

CITY OF PILOT ROCK

Council Meeting

December 15, 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 Deacon Perkins, Terry Womack, Jim Hinkle, Ray Corwin and Bob Deno. Also present were Teri Porter and Steve Draper Citizens present were John Taylor, Mary Lue Slabick, Jackie Carey, Michael and Tracy Legore, Shandy Christiansen, Christine Smih, Roberta Servi, Michelle Casady, Don and Linda Hill and Holly Jo Beers.

B. INVOCATION

Pastor Jeffers gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. PRESENTATIONS

E. APPEARANCE OF INTERESTED CITIZENS

F. ACTION ITEMS

F-1 Draft of Wastewater Facility Plan

Brad Baird and Jadon Herron of Anderson Perry, the engineers of record, presented Council and staff with a draft of the Wastewater Facility Plan. A handout was distributed ([attached](#)). The following was discussed:

1. Gravity sewer line and eliminating a lift station has been included in both options at a cost of \$400,000.
2. As requested Option #1 and Option #4 are both included in the plan. This will allow the City to present both options at the One Stop meeting and run the numbers for both, which will help us determine the best option once all the grants and interest rates are factored in.
3. Council can take a month to review.
4. Would like permission to send to DEQ tomorrow. The City has the option to review it before it is sent to DEQ, but sending it in does not lock us into anything. We can make changes even if it goes to DEQ. DEQ may require specific changes or not.
5. IFA will also get a copy to review since they funded the study.
6. Brad went over the proposed schedule on the handout.
7. Explanation of a One Stop meeting. All the agencies meet at one meeting USDA, Rural Development, IFA, DEQ all the experts. They will enter all the rates, existing costs, debts and funding options for improvements and then run a spread sheet on both options. The City can figure out what is the best option. It is possible to hold in Pilot Rock, some may attend via conference call. About 10 people from the agencies attend.

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8. Once the option is selected the study is finalized.
9. The motion would not bind or prohibit the city from making changes to the plan.
10. Relocation of the Bike Pit (\$175,000) is included in the cost of option #1. At the One Stop meeting we can ask that the option be run with and without the \$175,000, to see what kind of difference it makes to the overall cost to the City once grants and special interest rates are factored in.
11. Taylor raised a concern that at the meeting on the 28th there were a lot of unanswered questions. Council explained that this study will enable the City to attend a One Stop meeting which may answer some of the questions.

On a motion by Councilor Doherty and seconded by Councilor Deno. Council agreed to move forward with action item #3 (on the handout)and including sending the draft report to DEQ. All present voted yes.

Before leaving we were presented with 5 copies of the Phase I study for the site certification process.

F-2 Partition of City Owned Industrial Property

Steve Draper stated that a partition is needed on the property because we have a company interested in leasing 40 acres that will need to be partitioned so that it is clear what they are leasing and they are not linked to or responsible for any other portion of the existing tax lot. Steve also explained that the final plat will include an 80' easement which is not necessary providing access to the partition piece and provide adequate space for large equipment if needed for future development. The Planning Commission has held a hearing and recommends the approval of the partition and easement.

On a motion by Councilor Hinkle and seconded by Councilor Womack, Council approved the partition and 80' easement. All present voted yes.

G INFORMATION ITEMS, REPORTS AND PRESENTATIONS

G-1 Department Head Report

CITY HALL:

1. Working on a public hearing before the planning commission on 12/ 21, for Conditional Use permit for Byrnes to expand storage units.
2. Working on a public hearing before the planning commission on 12/ 21 for Conditional Use permit Greg Elliot to operate RV Storage behind hardware store.
3. Working on Non-conforming lot at 344 S. Alder. Will discuss the ordinance that would allow a dwelling on the lot open to the public at the Dec. 21 Planning commission meeting.
4. Sent letter to Gary Thompson
5. Updating Ordinances with Code Publishing to publish online.
6. Letter to Thompson sent registered mail.
7. Planning Commission held a hearing and approved the partition East of the Bike Pit.

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8. Working with County to resolve property tax issues.
9. Vacation from Dec 1 back on Dec 14.

POLICE:

1. Cpl Lehnert is continuing to work on the Moffett property located at 253 W. Main St and has spoken with Linda HILL, the neighbor who raised concerns, to update her on the status.
2. The Police Department will be reinforcing Citizen Complaint process. If citizens have a complaint regarding an ordinance or traffic violation, they will be given the option to sign a complaint. The need for this arises when the violations are occurring and the officer isn't able to witness and/ or testify to the violation occurring. If the officer witnesses the violation, he/ she can issue the citation at their discretion. As always officers will be willing to contact the offending party and ask them to discontinue the violation. However, if the violation continues, citizens will be given the option to sign a complaint. This does several things; it creates ownership with the complaining party and it deters persons from continuing to complain without being willing to get involved. The complaint process creates a progressive system where if a citizen just wants a neighbor talked to, and nothing further, that is an initial option. If the violation persists they will be given the option to sign the complaint. If the reporting party continues to complain, but won't participate in the complaint process, they will be told they need to participate and take ownership or their complaint will likely not be resolved due to no penalty for the offending party. When signing the complaint the citizen will be told they will be expected to testify in court as part of the process, again, this creates ownership and gives them closure regarding their complaint. Cpl. Lehnert has coordinated with the Pilot Rock Municipal Court clerk regarding this process. Citizens will be instructed to go to City Hall and sign the complaint in front of a notary. The citation will then be returned to the investigating officer, who will serve it on the offending party.

Councilor Perkins asked for clarification on #2. Teri explained that if an officer is not present and did not observe the violation that the citizen must be willing to signed the citation. Teri went on to suggest that we ask Cpl. Lehnert to be present at the next Council meeting for further clarification and explanation.

PUBLIC WORKS:

1. Had to work on controller's & get 1 pump rebuilt at #1 sewer lift station, a lot of time spent on this.
2. Plowed snow and sanded.
3. Removed trees.
4. Adam is off for the winter.
5. Approval for Tim's vacation Dec. 17th – Jan 4th, 2016 (2 weeks). **On a motion by Councilor Deno and seconded by Councilor Perkins, Council approved Tim's two (2) week vacation. All present voted yes.**

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6. Approval for Steve's vacation Jan 14 – 24th, 2016. **On a motion by Councilor Perkins and seconded by Councilor Hinkle, Council approved Steve's vacation. All present voted yes.**

H. CONSENT CALENDAR

On a motion by Councilor Hinkle and seconded by Councilor Doherty, Council agreed to accept the consent calendar. All present voted yes.

Bills Total: \$11,350.99

I COUNCIL COMMENTS

Councilor Perkins appreciated staff for the Christmas decorations, the food and all that they have done, and Steve for pulling the tree out of the creek.

Councilor Perkins referred to the Local Focus magazine two articles in particular; one about Goal Setting and the other about Effective Leadership. Councilor Perkins suggests that as a Council we look at a five (5) year plan to set goals. Is there interest among the Council to take a look at the City's future needs and goals and Community leadership? Steve suggested that in the past staff put together a 5 year goal plan for Council to review edit and add to. It works great for a year or two but then just disappears. Councilor Perkins feels every organization needs a vision.

Councilor Doherty raised the topic of an ad hoc committee for the lagoon upgrade as suggested by John Taylor at the last meeting. The following came up in discussion:

1. Mayor Carnes stated that she feels the entire Council needs to be involved in the process.
2. Councilor Perkins stated that he would like the proposed committee members to come before Council and state their desires. He would like to know the goals for the committee and how they are going to work with Steve and the engineers. These types of committees can be very valuable but we do not want it to become an impediment to the process. The goal is to do what is best for the community and having community involvement is critical but would like to see some clear delineation and how it all fits together.
3. Mrs. Slabick asked if the lagoon situation could have been avoided if we had done something years ago. Steve stated his opinion, that we have one of the last lagoon systems and when we had a high hit on a sample, it gave DEQ a way to get rid of the lagoon. Mrs. Slabick remembers that when we received the property from IP/ Gypsum that it was to be used for a lagoon. Steve stated that it was available if and when the time comes that we needed it for a lagoon. We are considering the cost and long term operation of everything.
4. Mr. Taylor asked Council for a motion, yes or no, about forming an ad hoc committee. Council feels this needs to be digested and asked what is the rush? Council is not prepared to make that motion at this time and once again stated that they would like to hear from the proposed committee members. Council can endorse the idea but would like to have the parameters laid out before a formal motion.
5. Jackie suggested that the people on the committee should not be handpicked by Mr. Taylor, but should be posted for to the public, she would be interested in being on the committee but she was not one of his appointees. There may be more people out there that would have a lot to offer this committee.
6. Mr. Taylor stated that he has asked for a Water Balance but still has not been given the information.

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Councilor Deno stated that he has been considering the Koch payment issue and feels we have our neck stuck out a mile. He proposes that we stop the monthly payments, there is no document in writing stating what those payments are for, if they choose to take us to court and we lose, then at least we will have a judge's order. The following was discussed:

1. Councilor Perkins stated that he has also given this a lot of thought. He would like to know what the consequences are. The auditors have allowed this to go on a long time, why have they not flagged it.
2. It has been a lease a year since anyone has made an effort to communicate with Mrs. Koch. Suggested the following options:
 - a. Continue the payments,
 - b. Change the recorded easement from \$0 to \$300,
 - c. A lump sum pay off.
 - d. When was the last time the Council sent Mrs. Koch a letter requesting a non-binding non-confrontational meeting to see if there is potential for a solution without litigation.
 - e. Can we find a neutral party to negotiate this.
 - f. Would Mrs. Koch consider letting the payments go toward a scholarship. This was it would be for a public purpose.
 - g. Work with the tower company ask them to send the check directly to Mrs. Koch.
 - h. Can we take this directly to a judge, for arbitration and bind ourselves to the decision.
3. Teri agreed that we could work with the Tower company but did not agree that the solution would be for them to write two checks for the lease, because it does not change the fact that the leased property the tower sits on is solely on City property, but perhaps we could work with them and see if they would be willing to negotiate an easement with the Koch family and pay the Kochs for the easement. The City would then keep the full lease payment.
4. Councilor Deno stated that \$300 would fall under small claims.
5. Jackie Carey stated that we are not paying for an easement. The City has an easement for \$0. She stated that originally it was thought that the property needed would be only on Koch property, but because the tower company wanted to deal with the City rather than a private entity, Dr. Koch was generous to give half the payments to the City. The City had always used that easement at no cost. Once we found out that the tower was only on City property the Council at that time should have stopped the payments.
6. Teri asked Jackie in her opinion if Doc was still alive when it was discovered that the tower was only on City property would he still have given the easement for \$0. Jackie stated that she thought he would because the City had already been using that easement for years at no cost.
7. Teri stated that the problem exists because there are minutes and motions from past Council stating that the payments are for an easement.
8. Jackie agrees with Councilor Deno that we should take it to court because we are paying a private citizen lease money for property that is not theirs.
9. Councilor Deno and Doherty stated that we have tried to reach out to Mrs. Koch several times but she has refused and will work only through her attorney. Councilor Doherty feels that at least this will bring it to a head.

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On a motion by Councilor Deno and seconded by Councilor Doherty, Council agreed to discontinue the monthly Koch payments. Councilors Deno, Doherty, Hinkle and Womack voted in favor. Councilor Perkins opposed.

Mayor Carnes stated that there is a spaghetti feed for Jeremiah GrosJacques on Friday.

J. EXECUTIVE SESSION:

None

K. ADJOURNMENT

Council agreed to adjourn at 8:13 PM.

APPROVED _____

ATTEST _____