

# CITY OF PILOT ROCK

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## Council Meeting

November 1, 2016

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, Bob Deno, Terry Womack and Jim Hinkle. Also present were Teri Porter, and Bill Caldera. Citizens present were Mary Lue Slabik, Jackie Caery, Shandy Christiansen, Jimmy Doherty and Pastor Harley Jeffers.

### B. INVOCATION

Pastor Harley Jeffers gave the invocation

### C. PLEDGE OF ALLEGIANCE

### D. APPEARANCE OF INTERESTED CITIZENS

None

### E. PRESENTATIONS

None

### F. ACTION ITEMS

#### F-1 Ordinance No. 577 Centurytel/Centurylink Franchise Renewal

**On a motion by Councilor Deno and seconded by Councilor Hinkle, Council approved the first reading of Ordinance No. 577 Centurytel Franchise Renewal.**

#### F-2 Jimmy Doherty Proposal to Purchase Property

Jimmy Doherty of Eastern Oregon Waste Management, addressed Council with a proposal to purchase city owned industrial property. Steve Draper stated that Jimmy approached him with an interest to purchase 10 acres of city owned property in the industrial park. Jimmy presented a written proposal and map. His proposal outlined that he plans to move his sanitation company from 4<sup>th</sup> St. to the property, giving him room to grow and provide potential for a possible transfer station. He also plans to sell 5 acres to Doherty Fence LLC at no markup. Doherty fence plans to use the area for day to day business. Jimmy's proposal is to purchase the property for \$3,000 per acre a total purchase price of \$30,000. There was discussion regarding the assessed value and real market value. Jimmy stated he has committed to the \$3,000 per acre purchase price. There was also discussion that it was Jimmy's understanding that the property was zoned Heavy Industrial, but the county tax office has it zoned Farm Use. Teri explained that it is Heavy Industrial but is being used for pasture so is zoned Farm use for property tax purposes. The map of the area was projected onto the large screen and Jimmy explained that the property to the North in tax lot 500 would be more suitable. There was discussion about putting a 50' access easement along the line between tax lots 500 and 401. This would give access to both tax lots. Councilor Perkins ask if we are required to get approval from DEQ prior to selling the property. Steve stated that there are covenants on the property that we must comply with. We may have to contact the State and DEQ, but it is zoned for what he is wanting to use it for. This issue was tabled until Steve and Jimmy can put together a proposal that includes easements and possible transfer and recycling station. There was discussion about precedence being set regarding the price. Steve stated that the location has no utilities. If down the road Jimmy puts a transfer station, he will have to have water. Depending what type of industry comes in would dictate if the City will extend the utilities to the property. Jimmy stated that as he expands he may have interest in more property. Teri Porter suggested that the negotiation include the fees to have it surveyed, partition the property and the attorney fees. Mayor Carnes appreciated Jimmy for all his help after the City Yard Sale. He brought up a 20-yard container and cut the cost in half.

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## G. INFORMATION ITEMS

### G-1 Department Head Report

#### CITY HALL

1. Jimmy Doherty came by City Hall to inform the City that he would not be applying for the Recycling Grant. He stated that since he was applying on behalf of the City he wanted to be sure it was complete and a quality document. The tight deadline of October 31<sup>st</sup>, made it impossible for him to turn in a document that measured up. He will apply next year.
2. The person who cleans the offices can no longer do it. I have spoken to Chris Perkins, who cleans the Community Center, about cleaning the City offices.
3. Approved an application for low income utility rate.
4. Meeting with prospective business interested in industrial property.
5. Meeting with ODOT Nov. 15<sup>th</sup>. to discuss installation of flashing beacon on Hwy 395 and McGowan.
6. Auditor will be conducting the audit at City Hall on November 1-2 and 7-8. Have already been responding to inquiries and providing reports via e-mail.
7. Quarterly Taxes have been done.
8. Pulled together information regarding allowing public comment at work sessions. Pilot Rock Council rules refers to "Regular Scheduled Council Meetings". The Department of Justice – Attorney General's Records and Public Meeting Law Manual II.D.5 Public Attendance: "The Public Meeting Law is a public attendance law, not a public participation law."
9. Finally reconciled the Centurylink issue that they were charging us for an additional line. Now found another error, where they posted a payment incorrectly shorting us \$240. Working to get this corrected.
10. Question regarding the need for a supplemental budget should we receive the Recycling grant. If the recycling project causes expenses in the fund to exceed 10% of what was budgeted a supplemental budget, notice and meeting with the budget committee would be necessary. But since there is over \$100,000 in the economic development fund, these funds can be used to pay the recycling project expenses, without increasing the overall expenses of the fund. During the next budget cycle the grant revenue would then be added and replenish the fund. So a supplemental budget would not be needed.

#### POLICE:

1. Ofc. Badal attended a rifle and handgun course in Pendleton.
2. Chief is working with the Department of Justice with organizing a "Drug Take Back Program" for Pilot Rock in the spring of 2017.
3. Chief attended a Law Enforcement training put on by the Umatilla County District Attorney's Office in Pendleton.
4. Chief attended a Law Enforcement Administrator's Meeting in Pendleton.
5. The police department assisted a citizen in disposing of some World War II ammunition that she found in her closet. The ammunition was turned over to OSP for destruction.
6. Chief received the final dispatch contract with all of the required signatures from the County Commissioners.

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## **PUBLIC WORKS:**

1. Placed a catch basin and dry well on Alder.
2. We did not receive any bids from contractors to install the stairs, so will have to go back out for bids. With cold weather coming, we are concerned that if we were to do the construction in the winter months, the concrete wont set properly and do not want to take that chance. So we will go out for bids in January and February with hopes to start construction in March.
3. Every 7-9 years we are required to do a special water sampling. The test was done and sent to the lab.
4. Burned the burn pile Friday the 21<sup>st</sup>.
5. Have been picking up limbs and helping out residence with limbs that have blown down in their yard.
6. Street lights on Main St. are due to be changed out in the next couple of weeks.
7. Meeting with A&V to discuss needed property for the new lift station.
8. Meeting with prospective business interested in industrial property.
9. Meeting with ODOT Nov. 15<sup>th</sup>, to discuss installation of flashing beacon on Hwy 395 and McGowan.

### **G-2 Public Meeting Law and Citizens Participation**

Teri Porter stated that at the last Council meeting there was some question whether it is required that citizens be given the opportunity to be heard at all public meetings. Teri included information on the subject in the Councils packets. Teri had given the same information earlier in the week to Mrs. Slabick. The Department of Justice manual on public meetings states that the public meeting law is a public attendance law not a public participation law. It is up to Council if they choose to allow citizens to be heard at meetings such as the scheduled work session.

### **G-2 Public Meeting Law and Citizens Participation**

Teri explained that she has include a draft of the agenda for the November 7<sup>th</sup> work session and invited Councils suggestions to add or delete something. Council did not make any changes. Councilor Perkins raised the question of public participation at the work session. He is pleased that the Council and the OHV board have been provided this time to review the issues. Perkins suggested that we could provide time at the end of the meeting to allow public comment or we could consider setting up a Public Hearing prior to the next Council meeting. Teri suggested that there would be a lot of information shared at the work session, and perhaps it would be better to wait until after the session to determine whether a public hearing would be necessary. The rest of Council did not offer support for a public hearing.

## **H CONSENT CALENDAR**

Bills Total: \$38,975.37

**On a motion by Councilor Womack and seconded by Councilor Perkins, Council agreed to approve the Consent Calendar. All present voted yes.**

## **J COUNCIL COMMENTS**

Councilor Womack, inquired about the progress on the stairs. Steve explained that we did go out for bid but did not receive any bids, so we will have to go back out for bid. Steve expressed his concerns with starting the project this late in the year, pouring concrete in cold weather, and feels we should wait until spring to go back out for bids. Womack suggested that we put it out for bid and let the contractor decide whether he can pour concrete or not. This way the contractor can go ahead with the concrete if we have a run of good weather. **On a motion by Councilor Womack and seconded by Councilor Hinkle, Council directed Steve to put it out for bid again. All present voted yes.**

Womack informed Council that there is a possibility that he will be moving and have to resign from Council, he will know next week.

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Councilor Deno asked about the flashing light at McGowan, Teri explained that she has a meeting with ODOT on November 15<sup>th</sup>.

Mayor Carnes stated that Downtown Association had a successful yard sale.

**K. EXECUTIVE SESSION:**

None

**K. ADJOURNMENT**

Council agreed to adjourn at 7:43 PM.

APPROVED \_\_\_\_\_  
Mayor Virginia Carnes

ATTEST \_\_\_\_\_  
Teri Porter, City Recorder