

# CITY OF PILOT ROCK

---

## Council Meeting

August 16, 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, Steve Draper and Bill Caldera. Citizens present were Mary Lue Slabik.

### B. INVOCATION

Bob Deno gave the invocation

### C. PLEDGE OF ALLEGIANCE

### D. APPEARANCE OF INTERESTED CITIZENS

### E. PRESENTATIONS

### F. ACTION ITEMS

#### F-1 Ready to Read Grant

**On a motion by Councilor Deno and seconded by Councilor Hinkle, Council granted permission to apply for the Ready to Read Grant. All present voted yes.**

#### F-2 Bike Pit Deed

Jeff Mills of the OHV board presented Council with a letter requesting additional time for research proposed deed covenants and property tax concerns. He stated that the new ruling regarding recreational use immunity has caused them to take a step back and investigate the liability issues, the types of insurance needed and the cost involved. Also they met with County Assessor Paul Chalmers, who has explained to them that since ownership of the property is shifting from a municipality to the OHV board, they will be responsible to pay property taxes on the property. The board was in error in assuming that their required 501(c)3 status made them exempt from property taxes. These unexpected expenses and liability concerns have changed things quite a bit and they require more time.

**On a motion by Councilor Perkins and seconded by Councilor Deno, Council agreed to table the Bike Pit Deed for 45-60 days. All present voted yes.**

In discussion:

1. Councilor Perkins asked City Recorder, Teri Porter, although we are tabling the deed, is this a good time to discuss changes in the language of the deed that would further protect the City, or address it as a separate issue. Teri suggested that we wait. If there is a possibility that we may not deed the property, then it may be a waste of attorney fees.
2. Steve Draper, (chairman of the OHV board) asked that the Council give the board 45-60 days. They have several issues to look into. Property tax, insurance and liability.
3. Councilor Perkins stated that we could anticipate operating under status quo until this is revised and asked if there is any risk. Teri stated that with the recent ruling, that does not protect employees under recreational use immunity, there is risk.
4. In the 10 years that the OHV park has been in use there has not been a claim against the City or the board. If someone was to no file a claim, the City and the OHV park is covered by CIS insurance. CIS would represent the City and the employee in the claim.

# CITY OF PILOT ROCK

---

5. Teri stated that it is her understanding the CIS will now impose a higher rate for high risk properties.
6. Teri stated that a Park Maintenance Program is key (a draft of the Park Maintenance Program was included in the packet as information). Councilor Perkins stated that he appreciated that staff has put together a Park Maintenance Program, staff has done their due diligence and is trying to get out in front of this.
7. Mayor Carnes asked if the Pendleton Round Up grounds is a 501(c)3. Steve stated that it is but once the city deeded them the property they had to pay property taxes.
8. Steve stated that OHV park has no paid members. All the money that it makes goes right back into the pit. It is strictly not for profit.

## **F-3 Bike Pit to Pay Half Legal and Attorney Fees**

At the August 2, 2016, Council meeting Council tabled this item and asked Teri to find the minutes where the previous Council had agreed to split legal and survey fees with the OHV board. Teri included a copy of the minutes from June 2, 2009, where Council agreed to split the legal fees for the OHV agreement 50/50.

Discussion:

1. Councilor Perkins stated that the motion refers to the OHV agreement that was never enacted. However; he can cite several occasions when Council has split attorney fees with the Bike Pit Association. While we may not be required to follow it, it is a precedence that has been set.
2. Perkins shared, in an email to Teri. He asked who gave staff the authority to do the survey in the first place. Teri replied back that on August 8, 2009, Council agreed to deed the bike pit with the stipulation that they acquire a 501(c)3 status, which they have done. A land use hearing was held on July 7, 2014 and presented to Council on July 15, 2014. On Sept. 2, 2014, Council was informed that errors were found in the original survey that was done when the property was deeded to the city. November 18, 2014, Council motioned to grant the partition. Perkins stated that it is clear that previous Council did intend to deed the property to the Bike Pit and approved the surveying.
3. Any costs incurred on the properties which IP donated to the city, will come out of the Economic Development fund. This includes the Bike Pit.
4. The Bike Pit is a viable economic activity and it is hopeful that it will stimulate the economy for the community.
5. Past Council had offered to deed the property to the OHV board in an effort to relieve the City of possible liability.
6. Deeding the property to the OHV board is a benefit to the City, not the OHV board. A 50/50 split of the cost is a reasonable consideration.
7. The bills have already been paid. There may be more expenses in the future. This is a matter of settling up with the OHV board.
8. Steve stated that there are likely to be more bills before it is all over.

**On a motion by Councilor Perkins and seconded by Councilor Womack, Council agreed to table this item until such time that all Councilors are present to weigh in on it. All present voted yes.**

## **F. INFORMATION ITEMS**

### **G.**

#### **G-1 Department Head Report**

**CITY HALL:**

1. Putting the finishing touches to the Parks Maintenance program and checklist.
2. Aflac held its annual meeting with our employees on 8/10/16.
3. Swore in Officer Perez and completed his new hire paper work.
4. After receiving a call from a concerned citizen who saw a small child walking along the Hwy towards Pendleton, Wanda asked the citizen to call it into dispatch. Knowing we did not have an officer in the area Wanda drove up the hill to check on the child. She found him with the concerned citizen who was on the

---

## CITY OF PILOT ROCK

---

phone with dispatch. Wanda then got on the phone and let dispatch know that she was going to take him back to City Hall. Dispatch told us that the Chief and parents were on the way and not to release the child (4 yrs.) to anyone but the Chief. We kept him busy with building blocks and coloring until Chief Caldera arrived.

5. Training Paula Sandy on office clerk duties.
6. Working with Scott Fairly of the Governors Regional Solution team and Business Oregon to discuss strategies for city owned industrial property.
7. Vacations, illness, park maintenance program, research etc., has kept me from focusing on the 5-year plan, I am now back on task.

### **POLICE:**

1. Chief attended the Law Enforcement Administrator's Meeting in Pendleton.
2. Chief toured the schools in preparation for the upcoming school safety summit.
3. The department attended the school safety summit comprising of 17 different school districts from Eastern Oregon to discuss and implement safety plans for the Pilot Rock School District.
4. With the assistance of a Regulatory Specialist for the City of Pendleton the Chief began working on implementing a hearing protection and personal protective equipment program for the police department to comply with the best practices review by CIS.
5. Chief contacted the VFW in Pendleton about donating a new U.S. Flag for Veterans Park.
6. The police department is conducting a speed survey on S.W. Birch St. for speeding vehicles.
7. Ofc. Valdez began working on August 15<sup>th</sup>, 2016. The Chief took him around to the downtown businesses to introduce him.
8. Chief attended the Fire Board meeting and introduced Ofc. Valdez to the Board of Directors.

*Chief added to his report:*

- *He and Councilor Deno went to Boardman to pick up the donated police car. The car looks and runs good. Has all the equipment installed. Equipment was free, install cost was 575. We have a car out there with 76,000 miles on in and we are only into it for less than \$600.*
- *Addressing Councilor Deno's concern at the last meeting, regarding the speeding on SW Birch, the police department have been working it real heavy. They surveyed about 200 cars and the top speed averages 32 mph.*

### **PUBLIC WORKS:**

1. The house at the foot of the stairs has been removed and started removal of the stairs.
2. Asphaltting the patched pot holes.
3. Puncture vines.
4. Mowing weed eating.

### **G-2 Financials**

Councilor Womack asked about publishing costs in the General Fund. Teri stated that she thought it might be high due to the Budget notices and public hearings, but will look into it and give an exact answer at the next meeting.

### **G-3 Park Maintenance Program**

Council was presented with a draft of the proposed Park Maintenance Program. Teri explained the following:

1. CIS nor the League of Oregon Cities have a sample or a template to use in the development of a program.
2. Staff felt it important to move forward and get a program adopted for the city.
3. Using a couple of programs found on the internet, Teri and Steve put together a program for the City.

# CITY OF PILOT ROCK

---

4. Research found that most plans refer to the “Public Playground Safety Handbook” but out by the US Consumer Product Safety Commission.
5. The plan includes all 6 parks or public areas. Each area has its own checklist.
6. The maintenance dept. will check each park monthly, noting deficiencies, and assign someone to resolve the issue.
7. The safety committee will then follow up quarterly to ensure the inspections have been done and deficiencies resolved.
8. Documentation of the inspections will be retained in City Hall.

Perkins expressed his frustration with the issue. Cities are to provide parks and recreation for its citizens and then are held at such risk for keeping the gates open. But in this society we must make sure we protect ourselves. This is a great first step and complies with the recreational use immunity issues, we are out ahead of it which is very positive. Teri stated that she intends to send the program into CIS for their review and advice to ensure that it covers all areas needed. Once it passes muster it will be back on the agenda as an action item for Council to adopt.

## H CONSENT CALENDAR

Bills Total: \$13,956.50

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

## J COUNCIL COMMENTS

1. Regarding F-3, Councilor Hinkle asked why if a past Council had already moved to pay half the legal fees why are we rehashing it now. Are we going to change what was the intention of the past Council? It was explained that the argument could be made, that motion was for the OHV agreement that never happened, and now we are talking about the deed and the survey. We are honoring the fact that past Council clearly intended to deed the property to the OHV board.
2. Councilor Deno stated that he received a letter to attend the La Grande Town Hall on Sept. 25. He intends to go, if anyone would like to ride along with him.
3. Community Days is this weekend. We still could use some volunteers to help in the beer garden.

## K. EXECUTIVE SESSION:

None

## K. ADJOURNMENT

Council agreed to adjourn at 7:40 PM.

APPROVED \_\_\_\_\_

ATTEST \_\_\_\_\_