

# CITY OF PILOT ROCK

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## Council Meeting

September 6, 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, Raymond Doherty, Ray Corwin and Jim Hinkle. Also present were Teri Porter and Bill Caldera. Citizens present were Mary Lue Slabik, Jackie Carey, Robbie Young, Jeff Mills, Tom Callahan, E. Waggoner and Jeff Waggoner.

### B. INVOCATION

Josh Endersby gave the invocation

### C. PLEDGE OF ALLEGIANCE

### D. APPEARANCE OF INTERESTED CITIZENS

Mary Lue Slabik, asked Council to please use their microphone and PA system, because it is hard to hear everything that is being said.

### E. PRESENTATIONS

None

### F. ACTION ITEMS

#### F-1 Resolution #595 Public Works Emergency Response Cooperative Assistance Agreement.

Teri Porter informed Council that Steve Draper is working on a power outage at the well house and could not be present at tonight's meeting, but asked Council to please consider the renewal of the agreement. She stated that the agreement comes up for renewal every 5 years. Councilor Hinkle asked how long this has been in effect. Mayor Carnes stated that we have had this agreement for many many years. Addressing Teri, Councilor Doherty asked if there is any training, or the FEMA IS700 required? Teri stated that she does not know. Councilor Doherty pressed on asking what if there is an emergency, you don't know? Teri stated that this is an agreement between the state and certified public works employees of various cities. This is the public works department and Steve's issue. Teri stated that she is not going to answer questions she does not know the answers to. Councilor Womack stated that in the event of an emergency an incident commander will lead the operation making the decisions everyone else is around to help. Jackie Carey stated that this agreement has been around for about 25-30 years. Councilor Hinkle stated it is basically a mutual aid agreement. **On a motion by Councilor Deno and seconded by Councilor Perkins Council agreed to pass Resolution #595, renewing the Oregon Public Works Emergency Response Cooperative Assistance Agreement. All present voted yes.**

#### F-2 OHV Board and Recreational Use Immunity

In Steve Drapers absence, Jeff Mills was present to represent the OHV Board. Teri Porter explained that Lisa Masters with CIS had contacted her and stated they understand the City is looking to deed the bike pit property to the OHV board but that the deed has been put on hold. CIS recommends, in the meantime, there should be an agreement between the City and the OHV board outlining which party is responsible for what. Teri and Michael Corey of Wheatland Insurance (our local agent), had a phone meeting with Kirk Mylander, CIS's lead attorney, to ensure that the agreement Teri was working to put together included everything necessary to satisfy CIS. During

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that phone meeting, Kirk suggested that such an agreement was not necessary. He suggested that there should not be a division of maintenance duties. The City owns the property and should be responsible for the maintenance. The agreement comes into play when the City leases the property to the OHV board for prep and race events. During those time the lease agreement will state that the OHV board must carry their own liability insurance naming the City as second insured. Teri also stated, there will be a \$1,000 assessed annually on the bike pit property if the City leaves it open to the public between races. Council was also informed that Steve had spoken to the OHV boards insurance agent and was told that the current policy held by the OHV board would cover them year round, instead of only for the 8 events as they originally thought. In light of this information Council thought it best to table the item and hold a work session to consider the latest developments. Expressing the hopes of the OHV Board, Jeff stated that they hope that Council will work with the OHV Board, continue to support their efforts and encourage development that could be beneficial to the community. There was discussion on ways the OHV Board could raise more revenue to help offset the cost of insurance and property taxes. Replying to Councilor Perkins suggestion that the board expand their base, Jeff stated that he would love to see someone in the community come out and build a BMX (bicycle) track that the kids could use. He explained that is how this all got started 10-12 years ago, but eventually the folks involved in the BMX fell away and the MX (motorcycle) folks kept going strong. Councilor Perkins is confident that there is a solution to this problem. We need to find out what risks are involved for both parties and suggested that everyone come together in a work session to sort it all out.

**On a motion by Councilor Perkins and seconded by Councilor Deno, Council agreed to table this item and give the OHV board more time to sort things out.**

**On a motion by Councilor Perkins and seconded by Councilor Doherty, Council agreed to hold a work session on October 24<sup>th</sup> at 6pm. All present voted yes.** Mayor Carnes stated we will provide Pizza.

Councilor Corwin suggested that the board bring their insurance policy, so that we all know what is covered. Councilor Doherty asked if the board knew what the cost of the property insurance would be. Jackie Carey and Robbie Young of the OHV board stated that they were in the meeting with Steve and Paul Chalmers the County assessor. They stated that the cost would be about \$3,500 per year and there was very little chance to appeal the decision.

### F-3 Resolution #596 Adopting the Park Maintenance Program

Teri stated the Park Maintenance Program has been reviewed by CIS Lisa Masters and Kirk Mylander. They were pleased with our proactive approach and said it was a good program. **On a motion by Councilor Deno and seconded by Councilor Perkins, Council approved Resolution No. 596 adopting the Pilot Rock Park Maintenance Program. All present voted yes.** Councilor Perkins complimented staff for putting this together and getting ahead of the game when it comes to risk management. Councilor Doherty asked for further information about the resolution and program. Teri explained that the program is attached to the resolution. The program includes check lists for all the City parks and public areas (6 in all). The checklist will be done monthly by the maintenance department. Deficiencies will be identified and assigned to someone to resolve. The safety committee will review the completed check lists on a quarterly basis, to ensure that all deficiencies have been resolved. With the threat to recreational use immunity, it is important that the city be able to prove that there are regular checks of the parks, for safety issues. This gives us the documentation needed if an employee is sued by an individual claiming negligence.

### F-4 Vacation Request for Teri Porter

**On a motion by Councilor Womack and seconded by Councilor Hinkle, Council agreed to grant Teri Porters vacation request for September 26-29. All present voted yes.**

### F-5 Vacation Request for Chief Caldera

**On a motion by Councilor Hinkle and seconded by Councilor Womack, Council agreed to grant Chief Caldera's vacation request for October 3-7. All present voted yes.**

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**On a motion by Councilor Hinkle and seconded by Councilor Corwin. Council agreed to add F-6 approving Councilor Doherty's absence from Council. All present voted yes.**

## **F-5 Councilor Doherty's Absence from Council**

Councilor Doherty explained that he will be out of state on business for the next two months and it would be too difficult to get back for Council meetings. Doherty stated that he enjoys serving on Council and would prefer not to resign. There was discussion whether he could attend via conference call. Mayor Carnes said it is very hard for him to hear everyone on the other end. **On a motion by Councilor Perkins and seconded by Councilor Deno, Council agreed to excuse Councilor Doherty from the next four Council meetings. Councilors Womack, Hinkle and Corwin agreed. Councilor Doherty abstained.**

## **F. INFORMATION ITEMS**

### **G.**

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

##### **CITY HALL:**

1. Steve, Bill and I met with Michael Corey of Wheatland/CIS to further discuss the recreational immunity issue and insurance needs and cost for the Bike Pit property.
2. Starting prep work for the Audit. Audit will probably be late October.
3. Phone meeting with Kirk Mylander, lead attorney for CIS, regarding recreational us immunity issues.
4. Have submitted the Park Maintenance Program to CIS for review.
5. Met with Lisa Masters of CIS to tour the Bike Pit.
6. Using the draft of the 2009 OHV agreement that was never put into effect, have developed a new agreement to present to Council and enact asap. After meeting with Kirk, this is not the ideal agreement.
7. Working on the Investment Policy. Hope to have a draft for Councils approval at the 9/6 meeting.
8. At the last meeting Councilor Womack asked about the high expenses in publishing in the general fund. Upon closer inspection, I found that an invoice had been charged to this account in error. The correction has been made. Thank you Councilor Womack, you have a good eye.
9. Have included the new police vehicle on the city insurance.
10. Senior Parents inquired about doing a bash for cash fund raiser during community days. After discussion with Michael Cory our insurance agent, we determined that the event is not sanctioned by the City and would not be covered under the City's insurance. The idea was abandoned.

##### **POLICE:**

1. Chief taught an Intoxilyzer 8000 class to officers at Pendleton PD.
2. Chief completed putting together the PPE and Hearing Protection protocols.
3. The department had a relatively quiet week-end for Community Days. A total of 13 incidents were handled with one being a DUII arrest and one being a disturbance call.
4. With the start of school, the department is working the school zones for speed and crosswalk violations.
5. Chief is in discussion with Blue Mountain Towing about towing abandoned vehicles from the City. At last count, there are approximately 100 abandoned motor vehicles and at least that many utility/travel trailers that are in violation of the abandoned vehicle ordinance.

##### **PUBLIC WORKS:**

1. Prep for Community Days and tear down after.
2. Placing bark mulch on both dikes at the park.
3. Have completed pot hole patching for the year.
4. Scheduled to tear stairs out by the first of next month.

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5. Puncture vine and weeds.
6. Quarterly sewer sampling.

## G-2 Investment Policy

A draft of the Investment Policy was included in the packet for Council to review before the next meeting when they will be asked to take action. **On a motion by Councilor Perkins and seconded by Councilor Doherty, Council directed Teri to provide examples from other cities for examples of their investment policy and comments from their staff on their investment experiences. All present voted yes.** Councilor Womack asked who takes care of the investments. Teri explained that it would be a broker that Council approves.

## G-3 Centurylink Franchise Agreement

A draft of the Centurylink Franchise agreement was included in the packet for Council to review before the next meeting when they will be asked to take action. Teri explained that previous Council had motioned to renew all franchises with an 8% franchise fee, but upon further research found that 7% is the highest fee we can assess on a telecommunications company.

## H CONSENT CALENDAR

Bills Total: \$46,751.25

**On a motion by Councilor Perkins and seconded by Councilor Corwin to amend the minutes to include in discussion Steve Drapers comments regarding additional fees. All present voted yes**

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

## J COUNCIL COMMENTS

1. Councilor Deno asked who is hauling water tanks of water up Birch Creek and is the City aware of how much he is getting. Teri stated she would find out.
2. Councilor Hinkle asked if we need to take action on F-3 from the last meeting, regarding legal fees for the Bike Pit.
  - Councilor Perkins explained it was his intention when he made the motion was to wait for the OHV board to come back to Council with a proposal or a plan before we talk about legal fees.
  - Perkins added he would like to amend the minutes to reflect Steve Drapers comment that there may be additional fees.
  - Hinkle stated that he feels that past Council had already made a motion regarding this issue, and does not feel that it is necessary for this Council to consider or change the motion already made by previous Council.
  - Corwin agreed that he thought the issue of splitting fees 50/50 had been discussed several times by previous Council and motions made.
  - Perkins respectfully stated that circumstances have changed.
  - Hinkle restated that he does not feel this Council should continue to rehash this item.
  - Doherty agreed that things change and has a hard time paying legal fees for property we are giving away.
  - Corwin explained that when this started we were not paying to give something away; we were hopeful that it would develop into something good for the community.

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- Teri stated that past minutes bare out that it was Council that wanted to deed the property to relieve the City of any possible liability.
- Council agreed that the work session is needed to work through some of these items.
- Teri pointed out as it stands right now, there is no benefit to the bike pit for taking the property. They can't borrow against it, they can't sell it, they have to pay property taxes and the cost of year round insurance. Deeding the property does not benefit them it only puts them in a financial bind that could cause them to fold. The City needs to consider that they may want to invest in it, and perhaps agree to pay the additional \$1,000 for two years, and give them a little more time to reach their goals and possible become a real asset to our community.

Councilor Doherty stated that several people have approached with concerns regarding truck drivers coming through town using their jake brake. Can we put up signs? Chief stated that there is a state statute regarding causing unreasonable noise with a motor vehicle. But it is difficult to inforce because everyones definition of unreasonable noise is different. Teri stated that the issue has come up in the past and thought that ODOT may have an issue with us putting up signs, but agreed with Councilor Doherty that there may already be a City ordinance in place. Chief Caldera stated he will look for the ordinance tomorrow.

Councilor Deno appreciated the maintenance crew for making the stairs disappear.

Councilor Deno also stated that he received phone calls regarding the blasting that went on last Friday and feels that these construction company should at least let City Council know about it. Deno explained that Hatley was blasting the rock bluff on his property on 3<sup>rd</sup> where he is wanting to put in an RV park. Teri stated that she was not aware of the blasting or that he had started any development. She will contact Mr. Hatley and let him know that he needs to submit an application for a Development Permit along with his plans.

## **K. EXECUTIVE SESSION:**

None

## **K. ADJOURNMENT**

Council agreed to adjourn at 8:35 PM.

**APPROVED** \_\_\_\_\_

**ATTEST** \_\_\_\_\_