

CITY OF PILOT ROCK

COUNCIL MEETING

April 3, 2012

7:00 PM

A. Call to Order

The regular meeting was called to order by Mayor Virginia Carnes at 7:00 pm. Council members present were Kacie Moss, Annie Tester, Ray Corwin and Shawn Kirk on the speaker phone. Also present were City Recorder Teri Porter, Public Works Director Steve Draper and Police Chief Darren Richman. Citizens present were Jeff Mills, Ray Slabik, Charles Bonando, Harley Jeffers, John Taylor and Mary Lue Slabik. Also present were Mr. and Mrs. Bill Elfering.

B. INVOCATION

Pastor Harley Jeffers gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPEARANCE OF INTERESTED CITIZENS

None

Teri Porter asked Council to approve adding F-2 The Mobile Office at the Bike Pit, F-3 Community Clean Up and F-4 Interest in the Empty Lots on Main St. Councilor Tester made a motion to add F-2, F-3 and F-4 to the agenda, Councilor Moss seconded all present voted yes.

E. PRESENTATIONS

Bill Elfering who is running for County Commissioner addressed Council and Citizen outlining his history, qualifications and why he is running.

F-I Ordinances No. 553 and 554 Establishing Separate Funds for Water and Sewer Utility Reserves.

Teri Porter stated the Auditors have suggested we split our existing Utility Reserve Fund into two separate Funds one for the Sewer Utility Reserve and One for the Water Utility Reserve. Ordinance No. 553 and 554 would allow separating these funds. Mayor Carnes read Ordinance No. 553 in title two times. Councilor Tester made a motion to approve Ordinance No. 553 and was seconded by Councilor Moss. Councilor Tester asked if there were issues budgeting wise. Steve Draper said that we have an existing Utility Reserve fund, the funds in those accounts will be split into these two new funds. Mr. Taylor asked when you have a reserve fund is it necessary to show how you can spend that money in a reserve account. Mr. Taylor stated that a reserve account

requires that the City specify how exactly those funds should be spent. Steve Draper stated that it is used for infrastructure, if there is an emergency; it gives us revenue to respond to issues. Councilor Tester referred to this year's budget which shows that it is used for Capital Outlay, and Equipment replacement. All present voted yes in favor of Ordinance No. 553. Mayor Carnes read Ordinance No. 553 in title for a second time Councilor Kirk made a motion to approve Ordinance No. 553 which was seconded by Councilor Corwin all present voted yes. Mayor Carnes read Ordinance No. 554 in title. Councilor Kirk made a motion to accept Ordinance No. 554 and was seconded by Councilor Moss, all present voted yes. Mayor Carnes read Ordinance No. 554 in title for a second time. Councilor Kirk made a motion to accept Ordinance No. 554 and was seconded by Councilor Tester, all present voted yes.

F-2 Mobile Office at the Bike Pit

Teri Porter stated that the City has received an email back from Kay Hunkapillar of Wheatland Insurance. regarding the mobile office that was moved onto the Bike Pit (see attached). At the March 20, 2012 Council directed Staff to research liability concerns with our insurance and if there are any zoning issues on Heavy Industrial property. There are no restrictions not allowing this structure in a heavy industrial zone (see attached). Staff has been informed that Mark Dickey the accountant for the Bike Pit, will not be available to address Council until the first meeting after tax season. Teri also stated that Mr. Taylor had stopped by City Hall today and pointed out that the City's municipal code 18.60.080 states that the owner of the mobile home must be the owner of the property.(see attached). Jeff Mills stated that they would like to get this

resolved so they know if they need to remove it or if they are allowed to keep it there, they would like to secure the doors and windows and tie it down to guard against wind damage. Steve pointed out that Kay's letter states that if the precautions of securing the windows and doors would reduce the possibility of exposure. Steve clarified that the structure is classified as a mobile office, a place to do business out of, not a mobile home. Councilor Tester and Councilor Corwin asked for clarification what it would be used for. Jeff explained it would be used for registration and storage of tools and banners etc. Nothing of great value. Mr. Taylor asked if they would be willing to remove the bathroom and kitchen to truly make it an office. Jeff said they had intended to clean it out to make more room, so removing the bathroom and kitchen would not be a problem. Councilor Tester stated that she does not have a problem securing it and storing it at the Bike Pit, but is not comfortable making it a permanent structure until the 501c3 is complete and the property is deeded to the bike pit. Councilor Corwin made a motion to allow the storage of the mobile office at the bike pit and to anchor it to the ground to guard against wind damage, but make it so that it is removable until the ownership of the property is transferred so that they can use it a little bit. The motion was seconded by Councilor Tester. Mary Lue Slabik stated that she had a couple of problems with this situation. #1 the insurance says that we are definitely liable, it was brought out at the last meeting that if there is something of that nature that we may want to change our ways of thinking. She went on to say we continue to keep on doing these things after the fact and quoted the minutes from the last meeting. This has been going

on for quite awhile, it appears that if it had been brought before council and approved it would have been a different story. It is time for the Council to take charge and get things approved before the fact and not after the fact. Mary Lue does not approve of the motion and it would be nice if the Council would go for removing the trailer. With a motion by Councilor Corwin and a second by Councilor Tester, all present voted yes.

Jeff presented new business regarding the Youth Safety Evaluation Program. Starting this year every rider under the age of 16 years must have a hands on rider evaluation to enable them to ride on public land. Oregon Motorcycle Riders Association (AMRA) has approached the Bike Pit Board requesting the use of the Bike Pit facility to conduct the evaluation program. OMAR carries their own insurance they will list the City as second insured. This is not a race. They are associated with the Oregon Parks and Recreation dept. This is a great opportunity for the Bike Pit, it is a great way to get exposure, it's a service to the kids and a need the State has to fulfill. Very few areas offer Class 3 for motorcycles. The costs was \$65 but now there is a state program that will subsidize \$45 lowering the cost to parent to \$20. \$35 comes directly back to the group putting on the program. OMAR will train some of the Bike Pit members to become evaluators, and then they continue to carry on the program and continue evaluations throughout the year. Jeff is asking permission to use the facility Saturday the 21st, to conduct the evaluations. Councilor Moss made a motion to allow the event to take place and that the insurance information is given to Staff right away. The motion was seconded by Councilor Kirk. Chief Richman asked if there would be any dry camping and asked what the hours would be? Jeff stated that there would be no dry camping and he is not sure what the hours will be as of yet. Councilor Moss stated that it is to our City's benefit to support and promote safety for our kids and encourage them to go through the training. Mr. Taylor stated that it has taken 3 years to get the 501c3, Mr. Draper told us in January that it would be filed within 30-45 days, and understands that Mr. Draper is no longer on the OHV board. Mr. Taylor went on to ask have we done our due diligence? If you remember Mr. Dickey put us off last year until after tax season, now we are up against the same issue. We had 2 objective 1 to make a distinguishing between the City and the Bike Pit and 2 to minimize the liability for the City. Mr. Taylor asked if anyone disagrees? Mayor Carnes stated that no one would disagree including the bike pit. Councilor Moss expressed her understanding of why Mr. Dickey can't be present until after tax season. There was a motion and a second, all present voted yes.

F-3 Annual Community Clean Up

Chief Richman addressed Council stating that last year it cost the City \$415 for the annual weekend cleanup. This included 5 dumpsters, 2 dumpsters are furnished by Pilot Rock Sanitation at no cost to the City and the other 3 dumpsters were paid for by the City and Pilot Rock Sanitation splitting the cost. The annual cleanup is scheduled for May 9th for seniors with the High School participating and May 12th for everyone else. On a motion By Councilor Tester and seconded by Councilor Corwin, Council agreed to continue with the program and pay for the costs of the additional dumpster. All present voted yes.

F-4 Interest in the Empty Lots on Main St.

Teri Porter read from the staff report stating that Mark Seder, a landscape architect, had a meeting with staff and Mayor Carnes to discuss a developer that may be interested in the

empty lots on Main St.. Mr. Seder would like to know if Council is interested in hearing a proposal. Mr. Taylor asked if there was any cost to the City from Mr. Seder and Teri responded that there would not be. Councilor Tester made a motion to allow Mr. Seder to make a presentation to Council. The motion was seconded by Councilor Kirk, all present voted yes.

G-1 Department Head Report

Steve Draper was away at training last week so Teri asked if he would like to submit a verbal staff report to add to the minutes. Steve stated that they are doing their routine spring stuff, spraying weeds, and mowing. Adam is back on the payroll. Mayor Carnes asked if he knew how many trees had died along the Hwy. Steve said there were about half a dozen. Mayor Carnes also stated that the medians are looking great.

Teri added to her department head report: The bark plant rent has been received and they are current through March. Teri also mentioned for the record but did not feel that any discussion is needed, that Packy Doherty has submitted a letter to City Hall, expressing interest in purchasing the industrial property.

H-1 Consent Calendar

On a motion by Councilor Tester and seconded by Councilor Moss, Council agreed to accept the Consent Calendar. All present voted yes.

I. City Council Comments

Mayor Carnes mentioned that Jamie Pugh passed away, this is Dawn Alderman's sister. The Mayor mentioned this to make folks aware who may want to help in some way.

Councilor Tester submitted a report to Council regarding the investigation that of the reported oil spill at the burn pile (attached). Councilor Kirk expressed appreciation to any for all the work and effort she put into it. On a motion by Councilor Moss and seconded by Councilor Corwin, Council accepted the report and considers the matter closed. All present voted yes.

J. ADJOURNMENT

On a motion by Councilor Tester and seconded by Councilor Moss, Council agreed to adjourn the meeting at 8:10pm. All present voted yes.

APPROVED 

ATTEST _____

Teri Porter

From: Kay Hunkapillar [KayH@wici.net]
Sent: Tuesday, April 03, 2012 11:50 AM
To: prcr@centurytel.net
Cc: Michael JH. Corey
Subject: Mobile Office

Teri,

I'm sorry I didn't get this to you yesterday; the people at CIS I've tried to speak with have not been available. This is in response to your question about the insurance and liability exposure for placing a mobile office at the bike pit property. The City of Pilot Rock is covered by CIS for any liability arising out of the ownership of the property. If a claim is made against the City because of alleged injury that might arise due to the mobile home, CIS will defend the City. However, there is an increased exposure for potential claim with the mobile home on site than if the land is "vacant". If the bike pit club was a legal entity and had insurance, any claim arising due to this increased exposure could be tendered to their insurance. Since they have not completed their organization or purchased insurance, any claim is going to default to the City. So the question is not whether you have insurance coverage, because you do; but rather how the City wants to address the increased exposure of this building being on the property. If the City has taken all reasonable precautions to secure the property (such as boarding up the windows and preventing access to the building), that would reduce the likelihood of a claim arising.

I hope this information is helpful. I have left messages for the CIS Risk Management team to call and visit about this, so when they do get back to me, I'll forward any additional information they provide to you. In the meantime, don't hesitate to call if you have any additional questions.

Kay Hunkapillar, CIC

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Pendleton OR 97801

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(4) Building height shall be a maximum of 28 feet.

(5) The street frontage shall be a minimum of 60 feet. [Ord. 514 § 3.52, 2001].

Chapter 18.40

M-1 LIGHT INDUSTRIAL ZONE

Sections:

- 18.40.010 Permitted uses.
- 18.40.020 Conditional uses.
- 18.40.030 Dimensional standards.
- 18.40.040 Limitations on use.
- 18.40.050 Site review.
- 18.40.060 Performance standards.

18.40.010 Permitted uses.

In an M-1 zone the following uses and their accessory uses are permitted with the issuance of a development permit:

- (1) Agricultural supplies and equipment sales, service or repair.
- (2) Auto or truck sales, service or repair.
- (3) Building materials or hardware store.
- (4) Contractor's equipment storage.
- (5) Grain elevator.
- (6) Greenhouse or nursery.
- (7) Hauling, freighting and truck yard or terminal.
- (8) Machine shop.
- (9) Mini-warehouse.
- (10) Plumbing or sheet metal shop.
- (11) Repair or maintenance establishment.
- (12) Veterinary clinic or animal hospital.
- (13) Welding shop.
- (14) Wholesale trade. [Ord. 514 § 3.60, 2001].

18.40.020 Conditional uses.

In an M-1 zone the following uses are permitted when authorized in accordance with Chapter 18.100 PRMC:

- (1) Public or semipublic use.
- (2) Utility substation.
- (3) Other uses similar to the use listed in PRMC 18.40.010 and this section and normally found in a light industrial zone; provided, that it has the approval of the planning commission.
- (4) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects, that are not improvements designated in the transportation system plan or not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the transportation

system plan and applicable standards, and shall address the following criteria. For state projects that require an environmental impact statement (EIS) or environmental assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) The project includes provisions for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this title.

(5) If review under this section indicates that the use or activity is inconsistent with the transportation system plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review. [Ord. 514 § 3.61, 2001].

18.40.030 Dimensional standards.

In an M-1 zone the following dimensional standards shall apply:

(1) The lot area shall be a minimum of 10,000 square feet.

(2) The minimum street frontage shall be 100 feet.

(3) The front, side and rear yards shall be a minimum of 10 feet each.

(4) Building height shall be a maximum 28 feet. [Ord. 514 § 3.62, 2001].

18.40.040 Limitations on use.

In an M-1 zone, the following limitations and conditions shall apply:

(1) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(2) Any use of property within 100 feet of a lot in a residential zone shall be subject to the review of the planning commission. The planning com-

mission may impose such limitations as may be required to reduce conflicts between uses. [Ord. 514 § 3.63, 2001].

18.40.050 Site review.

An application for a development permit for a use permitted in PRMC 18.40.010 shall be accompanied by a site plan and reviewed by the planning commission for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property, both existing and proposed.

(b) Drawn at a scale no smaller than one inch equals 100 feet.

(c) Access points to streets or highways.

(d) Names of the owner and developer of the site.

(e) Landscaping as required by this title.

(2) Landscaping shall include the following:

(a) Trees or shrubs at least 20 feet wide shall be planted and maintained when adjacent or across the street from a residential zone.

(b) A fence or wall at least six feet high shall be erected and maintained along all property lines excluding access points when adjacent to a residential zone.

(c) Landscaping shall be in place and maintained by the property owner or lessee no later than six months after the use is established or building completed, whichever comes first.

(3) A six-foot-wide sidewalk will be established along any street within six months of building occupancy or establishment of the use, whichever comes first.

(4) Lighting of parking, loading, driveway, and building areas shall be shielded away from adjoining or nearby residentially designated land. Truck parking, driveway and servicing areas shall be oriented away from residentially designated land if at all possible, and shall be shielded, screened and buffered from said land to minimize impact of engine noise and headlight glare. [Ord. 514 § 3.64, 2001].

18.40.060 Performance standards.

All uses shall comply with the following maximum pollution standards and any use exceeding these standards shall be deemed in violation of this