works Director Mike Bollweg asked Mr. Gavlik if his department would be able to handle anything basic.

Fire Marshal Mike Gavlik said that because they have a limited amount of air in their bottles, on average, they would have about fifteen to twenty minutes per bottle giving them a limited amount of time before they would have to remove themselves from that environment to change a bottle in a safe cold zone atmosphere.

City Councilor Pam VanArsdale what if they needed to go a half a mile away to do that.

Fire Marshal Mike Gavlik said that why he had such concerns because a very large gas leak could be very troublesome to man it on their limited air supply.

City Councilor Pam VanArsdale replied exactly, wow.

City Recorder Carol Weir asked Mr. Gavlik if he had any suggestions for the City Council to consider for changes to be made or improvements to help protect the community.

Fire Marshal Mike Gavlik replied that as he stated in his previous letters was to have the building sprinklered which would be a big safety measure because their virtually had not been a building lost it was sprinklered and in an operating condition. He continued to say that if the building were sprinklered it would alleviate the explosion, the fire risk of typically electric motors can cause fire so that would be one thing that would help significantly the other would be the potential for a gas leak. He would like to have three gas monitors purchased for the fire department so that if someone in Pioneer Mobile Park calls the department with a breathing problem and he gets another call from someone else in the Park that's telling him to sample the air, at this time he had no way of testing the air. Three gas detection monitors would be essential for them but along the prevention lines he would like to know if there was a way to put audible alarms on the outside components with safety gas shut off valves so if there was a small gas leak detected it would keep it small instead of a large gas leak. That could really minimize a catastrophic gas leak.

Public Works Director Mike Bollweg asked Mr. Gavlik if he would have concerns with the inside sprinklers if there were a fire and/or an ammonia leak because when the water hits the ammonia could create the opposite and be very toxic.

Fire Marshal Mike Gavlik agreed that it would be very toxic but fortunately for their region they had Hazmat Region 8 in Medford. If a small developed and the sprinkler system put out and extinguished the fire at least it would be contained to the building giving time for Region 8 to arrive on site with their hazmat suits and properly handle it. Opposed to a level three-burning fire that would be a much bigger disaster to work with but it would be confined to the building.



City Councilor Barb Gregory asked if there was much combustible material stored in the building.

Fire Marshal Mike Gavlik said that was kind of a subjective term. There were a certain amount of pallets used to store the ice on, typical plastic components of wiring, belts from the machinery, motors but not a huge amount of combustibles. One of the components that not thought about was the insulation. Typically insulation itself was a petroleum based foam but unaware of the composition of the foam, if it was fire rated non-flammable. Maybe Mr. Hurst could answer that question. But in a free burning fire it would be the insulation especially if it were petroleum based. Overall there were not a huge amount of combustibles, it was a large open space and contained ice.

Public Works Director Mike Bollweg commented that the City's concern about the size of the delivery trucks that were there now and asked if they would be able access the building maneuver their emergency vehicles in case of a fire and not having enough ingress or egress.

Fire Chief Mike Hammond said that there was only one in and one way out but it was a pretty large area to get in and get out so it really wasn't a concern. It was more of a concern if they couldn't park in between the plant and the trailer park because of the proximity of the plant. He said that Mr. Gavlik's recommendation to install sprinklers were recommended from the beginning, before and during the building process. It would had been a lot cheaper back then. Mr. Gavlik did not have the authority to require it because of the building type but the City had the authority to enforce. It was something that could be done now and it would greatly reduce the danger of the building and it might put the residents of Pioneer Mobile Park at ease, a little more than they were now because it would greatly reduce the fire potential for a small fire to become a large fire. It would be more expensive now but that was where it was at.

Mayor Wayne Stuart asked Chief Hammond that Mr. Hurst could still do the upgrade of installing sprinklers.

Fire Chief Mike Hammond said they could put sprinklers in now, it was mainly an open building even though it's after the fact it was still doable. He also stated that on Mr. Gavlik's comment asking for air monitoring equipment because right now they did not have the ability to detect ammonia. When you go into a place like Pioneer Mobile Park where you don't really know if you have an ammonia problem. They would like to request three detectors, one for each of their first out engines and one for the Chief's vehicle. He estimated that it would cost around a \$1,000 to buy three monitors giving them the ability to make decisions on real information.

Public Works Director Mike Bollweg asked Mr. Hammond if it would be reasonable to have remote detectors off of the property.

Fire Chief Mike Hammond replied that he didn't know about that.

Public Works Director Mike Bollweg asked Fire Marshal Mike Gavlik the same question.

Fire Marshal Mike Gavlik also commented that he didn't know, he was not an expert with that, he didn't know if that would be something available on the market.

Fire Board Chair John Bond said he was in attendance being supportive of the fire fighters and the gentlemen who were giving their presentations. They had done everything that had been asked of them through the planning stages and it was up to the Planning Commission to take that information and do what they saw fit in terms of moving forward with the project. They had done their part and were proud of what they did.

Bonnie Marshall, a resident of Pioneer Mobile Park said her back fence was approximately ten feet from the back of the ice house. She spent some time researching hydrous ammonia. She said she was not a scientist, a chemist and she didn't work for OSHA. From what she had read and told the City Council that they all had enough time to research the implications of having a time bomb residing in the middle of our City. Maybe they had heard of her information but she was going over it again. Hydrous ammonia was a hygroscopic compound which meant in a leak it seeks water from the nearest source. Ears, eyes, throats, bronchiole lungs, any moist skin, any tissue containing moisture could chemically burn. It also goes into sewer systems and water ways and that was just from a leak. An article from Fire Engineering's website stated that although hydrous ammonia was classified by DOT as a nonflammable gas it does and will burn. In a massive spill its ignition temperature of 1,204 degree fahrenheit was not difficult to reach. Do not take away from the Fire Department who does a fantastic terrifying job but hydrous ammonia presents a specific style of fire fighting as had been noted. Self contained breathing apparatus and protective suits. Appreciating a fire alarm system presented by the Fire Chief at the last meeting the concern she saw was timing, the time it would take for all of the units to get here. And then the question of water, to fight a fire to protect their homes and the town required copious amounts of water which we apparently don't have. She handed out two articles from the North Dakota State University, North Dakota who uses more hydrous ammonia than any other state, had classified it as a hazardous substance, and the other article was from a think tank in Washington, D.C. called The Center for Effective Government titled, Is Hydrous Ammonia a Risk to your Community, it's specific to accidents that had resulted throughout the country. Tyson Foods paid out four-million dollars in damages from leaks just to name one. And the utter nonsense of saying that the property would be worthless if it wasn't for Dale Hurst. An article came that very evening that stated that the country needs seven-million homes to solve the housing crises. He could have built a senior housing project and been a hero, which had been discussed before. Ask yourself if you lived within the mile required in an

evacuation would you feel comfortable with constant noise, not being able to sit outside or sleep and knowing the potential of what could happen and the devastation of any accident or fire could cause, do you feel concerned yet. She also handed out a copy of the article of the Charleston fire.

Susan Kirby, a resident of Pioneer Mobile Park said she was speaking off the cuff, she knew the items that she had previously contributed to this matter but there were a lot things that she didn't know where this was going. It had been going on for so long and she didn't know exactly had been accomplished. There had been a lot of issues brought up that were very important such as the issues brought up this evening. She felt that especially where she lived, her house being the first house directly behind the plant, she was no longer allowed to go into her back yard, she was told to stay out of the sun by her neurologist and she could not be exposed to the sun anymore, she had two spots on her brain that caused her in-cognitive talking, speaking, making sense, and could get worse. She lives with this issue everyday and like the pandemic she was basically home bound twenty-four hours a day, seven days a week. Along with that she felt uncomfortable, she spoke with a realtor as far as the value of her home and it had drastically decreased according to the tax value as their recent tax payment. She said she didn't know about the others in the park but she had no place to go. She recently saw the fencing and blankets going up but now they were going up even further and she thought when was the stop button going to be. She hoped that the City Council would realize how serious the noise, the chemical problems and take it into toll and really give it some serious thought because they were not only risking that park and her, they were risking everybody in this beautiful town.

Daniel Burton, a resident of Pioneer Mobile Park said that one of Mr. Hurst's Attorneys brought up constitutional property rights and the last time that he read the constitution it applied to all men, all people and their property values and their right to life, liberty and the pursuit of happiness had been severely damaged. One thing he wanted clarification on was a question from Mr. Bollweg asked was if sprinklers were installed inside the building and if there was an ammonia leak wouldn't that cause sever situation and the reply was yes, it would. Then Mike Gavlik commented that at least if would be contained and what caused him to be concern was that it may not be correct was in earlier testimony one of the witnesses for Mr. Hurst described the system as exhausting the ammonia out the roof if there were an ammonia leak but he did not see that containing it, it may help the people in the building but if it was rainy and wind was blowing their way it could be devastating to anyone that lived in the park literally ten-feet away from the building and asked for clarification on that. He felt that it had fallen to the wayside and not being heard that the property was zoned residential for the better part of two-hundred years up until two years ago when it was rezoned from residential to commercial, the zoning map still shows it as residential, the front part was appropriate commercial which got along with the neighbors and shut down at night and didn't have lights and noise going on all during the day so you can enjoy your backyard. He didn't feel that

anyone in the room would be happy to have a twenty some foot building put literally six feet from their back fence when they enjoyed beautiful sunsets from their backyard for many, many years. Pioneer Mobile Park had been there for fifty-years, now they have a white building that blasted sun in their face all morning long, not to mention the noise, the lights and all the other health concerns they had. He asked the City Council to please think about the zoning, it was clearly an industrial operation. He believed Fire Marshal Gavlik considered it an industrial operation so it had no business even being in a commercially zone area and please consider that. He felt that perhaps he should take responsibility for getting so far off into the safety issues with the ammonia and fire potential, the reason they were here was because the Planning Commission unanimously voted to revoke their permit for failing to comply with ten of the fourteen of the agreed upon conditions and asked that they not lose sight of that. A man once said this stain should be removed from our community and no disrespect to Mr. Hurst, he believed he was an honest business man just trying to make an honest buck but he would be concerned if he were Mr. Hurst about his reputation, about the reputation of his nine Lil' Pantry Stores and his four ice plants across the state. This is bad and put him in bad light that he's not willing to take his lumps for his limited liability corporation was not going to hurt him personally except for a little bit of loose of revenue. He could pack this plant up and take it to an industrial zone and really be a good neighbor and make a small fortune on the property by doing what his neighbor previously suggested which was what would be good for this community. It would help all of us and remove this wondering of what if this does happen. What if your grandmother lived eight-feet from the back of this building and couldn't sleep at night or couldn't enjoy her backyard anymore during the day. He said it saddened him that he needed to remind the City Council of the situation and that they were put into the situation as representatives of the public and he believed that they all had the heart to understand him and appreciated their public service and asked that they do the right thing and support the Planning Commission's unanimous decision.

Mayor Wayne Stuart called on Thomas Shade.

Ben Freudenberg Attorney for Mr. Hurst and HRP, Inc. interrupted by commenting that he felt the Mayor and City Councilors were going to enjoy hearing from Mr. Shade but wanted to do a little bit of introduction. He said it was interesting that the Charleston fire had been brought up because it obviously had been a concern to them and members of the audience so he tracked down some information on the nature of that fire and handed out packets to the Mayor and City Councilors. He stated that there was a clipping from the Coos Bay World showing the plant had been in existence in 1958 which had been sixty-one years ago. The next document was two pages of the Oregon International Port of Coos Bay Regular Commission Meeting minutes of Thursday, March 19, 2020 commenting that the old structure had been built entirely of wood, including the piling and caps of pressure treated wood. He said that the Ice Plant was build of a steel framed building on a concrete pad, not exposed to sea air and not sixty-one years old. He felt it was important that

the City Council weigh that when thinking that Charleston was in any way similar to the Rogue River Ice Plant. He also commented that the last two photos pertained to what Ms. Kirby had described with extending the height of the sound blankets around the cooling towers at the South end of the building. They got material to build the taller frames and when completed the existing blankets came off and be replaced with the taller twenty-foot blankets as recommended by Mr. Standlee.

Thomas Shade, a Mechanical Engineer from Glen Carbon, Illinois, representing Mr. Hurst and HRP, Inc. as an expert for ammonia refrigeration. He said he had been doing ammonia refrigeration for about eight-years and had spent a lot of time in ammonia plants ranging from small ones to some of the largest ones in the country doing mechanical integrity audits, designed new ammonia engine rooms, designed safety systems, worked on problems when there had been a release or a leak to figure out what went wrong, how much was released and hoped to bring some facts to the table. He was not there to convince or persuade anyone in anyway invalidate any the things that had been said. He felt the people in the town were doing their due diligence and felt it was a good thing. With the use of his laptop he put together some background of ammonia refrigeration and how it applied to the plant. He went through the plant that week and did a study on how it was put together, how it was built, the safety systems involved and did some testing on it to verify the operation of it and got some results. He said ammonia as a refrigerant was a great refrigerant, in fact he said it was the best, the most efficient, the most energy efficient, has the lowest global warming potential out of all your refrigerants. If you didn't have ammonia you'd have something like R507, 404 or 407, all of which were a lot worse for the environment and less efficient. The other good thing about ammonia was it stinks so if you did have a leak you know it. It didn't take many parts per million in the air to know something was going on and you could get away. In fact it stunk so bad that it was almost impossible to be around it at a level of that quantity. If it got above twenty-five parts per million your running the other way already. You could be around about three-hundred parts per million for about eight-hours before it did any harm. The smell of it even though it wasn't a good smell was in fact a good thing. The other side to the refrigeration system, besides the safety system he wanted to talk about was the installation of the system and the maintenance and design that goes into it nobody knew about unless they were involved in the commercial and industrial refrigeration world but there were entire businesses, contractors, companies all across the country and across the world that specialized in ammonia refrigeration systems. There were a lot of knowledgeable, experienced people with information for putting together systems like this one that are safe and able to be maintained and run for a long time. Mr. Spade read an exert from the ASHREA Book from his laptop that could not be seen by the City Council or the audience stating that ammonia was a popular refrigerant due to the superior thermal dynamic properties and low cost, ammonia was environmental benign having zero global warming potential and zero ozone depletion potential. It was hazardous when released in large quantities due to it's toxicity however ammonia did exhibit the unique refrigerant characteristic due to it's irritating order. Persons exposed to an

ammonia release would not voluntarily stay near concentrations that were health threatening. Although ammonia will burn in a narrow range of high concentration it was difficult to ignite and would not support combustion after the ignition source was withdrawn. He said he went through the plant that week and did an inspection of the safety measures that were in place and there were a couple of parts to the ammonia safety system and one that had been discussed was the detection system. In the room there were ammonia detectors, a low level and a high level. The low level was twenty-five parts per million was when the alarms went off and you would want to leave the space unless you were there working on an issue and when it happens there were alarms and a horn that sounded warning anybody in the plant. The second detector was there for preventing a high level concentration from the system. When there was a leak in that room it needed to be up to fifteen-percent of that room volume or one-hundred-fifty parts per million for it to be combustible and most people couldn't stand to be around three-hundred parts per million, that's about as high as an experienced refrigeration technician could stand. The next part of the safety system was the emergency stop or the e-stop. The detectors were tied into an e-stop circuit safety system so if a high level were detected or somebody hit the e-stop button on one of two panels it would shut down all of the equipment in that room and activate the emergency ventilation system. So part of what you're afraid of when you do see a higher concentration was that spark or ignition source so you kill the power to everything in the room so it eliminated any ignition source when that high level was approached. Instead of waiting till it got to fifteen-percent where it was combustible, usually the set point was variable but then it was set at fifteen-hundred parts per million, way below the one-hundred-fifty parts per million where it was combustible. The fifteen-hundred parts per million took a lot of refrigerant to get up to in that space.

City Councilor Barb Gregory asked if the e-stop was automatic or manual or both.

Mr. Shade replied that it was both, the detector activated the e-stop circuit, that's automatic when the detector saw the high parts per million, it shut everything off in the room and turn on the emergency ventilation fans. If it wasn't a high level that was the problem and there was a person that saw something going on they just had to smack that button and it would shut everything down and turn on the emergency ventilation fans.

City Councilor Barb Gregory asked where the fans ventilated the ammonia to.

Mr. Shade said it ventilated to the roof.

City Councilor Barb Gregory asked for confirmation that the ammonia went outside.

Mr. Shade confirmed that the ammonia did go outside. He then showed a screen shot of the ventilation system. Up on the roof of the engine room there were two emergency ventilation fans and their job was when there was a high level detected



in the space or the e-stop was pressed or somebody turned them to manual so that they turn on and hit thirty air changes per hour which meant the room every thirty-minutes was going to be expelled and then he showed a screen shot of the intake louvers that let the fresh air in from outside with fans that were specially designed to have non-sparking blades and motors that were built to evacuate ammonia. They evacuate at twenty-five hundred feet per minute to get up and away to the roof to get it as high as it can to get it dissipated by the atmosphere. The next part was the ammonia relief system. The ammonia relief system was a bunch of spring loaded valves that were on all pressure vessels in the plant. Their job was to open up if a high pressure was reached in that vessel and relieved the gas to the atmosphere. There was a relief header that went outside up to the roof to expel the ammonia up away from the ground and up into the atmosphere so it could be dissipated and the design of that relief system was if one of the relief valves did open it did not allow liquid ammonia to travel out of that pipe, it would be relieving into that vapor space of the vessels where there would be gas. So it would only be relieving gas would be released and not ammonia. The last part was the physical installation and design of the ammonia system and the way it would be maintained over time. The design and installation was done by confident engineers and refrigeration contractors and all built to last fifty-years and be safe. Some of the key things that were in place was that all of the piping was fastened and supported very well, it wasn't going anywhere, all the equipment was bolted to the ground. Where you got issues was a pipe break, or had a lot of movement. When leaks happened in the newer plants it always came from some kind of vibration over time and worked something loose. Everything in this plant was fastened, nothing moves, it was put together very well. As the plants start to age the piping gets rusted if it wasn't properly maintained and that was where leaks came from but this plant all the piping was painted so it wouldn't rust, if it were to start to rust they would repaint it and stuff that got the severe corrosion was the stuff that froze and thawed every twenty-minutes and then it would heat back up which creates extra rust. All of the pipe in the vessel was insulated to prevent that from happening. He said that all the safety measures that existed for a new plant were in place.

City Councilor Pam VanArsdale said since this was what he did for a living she asked how many Ice Plants had he been in or visited and did he do it across the country or just in the State of Oregon.

Mr. Shade replied it was across the country and that he'd been in probable fifteen plants.

City Councilor Pam VanArsdale asked if the majority of them were located in industrial settings or in city settings.

Mr. Shade replied most of them were in city settings. He said this plant was a little bit larger than a normal plant but as far as the size of the building and the storage capacity as typical plant had about the same amount of refrigeration and most of

those were in towns.

City Councilor Pam VanArsdale asked if they were located in residential areas.

Mr. Shade replied yes, that some were but not all were, mostly commercial zoning so where ever that may be.

City Councilor Rick Kempa asked if the system would still work during a power outage.

Mr. Spade replied if there were a power outage the system would shut down, the relief system would still work. It's a mechanical system.

City Councilor Rick Kempa asked if it had a battery backup.

Mr. Spade replied there were no batteries, it was a mechanical system.

City Councilor Pam VanArsdale asked if the alarm system still worked.

Mr. Spade replied that it was a mechanical system and it would not have power.

City Councilor Rick Kempa asked for confirmation that the evacuation system would not work if there was no power.

Mr. Spade replied that he was referring to the relief valve system.

City Councilor Pam VanArsdale asked for clarification that the alarm system would still work without power.

Mr. Spade replied that the alarm system was a power system and would not work.

City Councilor Jack Bird commented that since the key to the safety issue and the aging of plants he asked what regulations applied, who would be responsible for maintenance and upkeep and on what type of time basis.

Mr. Spade replied he would answer as well as he could. There were companies that were technicians that were certified to do maintenance and when an item came up such as a leaking valve or a fuel leak would be your typical maintenance items there were people to work on that. As far as regular upkeep the person responsible would be the owner of the plant or whoever would be put in charge of that.

City Councilor Pam VanArsdale asked if there were regulations that said the plant needed to be inspected at certain intervals.

Mr. Spade replied that there were certain things that would have to be replaced like

the relief valves every five-years which would be owner's responsibility or insuring that it took place. The way it worked was if you see something wrong, you fix it. There weren't clear time lines and regulations for when or how it happened.

City Councilor Jack Bird comment that basically he was saying it was self regulated.

Mr. Spade replied some parts yes.

Public Works Director Mike Bollweg said he appreciated what he had shared with them and in his role he actually had a whole lot of different things that went on as the Public Works Director and the primary thing was that the community was safe. We had an incredible fire department, police department, first responders and one of best government bodies he had a pleasure to work for. His concern was that the people next door could not sleep, they were in wheel chairs, bed ridden and they can't get away from it, their quality of life was a concern for them being somewhere where they can't get out of, the fire department can't get to them and the police department can't do them safely was a concern. He asked Mr. Spade if in his expertise he had any way to alleviate those concerns because people here were very worried about this issue every day and he was worried about it with the testimony he heard.

Mr. Spade said that things to do to alleviate that from an engineering perspective was that the plant was up to all codes or exceeds all of them so the mechanical operation of the plant, they were already doing all that they could. His opinion was if they're in their home there was not data about how ammonia would infiltrate how much would be able to get in. But his suspicion was that being in there with windows and doors shut would prevent a lot of that from coming in very quickly.

Public Works Director Mike Bollweg said there would be times of the season that their windows would be open and he was with Mr. Gavlik and wanted to know if there was any assurance the fire department would have any response time or detection time for a leak that could occur outside of the building or in the towers to give them enough warning to call for help. And, they needed to think of their own safety as well. He was still concerned, he thought of them all as family and he would not be happy with the rift he had experience here.

City Councilor Barb Hilty reflected with the emergency shut down with buttons to press to manually shut down the system who would have the authority to do that, would it be all the employees who were trained to push those buttons they would be trained.

Mr. Spade replied that anybody could push the buttons, there was a sign posted that said it was an emergency shut down button and it would instantly shut everything down.

Public Works Director Mike Bollweg said in this climate with the exhaust fans what about a snow load.

Mr. Spade replied that there were back draft dampers on the top of those that were on a curve and sit some feet from the service of the roof and they've got dampers that were gravity so when they were off and there was no air blowing up they're closed sealing that off and the fans had a lot of horsepower to blow out a lot of air and will throw anything sitting on top of those dampers off. He had no data of how much snow it would throw but it would throw a lot. They were very powerful fans.

Public Works Director Mike Bollweg said that he had a tour of the building and he could feel the air move out of the building.

City Councilor Barb Gregory commented that she understood that if there were a leak and the exhaust fans exhausted it to the roof and then into the air, that ammonia being lighter than air during dry season goes up, but what happened if it were raining and it became heavier air and dropped down. What effect could it have on the community.

Mr. Shade replied that was a tough question to answer because there had not been many studies done on ammonia releases with humidity and water concentrations and it affects. He could say that when those fans were exhausting from the relief system, it was designed to get stuff up and away. From his understanding what creates those clouds of liquid ammonia sitting and basically boiling on the ground. This system would be evacuated in vapor so there would be a lot less ammonia per cubic foot coming off of there so it would be dissipated a lot easier than if there were a liquid leak at ground level like an hydrous tank.

City Councilor Barb Gregory commented that he was talking about less concentration for the ammonia was still there.

Mr. Spade replied yes it's there but it's up high and thankfully it wouldn't be liquid ammonia.

City Councilor Barb Gregory asked if even if it was raining or snowing.

Mr. Spade replied yes.

Public Works Director Mike Bollweg commented that it had been said that primarily the safety things were well engineered and had a good history and he understood what was being said about the nature of the ammonia and how worked in the environment but it keeps going back to the maintenance. He said to Mr. Shade that since he had been in other facilities and it had been very difficult for the City to get them to maintain their backwash, stormwater and always a challenge to get them to maintain the grass and weeds on the property so what would the scenario be like

five or ten years from now if the plant was poorly maintained and the risk to the City.

Mr. Shade said from the plants that he had been in Mr. Bollweg was right. There were some plants that were very nice and there were some that were fifty-years old and waiting for an accident, but those plants had been neglected since the day they were born. This plant was a new plant and in very good shape, built and designed very well. He agreed that maintenance was a big thing to keep the plant in good shape over the years and the things that had been done to it to date was more than most other plants, even new plants. A lot of them don't even have insulation on anything so the pipes after even a month were starting to rust a little bit. That they weren't being monitored, the pipes weren't being painted, not bolted to the floor or installed cheaper material or do a quality job, none of which had taken place at this plant, everything had been done as good or better than required.

City Councilor Jack Bird asked if it meant that if the plant wasn't maintained than they were just passing it down to future generations.

Mr. Shade said it was impossible to tell what stuff was going to be like fifty-years or who maintains it but his estimation from what it looks liked now it was in good shape and set up to be well maintained. In his opinion he had not seen anything that had been neglected so far on the refrigeration system.

City Councilor Jack Bird thank Mr. Shade for a very well phrased non answer.

Mayor Wayne Stuart asked Mr. Freudenberg if he had anything to say.

Ben Freudenberg Attorney for Mr. Hurst and HRP, Inc. commented that Mr. Hurst had told him that the State did come in and inspect the pressure vessels, the tanks every three years. It was necessary to buy a permit for that and they did come around every three years to inspect anything under pressure. Other than that they would have some concluding remarks.

Garret West Attorney with O'Connor Law, LLC, representing the land owner Mr. Hurst, and his various LLC's, entered another letter into evidence dated October 28, 2021 including exhibits of the site plans from the original land use hearing, some correspondence from with building officials from the original record as well as the Certificate of Occupancy and various pictures and things of that nature.

City Councilor Pam VanArsdale asked why they couldn't receive that information sooner.

Public Works Director Mike Bollweg asked Mr. Garrett if the evidence he just entered into the record was something that they had not seen before.

Attorney West replied that he had not located it in the record but he had discovered

it in some of the original planning files with the original Certificate of Occupancy as well as the modification that was issued by the City.

Public Works Director Mike Bollweg asked how it related to the health and safety issue related to what Captain Gavlik was talking about.

Attorney West replied that it depicted some of the designs for the plant that the City inspected and approved as well as the Certificate of Occupancy the City issued under it's code. It included some of the correspondence between City Officials and building code enforcement to show that the plant was safe when the City approved all the plans.

Public Works Director Mike Bollweg commented that specifically it didn't apply to fire and the testimony Mr. Gavlik.

Attorney West said that it was his understanding was that the City was contemplating whether to revoke the Certificate of Occupancy based on public safety issues. The evidence demonstrated that the plant was safe, that the City certified it as safe and revocation of the Certificate of Occupancy would be unlawful.

Public Works Director Mike Bollweg said it appeared to him that Captain Gavlik's testimony was right on track with everything he submitted earlier and asked Mr. West if he had something that Mr. Gavlik didn't have any concerns.

Mr. West stated he was not an expert in fire and was not going to criticize Mr. Gavlik but he believed that the evidence demonstrates that the City properly certified that the building as safe. And the record was open and he felt he had the right as the Attorney of the land owner to submit new evidence.

Bonnie Marshall, a resident of Pioneer Mobile Home Park asked if she could ask a question, she signed up.

City Councilor Pam VanArsdale commented that she signed up to make a comment to the City Council not to question the applicant. She said she was sorry but that was the way the rules were.

Bonnie Marshall commented that the City Council would not be able to answer the question, it needed to be directed to the gentleman speaking as the expert so she guessed she'd have to leave it.

Daniel Burton, a resident of Pioneer Mobile Home Park spoke out and asked if the City Councilor valued comments from the citizens since they listened to testimony for over an hour.

City Councilor Pam VanArsdale again stated that was why they had the opportunity



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to sign up to speak to the City Council.

Daniel Burton commented that she could ask the City Council the question like he did and she could ask the gentleman to respond. This other gentleman asked to speak and you told him he couldn't because he didn't sign up. She signed up and she had a legitimate question why can't she ask it, what's wrong with that.

City Attorney Mike Franell commented that she had her opportunity to speak...

Daniel Burton interrupted the City Attorney responded not in reference of what was just said.

City Attorney Mike Franell said she didn't get an opportunity to address...

Bonnie Marshall interrupted the City Attorney commenting that everyone else had an opportunity, this gentleman, referring to City Employee, Public Works Director Mike Bollweg, he asked many questions.

City Councilor Pam VanArsdale commented that staff and City Council...

Public Works Director Mike Bollweg commented that he was the City Public Works Director.

Bonnie Marshall said she was the neighbor.

Daniel Burton again interrupted by saying that they were the people, the people living next to the atrocity and hopefully they City Council was representing them. That what he thought local government was suppose to work.

City Attorney told Mr. Burton that was enough.

Daniel Burton asked why they were being silenced.

City Attorney Mike Franell told Mr. Burton he was out of order.

Mayor Wayne Stuart declared the public hearing to be officially closed at 8:30 p.m. on the 28<sup>th</sup> day of October, 2021. No more input was to be allowed without permission from the City Council.

John Bond, a representative from the Rogue River Fire Department commented to the public not to disrupt the meeting and asked if it was continued.

City Attorney Mike Franell said the public hearing was closed so there was no more input from the public at that point.

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John Bond, asked if there would be further discussion.

City Attorney Mike Franell said the City Council would be entering into deliberations.

John Bond said that was what he was asking.

Susan Kirby, as resident of Pioneer Mobile Home Park asked if she could get a copy of the meeting from the office at a later date.

City Attorney Mike Franell told her yes.

City Councilor Pam VanArsdale said the question she had from the very beginning and had not been answered and needed to be talked about was the letter of intent. What the building and operation was told to the City was going to be that addressed all the other items Planning Commission felt they were in violation of their conditional use permit, the noise, the lights, the traffic, all of those things. Had it been what the City had been told what it was going to be a non issue.

City Planner Ryan Nolan commented that at the last meeting he had drafted Findings of Fact for the City Council to review though comments from the meeting on the October 14, 2021 and this meeting were not included but thought they could help the City Council with their options. He said there were eight specific issues raised by the applicant in their appeal and there were ten items of condition that the Planning Commission felt weren't complying with. He handed out the findings and suggested that the City Council continue deliberation and probable continue deliberations to a time and date specific so he and the City Attorney could take input and draft the official information received on October 14, 2021 and the additional information received from this night and present a continued deliberation with another set of findings and then more information could go into to created findings that all or the majority of the City Council could agree with.

Mayor Wayne Stuart said that would be helpful.

City Planner Ryan Nolan referred to his current findings of Issues Raised on Appeal by the applicant and then a potential response to each of the eight issues raised in the appeal to the Planning Commission and previous City Council hearings but then again there had been additional information submitted since the draft was created on October 14, 2021 and then tonight.

The City Council took a moment to review the Findings of Fact, Section III. Issues Raised on Appeal that had been included in their packets.

City Councilor Pam VanArsdale questioned the findings regarding the grease trap and car wash because of the different tax lots, was that an issue for them.

City Attorney Mike Franell recommended that not to have findings in relation to the grease trap or to the car wash because he did not believe they related to the original conditions.

City Councilor Pam VanArsdale referred to Public Works Director Mike Bollweg regarding his tour of the Ice Plant, and referring to the applicants Letter of Intent that stated the nature of their daily operations would include foot preparation, ice production and packaging and supplying products to their stores, she asked if there was any food preparation being done there.

Public Works Director Mike Bollweg said not to his knowledge.

City Councilor Pam VanArsdale asked if there were any storage of products.

Public Works Director Mike Bollweg said the only storage of products that he could see on site was ice.

City Planner Ryan Nolan asked for clarification from City Attorney Mike Franell that during deliberation the only discussion should only be about information discussed but for new information should the applicant an opportunity to rebuttal of the additional information from Mr. Bollweg.

City Attorney Mike Franell responded that if it ended up that staff were able to discuss information that had come into the extent that would end up being utilized within the findings then they should offer an opportunity, however, it was not utilized in the findings then he felt there was not a necessity to offer an opportunity.

City Councilor Pam VanArsdale commented that it had been mentioned that there was more information and asked if there were other findings that was recommended.

City Planner Nolan Ryan replied that on October 14, 2021 they heard from the mechanical expert, they heard more information from Attorney Ben Freudenberg and he didn't know if there was anything else that the City Council needed. There definitely had been quite a bit of additional information given on the issues raised on the appeal and he could work with the City Attorney to draft them.

City Councilor felt that they would want to include any more information.

City Attorney Mike Franell commented that the was not sure there had been additional information that came in that was relevant to the original conditions.

City Planner Ryan Nolan said the applicant had give information about the sound and the steps they were taking and they definitely provided more expert testimony related to safety issues. Whether or not impacted their decision was up to City

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Council.

Public Works Director Mike Bollweg asked if he could clarify his response City Councilor Pam VanArsdale.

Mayor Wayne Stuart replied yes.

Public Works Director Mike Bollweg commented that during the tour he toured the ice plant portion of the building, there was a small portion of the building that he did not go into and suggested maybe ask the owner of the building or his representatives if there was food preparation going on in there. His understanding was that it was a break room/office, but he truly did not know because it was just a smaller portion of the building inside of the building. The majority of the building had ice and ice machinery.

City Councilor Pam VanArsdale responded that she was just questioning the Letter of Intent because she felt it was an important part of it.

City Councilor Pam VanArsdale asked if they wanted to continue deliberating so they could go into the findings a little bit deeper, what should they do next.

Mayor Wayne Stuart said he would recommend that.

City Planner Ryan Nolan suggested to Mayor Stuart to ask the feeling of each City Councilor member of somewhat appropriate findings if they were way off track or did they need some changes.

City Councilor Jack Bird commented that there was nothing more important than what they were doing than the findings of fact and they had not until that moment gathered all the pertinent information that they needed and would get no more. Now that they had all the information that they need, they needed to analyze it and put into proper findings of fact so they can make the proper decision keeping in mind everybody's opinion regardless of the comments heard, they do listen, they did care, they do understand the urgency, it's better to get it right then to hurry. He felt they needed to seriously consider finalizing their findings of fact based on the information they now had and at that point and time making a final decision.

City Councilor Pam VanArsdale thanked the City Planner and City Attorney for working on the findings. She agreed with all of them and felt there might be some that needed to talk about more as far as such as the grease trap and another item. She felt they had a pretty strong set of findings showing that the applicant had not met the Conditional Use Permit requirements. She wasn't sure there was more to add but it was a lot to take in at one time and was wondering if they needed to write more than just that evening meeting. She felt they had done a great job.

City Councilor Rick Kempa felt he was pretty much ready to go with a couple of corrections, other than that he was happy with it.

Mayor Wayne Stuart also thanked the City Planner and City Attorney for all their information.

City Councilor Barb Hilty said she would like to deliberate a little bit more because she liked to read things and check out stuff. She did have one other comment to the gentleman in the back, referring to Daniel Burton, they did represent him and the public. There were also over two-thousand other people in Rogue River that they represent so they really want to make sure they make the best decision.

Daniel Burton thanked her and he appreciated it.

City Councilor Don Daugherty said he thought they needed to discuss it more.

City Councilor Barb Gregory said she thought it was very well done and they should remove the two items that really didn't have anything to do with the Conditional Use Permit, that being the grease trap and the car wash. She felt that they had gone through so much information, testimony, etc. and her for one feel that she could make a decision tonight and she didn't say it lightly. She had taken everyone's comments, everyone's testimony into consideration as well as reading the copious amount of information they had been given and that was her opinion. She would be agreeable to further discussion by the City Council.

Mayor Wayne Stuart asked if there was a motion to continue the deliberations or finish deliberating on the basis of what had received and the information the had.

CITY COUNCILOR BARB HILTY MOVED TO CONTINUE WITH DELIBERATIONS TO NOVEMBER 18, 2021 AT THE REGULAR WORKSHOP AT 20:00 A.M. TO ALLOW TO SPEND MORE TIME AND CONCENTRATE ON THIS

City Attorney Mike Franell said he would not be available.

City Planner Nolan Ryan and City Attorney Mike Franell said they felt they could have adequate findings available for them on November 4, 2021.

CITY COUNCILOR BARB HILTY AMENDED HER MOTION TO CONTINUE WITH DELIBERATIONS TO NOVEMBER 4, 2021 WORKSHOP AT 10:00 A.M., SECONDED BY CITY COUNCILOR PAM VANARSDALE.

MOTION CARRIED BY ROLL CALL VOTE.

## ADJOURN

There being no further business to come before the City Council and upon motion duly made (KEMPA), seconded (VANARSDALE) and carried, the meeting

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adjourned at 8:57 p.m.

**ATTEST:**

*Ryan Nolan for*  
Carol J. Weir, MMC  
City Recorder