

CITY OF PILOT ROCK

Council Meeting

November 17, 2015

7:00 PM

A. Called to Order

Having a quorum the Regular Council meeting was called to order by Mayor Carnes at 7:00 PM. Council members present were Raymond Doherty, Ray Corwin, Deacon Perkins, Jim Hinkle, and Bob Deno. Also present were Teri Porter and Steve Draper. Citizens present were John Taylor, Mary Lue Slabick, Jackie Carey, Terry Womack and Harley Jeffers

B. INVOCATION

Pastor Jeffers gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. PRESENTATIONS

None.

E. APPEARANCE OF INTERESTED CITIZENS

Mrs. Slabick asked for a report on how the mud bog went. Steve stated that about 200 spectators attended with about 25 participants and pit crew. He said all the drivers enjoyed the track and promised to bring more riders with them next time. They plan to hold another bog in the spring and then maybe during Community Days. Teri Porter attended with her husband, and they were impressed at the attention that was paid to safety during the event. She also added that when she and her husband left the event they were going to J&D's to get gas but they were backed up with folks that had obviously been out at the bog, so the business did benefit some. Councilor Hinkle stated for a first time event it went off very well.

F. ACTION ITEMS

F-1 Appoint a City Councilor

Both Terry Womack and Jackie Carey were present. Council had each of their applications in the packet (each applicant filled out the same application). Councilor Perkins asked Terry to elaborate on question #3 of his application. Terry stated that he does not know the working of the City or what's going on so he left the question open. Councilor Perkins asked the same of Jackie. Jackie stated that the Police Department needs to be the first priority. Also stated the Lagoon Upgrade options are very important as well as the replacement of the stairs to the school. There were no other questions. Council voted by ballot. The ballots were tallied and revealed that Terry Womack won by a majority vote of 3-2. *(Teri did not reveal who voted for who at this time, but rectified the error the following day as reported in the EO. Councilors Doherty, Deno and Hinkle voted in favor of Terry Womack and Councilors Corwin and Perkins voted in favor of Jackie Carey.)*

Teri Porter swore in Terry Womack and he took his seat on Council.

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F-2 Ordinance to Ban Marijuana Related Businesses.

Teri Porter read Ordinance No. 569 an Ordinance Banning Marijuana Related Businesses in the City of Pilot Rock and Declaring and Emergency, in full. Teri stated that if Council approves this first reading the Ordinance will be put on the agenda for our next meeting, read in title only and if approved will be put on its final passage. Councilor Perkins inquired about amending the Zoning ordinance to further express Council intent that no marijuana related business be allowed within Pilot Rock. Teri stated that it would be cleaner to first pass this ordinance then she will present Council with an ordinance amending the zone codes and business license.

On a motion by Councilor Deno and seconded by Councilor Hinkle, Council approved the first reading of Ordinance No. 569 banning marijuana related businesses. All present voted yes.

F-3 Ordinance No. 570 Providing for Special Hook-On Fees

Teri Porter explained that Council approved the first reading in full of this ordinance. Council will now need to approve the 2nd reading in title only before it will pass. The following was addressed in discussion:

1. This ordinance does not address how the costs for the fees will be determined. It is only intended to give the City the authority to collect such fees.
2. As each occasion arises where a developer constructs a utility extension at his expense and at no cost to benefitting property owners. If the developer so chooses he may enter into an agreement with the City. The agreement will lay out the terms of the cost to each benefitting property as they hook on the extended main.
3. City Council will have to determine at that time if the fees are fair and equitable.
4. If a developer presents an inflated cost. Council can choose not to enter into the agreement.

Teri read Ordinance No. 570 in title only.

On a motion by Councilor Perkins and seconded by Councilor Deno, Council agreed to approve the first reading of Ordinance No. 570. All present voted yes.

F-4 Police Chief Recruitment Strategy

Teri Porter asked Council to review the current strategy and see if there are any other thoughts or ideas, before she reposts the position. **Councilor Perkins made a motion to hold a work session and invite the public and come up with a package that people can buy into before we resubmit for a police chief or an officer.** Councilor Corwin asked why are we not relying on folks that are more qualified to hire a chief. Councilor Perkins stated that he felt there are things he feels Council should take another look at such as the residency requirement. He is not sure everyone in the community agrees that the Chief must live in Pilot Rock. Councilor Doherty agreed that we need to back up and take another look at it and stated that we need to consider not rebuilding the police department at all and contracting with the County or Pendleton or a combination of the two. He went on to state that it would relieve us of a big headache and it would cut our budget also. There was discussion regarding response time from another agency and Mr. Taylor felt contracting with them would be a poor move.

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Steve Draper stated that in the past we have contracted with the County and were not very satisfied. Also in the past we have had big community meetings where the citizens made it overwhelmingly clear they wanted Pilot Rock to have its own police force. Councilor Deno asked if is the residential requirement that is keeping folks from applying. Teri stated that she didn't think it was so much the residential requirement as much as it is the lack of quality homes available. There was discussion about the City purchasing foreclosed properties and remodel. Councilor Deno suggested a brochure highlighting the City's attributes and asked if anyone ever asks. Teri stated that most of the applicants that are really interested in the position will do their own homework and find out a lot about the City before the interview. Councilor Corwin asked that Teri do a wage survey for the Chief position he is concerned that officers in other cities actually make more than what we are offering a Chief. Councilor Perkins suggested targeting a particular person and see what it would take to get him on board. It was also discussed that this year we do have some extra money in the Police dept. budget, because we have not been paying out the wages and benefits for a Chief, but we have to remember whatever we do now we have to be able to sustain next year which could mean an increase in the Public Safety Surcharge. **Councilor Hinkle seconded Councilor Perkins motion. All present voted yes. Council agreed to meet for a work session on December 14 at 6pm.**

F-5 Extension of American Tower Lease

On a motion by Councilor Deno and seconded by Councilor Corwin, Council approved the extension of the American Tower Lease with changes to the date regarding the bonus. All present voted yes. In discussion Steve explained the only difference between the old and the new lease is, the extension of the time period, went from a 7.5% bump every 5 years to a 2.5% bump annually and there is a \$10,000 signing bonus. Steve has asked around and feels this is a good deal. The cell company has and will continue to pay the property taxes. Mr. Taylor does not feel it is good business to enter into a contract for such a long period of time. It was explained that both parties can opt out. Steve explained that this contract has back and forth between American Tower and the City attorney to iron out details. Councilor Doherty pointed out that the agreement states that the contract must be executed prior to November 6th to qualify for the \$10,000 bonus. There was clarification that this is not the cell company whose access easement costs the city \$300 a month payments to the Koch family. AT&T built the tower and American assumed their lease option. Verizon is co-located on the American Tower. American Tower has their own easement with the Koch family. Councilor Perkins asked if it would be prudent to delay this until after we have a chance to revisit the Koch issue. Steve stated that it has nothing to do with the Koch issue. John Taylor asked if Council is aware of the public purpose law, that the Council could be liable for the \$300 monthly payments to Mary Koch that is not for a public purpose (ORS 294.1). Councilor Corwin stated they are working on it. Councilor Perkins asked if there is any reason why we should not do this? No reason was given.

G INFORMATION ITEMS, REPORTS AND PRESENTATIONS

G-1 Department Head Report

CITY HALL:

1. Working on Marijuana Ordinance.
2. Officer Lehnert set up with phone, gas card, passwords, keys etc.
3. Preparation for executive session.

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4. Corresponding with attorney's and CIS re HR issues.
5. Still working to conclude audit.
6. Conducted exit interview with Officer Thompson.

POLICE:

1. Chief Candidate withdrew his application. Accepted an unsolicited offer from previous employer.
2. Officer Lehnert has been following up on calls for service.
3. Officer Lehnert has accessed the RIMS system and will follow up on any unfinished business.
4. Officer Lehnert is here 40 hours a week on a varied schedule. He is patrolling, visiting schools and businesses.

PUBLIC WORKS:

1. Running the electrical conduit for control wire at #2 well.
2. Winterized all equipment.
3. Trying to resolve issue with grade school meter
4. Starting Hatley water main extension.
5. Sent a letter of intent to Diane Britt letting her know we are still interested in the property. Just needing time to do our due diligence.
6. Fixed water main at fire station .
7. Deed for the property at the foot of the stairs is complete. Now working on getting signatures of all parties.
8. Have looked into cost of developing an RV lot storage on City property. Estimated total cost would be \$8,000 to \$9,000. (\$5,600 for fence and another \$3,000 to level and gravel). *Steve added that since word has gotten out both Packy and Greg Elliot are looking into providing an RV storage. Councilor Perkins stated that since these other business are going to do it we as a City should not take business away from them*
9. *Steve added that he spoke with Brad Baird of Anderson Perry regarding the feasibility study for the sewer lagoon update. They will have it done by the first part of December for Council to review the options prior to going to a One Stop meeting.*
10. *Have purchased the property at the foot of the stairs. Anderson Perry will work up a design and plan for Councils review within the next 30 days.*

G-2 A&V request for an extension

*Council was given a letter from A&V requesting an extension(attached). **On a motion by Councilor Deno and seconded by Councilor Corwin, Council approved the extension. All present voted yes.***

G-3 Koch Determination

Council was presented with a staff report (attached). It is concluded that since the minutes and motions made by previous Council seem clear that their intent was to pay \$300 a month to the Koch's for the easement, as long as we have a lease with US Cell, then we have few options but to continue the payments. At the time the lease expires in 2028, the City will have paid \$128,000 for the use of the easement. John Taylor asked since we have conferred with a number of attorneys does that relieve this Council of the responsibility. Teri state that it does, it shows that this Council has done their due diligence in trying to resolve the issue th at occurred years ago. There was question if it would relieve the prior Council. Councilor Corwin asked if it would be possible to terminate the lease in order to get this back on track. Steve and Teri said they would look into it. Jackie Carey stated that she was the recorder at the time and Dr. Koch had told her he was going to donate that land to the City, unfortunately he dies before he could. Council and Jackie rehashed the issue that is outlined in the staff report. Jackie stated that when it was discovered that the cell tower was all on City property she stopped the payments to Mrs. Koch, but there were a couple of people on Council at the time that were close with Mrs.

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Koch and they demanded that she make the payments. Jackie feels that is when it went sideways. Once it was found that the tower was not on Koch property those payment should have stopped. Jackie suggested that this Council talk with Mrs. Koch or her attorney and tell her that we need to negotiate this that it is not for an easement. Council and staff explained to Jackie that we have tried to contact both Mrs. Koch and her attorney but they will not respond to us (Council and staff have met in executive session over the past couple of years to discuss this as legal negotiation or real estate transaction). It was stated that if anyone were to be liable it should be the Council from that time. Mr. Taylor presented minutes from April 16, 2013, that in his opinion was a good summary of the Koch issue. Teri read if for the Council ([see attached](#)). Teri explained that we did stop payments in 2013 but then went to attorney, O'Rourke, for another opinion and he determined that because of past motions and minutes we should continue the payments. **On a motion by Councilor Corwin and seconded by Councilor Hinkle Council directed staff to check into the US Cellular lease and possible termination. All present voted yes.** Steve said he would look into it.

H. CONSENT CALENDAR

Councilor Perkins referring to page 5 of the budget status report, asked about the Police dept. vest line item. Teri explained that it has \$1,500 in which are monies left over from a bullet proof vest grant. Councilor Perkins asked for assurance that the bullet proof vest issue would be addressed. Teri stated emphatically that she has addressed it and will continue to address it. Councilor Perkins also asked that the minutes be corrected in the following areas. Under presentations the word should be changed from memorandum to referendum. Page 2 the variance issue. Councilor Doherty was not in favor. In Council comments talking about the bike pit, it should be \$175,000 not \$127,000. Teri said she would make those changes. On a motion by Councilor Corwin and seconded by Councilor Doherty, Council agreed to accept the consent calendar with changes. All present voted yes.

Bills Total: \$25,046.04

I COUNCIL COMMENTS

Councilor Hinkle ask that we appoint a new Council President. On a motion by Councilor Hinkle and seconded by Councilor Deno, Council appointed Councilor Corwin to President. All present voted yes. On a motion by Councilor Perkins and seconded by Councilor Corwin, Council appointed Councilor Hinkle as Vice President. All present voted yes.

Councilor Doherty stated in the interest of transparency that we should have a report available about who is using the bulk water, how much is used, what is donated. Teri stated that she did a little bit of research because Councilor Doherty had expressed his concern prior to the meeting. Teri ran down a list: Broken Spur 14,875 gal., Raymond Doherty 750 gal, Elaine Hockler 6,800 gal, Bike Pit 206,000 gal and Mt. West 30,000 gal. These were all billed for the month of October. Outstanding balances are Broken Spur and Mt. West. The bike pit still owes \$500 on the \$1000 they were invoiced. The City invoiced the bike pit for 96,000 gal for mud bog at a cost of \$480 which was donated and written off. Mary Lue stated she was only concerned with the bike pit usage. Steve stated he had started hauling water for the pit back in August. Councilor Corwin stated that the amount of water that has been used by the County to fight fires would more than quadruple these figures. Steve stated that he reads the bulk water meter every month. John and Mary Lue asked if the income balances. Steve stated it does not and will not until we install a card lock system at the cost of \$10,000 to \$15,000. He

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has wanted to install one for years but get shot down. The only other way to account for every drop is if someone stands there 24/ 7 year round.

J. EXECUTIVE SESSION:

None

K. ADJOURNMENT

Council agreed to adjourn at 8:20 PM.

APPROVED _____

ATTEST _____