

CITY OF PILOT ROCK

Council Meeting

August 2, 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, Ray Corwin, Terry Womack, Raymond Doherty and Jim Hinkle. Also present were Teri Porter, Steve Draper and Bill Caldera. Citizens present were Mary Lue Slabik, Jackie Carey, Harley Jeffers, Officer Badal, and Jadon Herron,

B. INVOCATION

Pastor Harley gave the invocation

C. PLEDGE OF ALLEGIANCE

D. APPEARANCE OF INTERESTED CITIZENS

Mary Lue Slabik, addressed Council with a concern regarding vehicles doing a “U” turn in front of the Post Office asked if anyone has complained. Chief Caldera stated that he has not received any complaints but would keep an eye out.

E. PRESENTATIONS

Jadon Herron with Anderson Perry was present. The Waste Water Facility Fact Sheet, indicated that Anderson Perry would be present for two meeting if any citizens had questions for them. Since we had to cancel the second of those meeting due to lack of a quorum, Jadon felt it was important to be here today in case there were citizens with questions regarding the Lagoon Upgrade. Councilor Deno asked if City Hall has received any complaints. Teri Porter stated that there have been no complaints. Although there were no questions for Jadon he did give Council and Staff an update.

- Notices were sent out and letters have been received back.
- Should have the Environmental Report done by end of August
- Working on the USDA Rural Development Loan and it is on track to wrap up the end of August.
- Will submit that application mid-September. The end of the fiscal year for the government is October 1, so the application will be there right at the start of the new fiscal year budget cycle.
- The application will then go through the review process and would expect to see funds around the Winter or Spring of 2017.
- That would put us on time for design in 2017 and then bidding the project in the later part of 2017 early 2018.
- Wrapping up the mapping of the sewer man holes and will also pulling together information for the gravity sewer lines.
- Still need to contact the Rail Road to discuss an option for putting the gravity sewer line down the rail road right of way. A portion of the line is on an abandoned portion of the rail. There are other options in case the Rail road will not allow it
- Councilor Doherty asked if we have an estimate of how much lining we will want to do on the sewer lines. Jadon stated that the estimate is around 2,100 linear feet. They will do a TV inspection of the lines to ensure the most efficient use of the lining.

F. ACTION ITEMS

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F-1 Resolution Declaring the Bike Pit as Surplus.

Councilor Doherty asked why this had not been done before. Teri explained that she did not do it until all the issues with the property were worked out and that it would not be needed for the lagoon upgrade. Although not necessary, Porter read the resolution in its entirety. In discussion regarding the fourth WHEREAS, Councilor Perkins asked what are the restrictions. Steve Draper explained that they are covered in the deed. Perkins also stated that minutes from July of 2009 state the intent to deed 32 acres. This deed will convey 59.69 acres. What is the reason for the discrepancy? Draper stated that the original mention of 32 acres only covered the area in the hole, later Paul Koch (the city manager at the time) changed it to include the property up to the existing fence line that way nothing had to be changed. Regarding the map, Perkins asked for clarification as to what specifically is being deeded. Steve explained that the lines enclosing parcel 1 is the existing fence line. Parcel 1 is what is being deeded. There was discussion about the OHV board sharing in the cost of the deed and survey. Perkins suggested tabling the item. Porter explained that this resolution has nothing to do with the deed or costs. It is only declaring the property as surplus. **On a motion by Councilor Deno and seconded by Councilor Womack, Council agreed to approve Resolution #593 with the change that we replace "OHV" with "Off Highway Vehicle". All present voted yes.**

F-2 Approval of Deed Conveying Ownership of the OHV Board.

Councilor Doherty asked about the cost of the deed and surveying. Steve stated that it was agreed that the City and OHV board would split the cost. Doherty would like to change that, since the OHV board is getting the property for nothing, why should the City have to incur any cost to convey it? Councilor Corwin stated that there were several surveying issues concerning the entire lot, the OHV board should not be responsible for partitioning Mt. Judy. Perkins stated that if there is a previous agreement he would like to see it before proceeding.

A motion was made by Councilor Perkins and seconded by Councilor Doherty Council agreed to table this item until the next meeting so that we can have more details. The motion passed by a majority with Councilors Doherty, Perkins, Corwin, Hinkle and Womack in favor and Deno opposed.

The following was discussed:

1. Corwin asked why this has come back to Council if we have already agreed to move forward with the deed. Porter explained that Council had not seen the final draft of the deed until now.
2. Councilor Deno remembers that Council had agreed to move forward with the deed but it then got held up because of the Lagoon Upgrade. This is the first time a dollar figure has been presented on the costs of the deed and survey.
3. Draper stated that it is common practice to split costs when conveying property.
4. Perkins read into the record his 12 questions. (Attached).
5. Question #1. If the OHV board incurs debt the deed should include language that protects the City from incurring liability should the property revert back to the City. Cannot borrow against the property.
6. Question #2. Can the OHV Board sell the property? Steve explained that the Bike Pit as a 501c3 can not profit. Porter suggested that perhaps we can include some language in the deed that states that the property cannot be sold. It is conveyed for the sole purpose of the OHV park, if the OHV board dissolves or they no longer want the property it is to revert back to the City.
7. Question #3. What does the City get in return for the property? Are we giving it away, are we just trying to get out of the Bike Pit business?
8. Porter stated that in her view the City has seen value in an OHV park for the community, but given changes in rulings regarding Recreational Use Immunity feels that it is in the best interest to the City to deed the property to the OHV board, thereby keeping the OHV park but eliminating liability for the City.
9. Question #4 Sharing the easement. Could we use the easement on the Solar farm side? Draper recommends that we maintain an easement for access to the corals and for whatever may happen down the road. You always want to have a utility easement on any property that we own and going to sell, to service utility's and any growth down the road.

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10. Question #5. Changes to the Recreational Immunity affect the City and future involvement with the property. Draper explained that once it is deeded over to the OHV board the City will be relieved of any liability. Once it is deeded City employees will no longer have anything to do with the maintenance of the park.
11. As a condition of accepting the property from IP, Mt. Judy must stay with the City and can never be conveyed. There is access to Mt. Judy from the County road.
12. Question #9. Bike Pit Master Plan. The deed states that the property must be used as a motocross, ATV park and activities as set forth in the Bike Pit Master Plan. The master plan includes two phases. Phase two proposes ball fields and RV etc. park on the property we are now using for the Lagoon upgrade. Should the Master Plan be revised? Porter suggested that the deed specify the uses of phase 1. Steve stated that when the OHV board is ready to move forward with phase II it would have to purchase property.
13. Question #10 will the BPA honor the same hours of use or other requirements that have expectations for the neighborhood. Steve stated that the rules are posted all over the park right now. Porter offered that the deed would convey it and they would be expected to abide by our laws regarding noise, so it would not be necessary to list it specifically in the deed.
14. Question #11. Can the Mayor legally sign the agreement since she also serves on the BPA board? Mayor Carnes stated that against her wishes this issue has been taken care of as she has been removed from the BPA board. She was reluctant to step down as she has been part of this endeavor since Officer Doug Lane came to her back in 2004 with the idea of a motocross park giving the kids something to do after school and on weekends.
15. Question #12. Once all is said and done what will the relationship be between the City and the OHV park? Steve stated there will be no relationship.
16. Perkins had requested a copy of the letter from our insurance company which states that once the property is conveyed the City will not be liable.
17. Perkins asked if Porter has seen the notations on the tentative plat map of the partitioned property regarding the surveying errors. Porter stated that was in reference to the slivers which were left after IP conveyed the property to the City. That issue has now been resolved.
18. Survey fees and legal fees. Porter stated that if Council is going to require the past motion regarding who is to pay the expenses, it will take quite a bit of time to go back through the minutes over the years. If this Council requires that they see the motion from 10 years ago, she will try to find it and have it for the next meeting.
19. Corwin does not feel that the OHV board should be responsible for all the attorney fees regarding the bike pit. Porter agreed that past and presents Councils have incurred a lot of expense to appease their questions and concerns. Deno agreed that Council has elevated the legal fees to ensure that they are acting responsibly and not putting the City at risk.
20. Perkins stated that in July of 2009 the Council motioned to pay \$3500 half the cost of the Master Plan. The City has historically put up funds to support the Bike Pit. If prior Council voted to pay half the legal and surveying expenses Perkins would be willing to honor that, but had concerns whether we budgeted for it or not. Porter stated that as the budget was developed, although we did not have a specific figure, the department heads did consider the likelihood that there would be fees involved with deeding the bike pit property.
21. Draper moved to the front table and spoke as a member of the Bike pit board. In answer to Perkins statement that terms should be negotiated. Draper stated that the OHV board would pay half of the surveying and half of the legal deed fees about \$2,000.
22. Perkins stated that the board has had use of the property at no cost for 10 years. Is that a fair trade off?
23. Draper stated that there were a lot of requirements made that cost the board a lot of money. The fencing was about \$5,000, the signage another \$3,000 to \$4,000. The board got a grant for \$28,000 for the master plan the remaining is what was split between the City and the OHV board.

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24. Jackie Carey stated the Council is missing the economic development value of an OHV park. Established races like Washougal and Horn Rapids bring in thousands of people. The Bike Pit board is working with the race promoter that does the races in Washougal and Horn Rapids and has stated he would bring the races to Pilot Rock but we have to meet certain standards which we have been working on and improving on. The last thing he needs is a starting gate which cost about \$10,000. His races bring 500 to 1,000 racers, plus you have all their family members that come and all the spectators it can be huge. Unless you have been to one you don't understand. It is the only thing going on in Pilot Rock. If we could get a pro race out there, you would be amazed and you would wonder, why you dragged your feet on it. It could make a big impact on our community. But we have to have people who help us and not fight us every time we turn around. We keep being told it is going to be deeded to us, but then there is always one more thing then another.
25. Councilor Doherty stated you have been doing this for 10 years and haven't brought in any races so far. After a race weekend he has asked Jerry at the gas station has he seen an increase in business? And was told no one stops there.
26. There were several opposing views from Council and staff stating that they have seen cars and trucks (obvious from the race) lined up for gas on race days.
27. Perkins stated that he is not opposed to the bike pit he is only interested in protecting the City's interests and their liability so that if something happens out there we are minimizing the risk to the City. Perkins went on that he would love to see phase I&II work that would be awesome and he would totally support it. But we must be sure that all the "I" s are dotted and "I's" crossed and we don't make a mistake and pay hundreds of thousands of dollars down the road because we did not ask a couple of questions right now before it is deeded over. Perkins supports the concept, it is viable.
28. In response to why it is taking so long, Carey stated that they are doing all this with a handful of volunteers who are very busy with jobs of their own. But the people they do have are working hard and talking to the right people on how to develop the park.
29. Mary Lue Slabik stated that we have a large retirement community and cannot volunteer for this type of activity. Slabik also asked how many citizens has Council contacted regarding these decisions for Pilot Rock. Draper stated that the discussion has been on the agenda and in the newsletter for months and still no one comes. Porter stated that if folks were strongly opposed they would be here. But there is no opposition.
30. Carnes stated that the OHV board has been jumping through hoops and doing all that has been asked of them. Past Council person, John Standley required that the board get a 501c3 before it could be deed. It took many years but the board finally got it done.
31. Draper stated that in 2009 the board paid half the cost to draw up the lease agreement (about \$1,400) then the lease never got done. Porter stated and Carey confirmed that the 501c3 requirement was what halted moving forward with the lease.
32. Slabik stated that in the past all the Councils have allowed the bike pit to use the citizen's property for years without any compensation back to the City. Slabik suggested the Council invite our business to a meeting and tell you what they think. It is a big decision which affect everyone in Pilot Rock.
33. Draper asked what we have to lose? If the bike pit goes belly up it comes back to the City.
34. In response to Slabiks remark what has the Bike Pit done for the City, Porter stated that it is the one and only thing going on that is trying to develop anything. Yes it has taken a long time and they have had their ups and downs but they are learning and they are getting stronger as they go. They hit obstacles along the way all the time. It takes one person with a vision to try to get it done. Who knows if we give it a little support it could be a Washougal. Why stop it. Right now the businesses may not see a big increase in business, but you start small.
35. Draper stated that aside from the use of the property there has been very little support from Council over the years.

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36. Porter stated that some of the questions will require her to contact the City attorney and incur additional costs. She would like Council as a whole to motion that she contact the City attorney. Also listed questions 1,2 and 9 as the questions to focus us with the attorney. **On a motion by Councilor Corwin and seconded by Councilor Perkins Council directed Teri to contact the City Attorney regarding question 1,2 and 9. All present voted yes.**

F-3 Variance Request at 518 NE Fir.

On a motion by Councilor Hinkle and seconded by Councilor Womack, Council agreed to approve the variance as requested.

F. INFORMATION ITEMS

G.

G-1 Department Head Report

CITY HALL:

1. I was on vacation from July 11-15.
2. Have hired Paula Sandy, a long time Pilot Rock resident, to fill the Part time clerk position. She starts Monday August 1st.
3. The City's annual mass mailing went out on June 30th. The mailing includes the water report, thermal expansion information, cross connection letter and other important reminders.
4. Have wrapped up financials for 2016 fiscal year and assembled the Adopted budget booklet that was been filed with the County on July 6, 2016.
5. Working with David Blanc regarding legal description etc. for the Bike Pit deed.
6. Susan Hilliard's last day was June 30th. We held a farewell party in the Library from 3-6pm. Mayor Carnes presented an appreciation plaque. It was well attended.
7. Working on an Investment Policy, which is necessary if the City chooses to invest city revenue in a high interest bearing account.
8. Filled out and returned the Project Completion form for Feasibility Study grant from IFA.
9. The Lagoon brochure went out on Friday the June 24th as planned.
10. Posted the Revenue Bond notice in EO and around town. The time limit for the appeal is up on July 29th.
11. Made preparations for the Small Cities Meeting that Pilot Rock will be hosting on July 20th. Council is encouraged to attend. Sadly, I was sick and could not attend the meeting but I hear it was well attended.
12. Looking into questions to survey the community. Do not want to rush it so may not make it in time for mass mailing.
13. Swim program is underway and going very well. Amy is doing a good job. We asked Marcy Jerome to go along the first day to help get things off to a good start. Much appreciation to her for doing that.

POLICE:

1. The police department took part in the July 4th parade in Pendleton
2. 4th of July was quiet with only one complaint of illegal fireworks
3. Ofc. Badal was awarded his Basic Police Certificate from DPSST.
4. Ofc. Valdez was accepted into the August 15th police academy class. His first day of employment will be August 8th.
5. Chief attended the Eastern Oregon small town meeting.
6. Ofc. Badal contacted Wal-Mart and received several donated bicycle helmets for the youth of the community.
7. The police department has investigated four (4) felony assault cases in the last two weeks.
8. The department assisted Pendleton PD on a sex abuse investigation and a restraining order violation.
9. Chief did a drug evaluation for Pendleton PD on a person under the influence of methamphetamine.
10. Met with Chief Roberts to begin working on updating the policy and procedure manual.
11. Chief attended the Dispatch Advisory Meeting and reviewed the proposed dispatch contract. The contract is being sent back to County Counsel for changes in the wording.
12. Chief Roberts came out and toured the police department and was very pleased with the changes that have been made to the department over the course of the past three (3) months.

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13. The department continues to work on solid waste complaints.
14. The department took a report on two (2) counterfeit \$20 dollar bills that were passed at the OHV park during the past two weeks.
15. Chief has submitted all the paperwork to DPSST to get Officer Valdez into the police academy. The August class is full, so Valdez has been put on the waiting list. If there are no cancellations Valdez will start the academy on September 13th.

Chief added to his report...

16. *Officer Badal who was present has completed his now earned his basic police certificate and is now a full fledged certified police officer for the State of Oregon. Chief added that he is doing a very good job for the City.*
17. *Officer Valdez starts Monday will be here for a week before he goes to the Basic Police Academy he is scheduled to graduate on December 9 (16 weeks). He will then return for 16 week of Field Training and hopes to have Pendleton do the Field Training as they did for Officer Badal. Hopefully by next April he will be up and running and an asset to the community.*
18. *The Police Dept. been very busy on criminal investigations with 4 felony assaults in the last two weeks, several domestic violence incidences and violation of restraining ordinances sex abuse investigations. In light of all this during the small town meeting held last month Mayor Carnes was approached by Boardman City manager Karen Pedigrew who offered the Pilot Rock a patrol car at no cost. Chief was skeptical at first but spoke with Boardman Chief Stokoe, who confirms that it is a 2010 Dodge Charger that has 76,000 miles that will come with a majority of the equipment. Chief Caldera stated that this would be of value to the City because, the gold car he is using right now is a good commute car but you can't put a cage in it. When he responds to these domestics and fights and he has to put someone in custody he has no place to put them. These are time sensitive crimes and can not afford 5 or 10 minutes to pick up another car. This car is a police package car and will come with the cage, Chief Stoke says that it is very mechanically sound and has all the maintenance records. It will be an un marked car. If the Council agrees he would like to go down tomorrow to take a look at it. Corwin asked if we would be getting rid of the gold car or the Tahoe. Chief stated that the Tahoe would go to the new officer and turned it over to Porter to respond regarding the gold car. Porter stated that since Chief has been using it to go back and forth we have not used it for weekly bank runs or travel to training. The City is paying for mileage for the use of personal vehicles. We should keep the gold car for City use it would be cheaper than paying mileage. Perkins asked what are the estimated costs once we get the car. Chief Stated that licensing, and reinstalling equipment the cost should not be more than \$1,000 which his budget can afford. Mayor Carnes stated this offer is a result of networking with other small cities. **On a motion by Councilor Deno and seconded by Councilor Hinkle, Council agreed to accept the police car from Boardman. All present voted yes.***

PUBLIC WORKS:

1. Have started to remove the stairs from above the bluff. May start demolition of the house next week (Aug. 1).
2. Doing prep work for filling and patching pot holes.
3. Puncture vines have come on strong this year. We are spraying twice a week to stay on top of it.
4. Lead and Copper test completed.
5. Quarterly Sewer sampling completed.
6. Working on trees and shrub removal.
7. Asbestos abatement at the house at the foot of the stairs.
8. Back hoe has been broken down. Got it up it and running again.
9. Spraying for puncture vines.

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H CONSENT CALENDAR

Bills Total: \$31,080.27

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. Councilor Hinkle stated that fiber internet is in town now. The Schools are hooked up
2. Councilor Perkins appreciated Draper for making progress on the removal of the house in preparation for the new stairs.
3. Councilor Deno asked Chief if he would keep an eye on East Birch Creek that trucks are speeding. Mayor Carnes suggested we use the radar speed control sign.
4. Councilor Corwin wanted confirmation that the City has nothing to do with the Pilot Rock Community Watch facebook page. Porter confirmed that we have nothing to do with it. Corwin and Deno stated that it is being used improperly. Officer Badal stated that the owner of the page recently posted a reminder that the page is not intended for neighbors to be fighting with each other and complaining on it rather than calling into dispatch. There has been posts that issues should be called into dispatch and get license plates so that it is reported to the police and we can do our jobs. Badal has had to tell a couple of citizens that it is not the police officers job to keep tabs on facebook.
5. Badal also stated that addressing the problem of some children's families not able to afford a bike helmet, he approached Wal-Mart and they made a donation of helmets to distribute to the kids who can't afford it.
6. Badal also stated that kids playing the new Pokeman game have walked right into the street without paying attention to cars.
7. Mayor Carnes also brought up an issue regarding bike riders on the side walk.
8. Responding to Slabik's comments about retired folks not able to do the type of volunteer work needed for events, Mayor Carnes suggested that there are plenty of none physical jobs that she could use help with during Community days such as taking tickets at the beer garden. Lots of things going on those days that we could use her help with, just come and be involved.

K. EXECUTIVE SESSION:

None

K. ADJOURNMENT

Council agreed to adjourn at 8:34 PM.

APPROVED _____

ATTEST _____