

CITY OF PILOT ROCK

Council Meeting

February 18, 2014

7:00 PM

A. Called to Order

The Regular meeting was called to order by Mayor Carnes at 7:00. Council members present were Kacie Moss, Ray Corwin, Jim Hinkle and Michael Baleztena. Also present were City Recorder Teri Porter, Steve Draper and Chief Richman. Citizens present were Mary Lue Slabik, John Taylor, John Standley, Carl Schreiner, Joey GrosJacques, Jeff Mills, Mark Street, Greg Johnson and Pastor Harley Jeffers.

A. INVOCATION

Pastor Harley gave the invocation.

B. PLEDGE OF ALLEGIANCE

C. APPEARANCE OF INTERESTED CITIZENS

John Taylor asked why section section7 item's D&H of Pilot Rock Ordinance 519 Rules of the Council is not being followed. Mr. Taylor went on to read item *D: No motion shall be debated until it has been seconded and announced by the presiding officer. H: When a motion is made and seconded, it shall be stated by the presiding officer before debate. A motion may not be withdrawn without the consent of the member seconding it.* Mr. Taylor contends that a motion must be made first then debate the motion not debate every which way then make a motion.

Mary Lue Slabik stated that there are large users of our water, such as the Bark Plant, and folks watering their cows, that are not being metered. Would like to know how we are monitoring the large users of our water. Steve Draper explained that the water is not metered and is on the honor system. They are charged by the tank load (at \$4.50 per 1000 gallons). There is a concern that everyone is not paying their fair share. It is his desire to put in a card lock system like Byrnes Oil / Pacific Pride, but the expense has never been approved. The card system would cost between \$10,000 - \$15,000. Steve states that the guys who run the cows gets 5-7 loads a day about 3000 gallons a day. Steve stays in contact with them and has them come into City Hall to turn in their loads to be invoiced. Councilor Moss asked if we could revisit this subject at a future meeting and asked Steve to come back with cost estimates. Everyone agreed.

John Standley stated that when Council was ready to consider the Bike Pit issues that were on the agenda, he had something's he would like to add. Council agreed that he would be given time to voice his concerns at that time.

D. PRESENTATIONS

Karen Davis and Tracy Hamby with Banner Bank gave a brief presentation and expressed their desire to be of service to our community. Mayor Carnes stated that the Downtown Association, the Chamber of Commerce, the Bike Pit and the Archery Club have all gone with Banner Bank. She went on to explain that the City has been loyal to whichever bank has occupied the building in town and that is no long the case. Banner has done well by us in the past they stepped up in giving us a large loan that we could not get done with Sterling. Teri

CITY OF PILOT ROCK

stated that she would be willing to work with Karen and Tracy to see if they can offer us a better deal than what we are getting with Sterling and it is understood that before we could consider a change we would have to send out an RFP (request for proposal) from other banks to ensure we are making the best decision. Tracy offered that he could help us with that by providing sample RFP's.

E. ACTION ITEMS

F-1 Application for the Planning Commission

Teri stated that she has included the application of 3 citizens wishing to serve on the Planning Commission. Carl Schreiner and Joey GrosJacques were present and available for questions. Teri informed Council that Michelle Casady could not make it as she has Bible study on Tuesday nights, but reminded Council that Michelle is currently serving on the Budget committee and has made several attempts to get more involved in the community. Council reviewed the applications. Councilor Corwin asked how many positions were open. Teri explained that we had just passed the Ordinance that reduced the number from 7 to no less than 4 voting members. So with Joey, Carl and Michelle along with Tom Callahan who is an existing member, we would be able to get the commission back up and running. **On a motion by Councilor Moss and seconded by Councilor Hinkle, Council agreed to approve the applications of Carl Schreiner, Joey GrosJacques and Michelle Casady.** During discussion Steve Draper asked if we were going to limit it to only 4. Teri explained that there are a couple of others interested in serving, we can have as many as 7. **All present voted yes.**

F-2 Northwest Clerks Institute

Teri explained that for her to get the training and certification she needs she would need to attend the Northwest Clerks Institute. It is a weeklong class held at the University of Puget Sound from June 1-6 and would be a total cost of \$1,075. Teri explained that she has \$1,788 in her training and education line item of the budget. **On a motion by Councilor Baleztana and seconded by Councilor Hinkle, Council agreed to let Teri go to school.** In discussion Councilor Hinkle asked if Teri would be covered while she is gone. Teri explained that she did plan the budget calendar around this week and Wanda and Susan would be able to cover the office. **All present voted yes.**

F-3 Vacation Request for Steve Draper

On a motion by Councilor Hinkle and seconded by Councilor Moss, Council agreed to allow Steve to take vacation from February 24-28, 2014. All present voted yes.

F-4 Bike Pit Events and Request to Apply for Grants

Jeff Mills, the current president of the Bike Pit asked Councils approval to hold events on the weekends of March 9, 2014, October 12, 2014, November 16, 2014, December 7, 2014, February 22, 2015 and March 7, 2015. Jeff explained that as always they would carry the needed insurance naming the City as second insured. **On a motion by Councilor Baleztana and seconded by Councilor Moss, Council agreed to approve the listed events for the next 12 months.** Mr. Taylor asked why this motion isn't to deed the property to the Bike Pit as

CITY OF PILOT ROCK

it was formerly motioned. Steve stated that he thought there was a motion made in the last 2 years stating that the City would retain the property and the bike pit organization operate it. Steve asked for time to research it and find that information. John Standley stated that he made the motion on August 4, 2009, to allow the transaction to deed the bike pit property over with the revisionary clause on a 501c3 condition. That drug on for a year and the bike pit came back and said they could not get the 501c3, so at the following Council meeting he made a motion to rescind that qualification with the 501c3 to get the process going. But then the attorney stated that as a governing body the City could not deed property to an entity without a 501c3. So the race was back on again and it has gone on for 3 years or more. John stated that he now understands that the Bike Pit has the 501c3 and told Council that he would not want to sit behind that table and continue to use City property for another entity to make funds over, because you are using tax payers property without remuneration and not sure if you have the right to do that. John stated that he feels that Steve needs to separate himself from the Bike Pit so there is no confusion or ethics violation or misconduct or spending City's money for property we may have or haven't and cautioned the Bike Pit to go on any further without getting their act together. Chief Richman called for a point of order that the motion on the floor was about the event dates and now has gotten way off track just like we were accused of doing. **All present voted yes.**

Jiff Mills went on to ask Council for permission to apply for grants. The Bike Pit would like to apply to Wild Horse for a grant to build a building that would be to the City Councils approval. Also would like to apply to Oregon Parks and Rec. for an equipment maintenance grant, to purchase equipment to do maintenance to the track. Councilor Corwin had questions he wanted to ask before making a motion, but was concerned that he would be in violation of Council Rules by asking a question before making a motion, as stated by Mr. Taylor. There was discussion as to the need to get clarification before making a motion, Mayor Carnes asked Teri to read the sections of the Council Rules that Mr. Taylor was referring to. Mr. Taylor directed her to section 9 D and H. The rules do not state that there cannot be discussion or questions prior to making a motion. These sections refer to debate of the motion. Discussion prior to the motion helps Council to decide what motion they want to make if any. Councilor Corwin went on to ask, if the Bike Pit purchases equipment and leaves it on the property which is City owned, is the City responsible for the equipment if something happens to it? Steve Draper explained that everything will fall under the Bike Pit responsibility, but since the Bike Pit is on City property they must first ask Council for approval. **On a motion from Councilor Corwin and seconded by Councilor Hinkle, Council gave approval to the Bike Pit to go after the proper grants over the next year to get the things they need to proceed with the Bike Pit.** Mr. Taylor felt that Council should see the grants before approving them. Steve explained that it must first come to Council for approval. **All present voted yes.**

Jeff Mills stated that they would like to review the agreement between the City and the Bike Pit and develop a written contract. The Bike Pit is considering sharing a percentage of the Bike Pit's annual profit with the City. There was discussion regarding if the City was to receive revenue from the pit, the City would then need to pay property taxes and may also affect the recreational immunity issue. Mr. Taylor stated that he is not opposed to the Bike Pit, but he does have an issue with the liability is posses to the City. If there is a problem

CITY OF PILOT ROCK

out there, who do you think is going to be sued, and then the City will have to pay for an attorney even if we are innocent. Councilor Baleztana explained that under recreational immunity the City is protected. Steve stated that as it has been explained in the past you do not have liability unless you charge for an event. Anytime the Bike Pit has charged for an event it has carried its own insurance naming the City as second insured. Councilor Moss expressed concern that if the property was deeded over to the Bike Pit, they may have to lock up the gates except for 5 events a year. If we partner with them, allowing them to continue to operate as a park, then we have people visiting Pilot Rock all week long, shopping. Councilor Moss would like everyone to look at the big picture, that it is good for the community as a whole and whatever we can do to help them be successful we should be open to it, she agrees that we must be careful but there is more to it. There was continued discussion about the benefits of the Bike Pit and allowing it to grow. John Standley asked if the deeding of the property went hand in hand with the 501c3. Steve stated that he believes Council revisited that subject and that they made a motion to leave it as a City park, but was not sure and said we need to research the minutes and asked to address this at another meeting. Mr. Standley, said deeding the property would eliminate the headaches to the City. But if you decide, because it is in the best interest of the community, to do the Co-op thing, that's fine, just get it out there so everyone knows what you are doing. Mr. Standley cautioned that we need to keep the jobs separate from City functions. Steve explained that the Bike Pit is applying for the grant they are doing all the paper work and filing not the City. Councilor Corwin stated that is why the contract they are wanting to develop is a great idea. **On a motion by Councilor Moss and seconded by Councilor Hinkle, Council directed the Bike Pit to come back to Council on the second meeting of March with an outline of the proposed contract.** Councilor Moss clarified that this would just be a jump off point not a guarantee that we will agree with the contract. We will need to have legal look at it. **All present voted yes.** Council Corwin asked Jeff Mills about the Mud Bogs that are coming in 2014, as indicated on the flyer. Jeff and Steve stated that nothing has been finalized yet but they are working on it. Steve said it comes down to revenue made off the next two events, will indicate how much money they have to spend on the mud bog event. The Bike Pit has been in contact with their insurance company who has specific guidelines as to who the mud bog event must be run. Mary Lue Slabik asked if Council thinks the tax payers of Pilot Rock feel that the use of their property for 8-10 years is a good venture? Councilor Corwin, stated that he says a lot of local people utilize the Bike Pit along with people outside of Pilot Rock. This area has not had anything like a bowling alley or an arcade for kids, this has been a great family thing. It's a great family activity and I see a lot of local folks taking advantage of it. Councilor Corwin feels that if you were to take a pole of the town as a family setting you would get a lot of positive feedback. Steve agreed and added that it also brings revenue into the City, grocery stores, restaurants, gas station. Mr. Standley added, if the Bike Pit can get their message out, what they are doing. Yeah your using a little bit of the tax payers money but it does benefit the community. You are working now to establish segregation between the entities and that it is a benefit and a plus to the community. Maybe then it would be more welcomed by the people who don't have any kids and don't know what the bike pit is about. Steve added that the proposal the Bike Pit will be presenting is to give back 2% of their annual net profits, which will repay the tax payers. Councilor Baleztana, stated that he has heard from folks who think it is a great spot but would like to see a walk path, and maybe a trail for 4 wheelers

CITY OF PILOT ROCK

that are not jumps. Most people he has talked to likes, not only what is going on now, but also the possibilities of what it could be in the future. Steve suggested that everyone take the time to read the Bike Pit master plan, it outlines all the future possibilities. Teri suggested that the Bike Pit put brief notes from their meetings in the newsletter, so that folks know what direction they are going. Mr. Taylor asked if Council would object if he does a survey. Councilor Moss, cautioned that in the past survey she as a citizen and a tax payer has never been approached to participate in his survey, and unless every door in town is knocked on and asked to participate it would not be effective. If only a selected few are asked to participate the information and data your are receiving is skewed and no good. Mr. Taylor asked if Council would help survey the community. He was reminded that everyone on the Council has a full time job. Councilor Moss offered that she is available to talk to everyone and anyone the 1st and 3rd Tuesday of every month. Mrs. Slabik asked Steve how many active paid members of the Bike Pit are there? Steve answered absolutely none. Mrs. Slabik continued with her concern that most of the help is from the Pendleton area and you don't have too many people of Pilot Rock that are interested. Steve did not deny that there are a lot of people from Pendleton that are interested and drive out here each week just to attend a meeting and make sure that Bike Pit keeps running and that's pretty good dedication. Mayor Carnes clarified that there are no membership dues, and no one gets paid.

G INFORMATION ITEMS, REPORTS AND PRESENTATIONS

G-1 Department Head Report

CITY HALL:

1. Working with Darren and Steve to update our employee handbook. Doing the necessary research to ensure an effective and easily understood handbook.
2. No appeals were made regarding both the Fenton rezone and Perrine conditional us decisions. Those permits have been approved signed and mailed to applicants.
3. Still working on cleaning up in the storage room and purging files.
4. We need to upgrade the financial management system. We currently use a version of Springbrook that is outdated. The upgrade will cost approx. \$13,000. I am looking into other software options that may be more cost effective. Once I have all the info compile I will make a presentation to Council.
5. Have been contacting other small cities regarding their fee for Business permits. I have only heard back for a couple. Once I have more data I will inform Council.
6. I will be attending the CIS conference on February 27-28.
7. Was referred to Jim Rogers that he might know the name of the Pendleton company that would purchase our old computes for the silver and gold content. He does not know. Also asked Ruth Snively, she doesn't know either.

Teri added to her report: Teri informed Council that along with the Bike Pit events, the First Citizens Banquets, the Winephest all coming up, City Hall is asked to sell tickets for these events. Sterling Bank used to do a lot of this but with them gone, City Hall is really the only place to be a central location to purchase these items. Teri wanted to be sure that Council is aware and if there are any issue then we need to discuss it. Steve feels that these events support the community and should be ok for City Hall to help in this way. Councilor Corwin also does not see that this should

CITY OF PILOT ROCK

*be an issue because it is helping to support events in our community. **Teri did not receive any opposition from Council that they object to City Hall helping to support the community in this way.***

POLICE DEPARTMENT:

1. We have disposed of some of the items and continue to complete this task.
2. First part of CPR/First Aid class completed.
3. Finalizing car replacements.

PUBLIC WORKS:

1. With the snowy weather, have been working on snow removal/displacement.
2. Working on disposing of the items that were declared surplus.

G-3 Employment Policies Section of the Employee Handbook.

Teri stated that she Darren and Steve have been reviewing the current employee handbook and are submitting their proposed changes for Councils review. She said that this comes before Council as an information item tonight, so that Council may have time to review the changes and be prepared when it is on the agenda as an action item at the March 4, 2014, meeting.

H. CONSENT CALENDAR

On a motion by Councilor Baleztena and seconded by Councilor Moss, Council agreed to approve the consent calendar.

I. CITY COUNCIL COMMENTS

Just as Council was adjourning, Councilor Baleztena announced that softball season is here and he will be absent quite a bit.

J. EXECUTIVE SESSION:

Council went into executive session at 8:20pm under ORS 192.660.(2)(e) to discuss real estate transaction regarding the easement to the water tower. Councilor Moss read the motion taking Council into executive session. In attendance were Chief Richman, Steve Draper, Teri Porter, Mayor Carnes and Councilors Moss, Hinkle, Baleztena and Corwin.

Council came out of executive session at 9:02. **On a motion by Councilor Moss and seconded by Councilor Baleztena, Council agreed to directed staff to proceed with creating an agreement between the Koch family and the City of Pilot Rock. All present voted yes.**

K. ADJOURNMENT

On a motion by Councilor Moss and seconded by Councilor Baleztena, Council agreed to adjourn at 9:02 pm. All present voted yes.

APPROVED _____

ATTEST _____

CITY OF PILOT ROCK
