

CITY OF PILOT ROCK

Council Meeting

December 19, 2013

7:00 PM

A. Called to Order

The Regular meeting was called to order by Mayor Carnes at 7:00. Council members present were Kacie Moss, Jim Hinkle, Bob Deno, Ray Corwin, Raymond Doherty and Michael Baleztena. Also present were City Recorder Teri Porter, Administrative Assistant Wanda Young, Public Works Director Steve Draper and Chief Richman. Citizens present were Pastor Jeffers and Mary Lue Slabik.

A. INVOCATION

Pastor Jeffers gave the invocation.

B. PLEDGE OF ALLEGIANCE

C. APPEARANCE OF INTERESTED CITIZENS

D. PRESENTATIONS

Teri Porter swore in Councilor Doherty.

E. ACTION ITEMS

On a motion by Councilor Hinkle and seconded by Councilor Baleztena, Council agreed to add F-10 Vacation request. All present voted yes.

F-1 Hiring of a Police Officer

Chief Richman stated that each councilor was contacted by phone and there was a consensus of the Council to hire a police officer. Chief Richman asked for a formal motion to hire a certified officer. **On a motion by Councilor Baleztena and seconded by Councilor Deno, Council agreed to approve hiring Glen Diehl as the new certified officer. All present voted yes.**

Chief Richman also stated that Glen Diehl lives in Pendleton and requested a motion allowing him to live in Pendleton. Councilor Baleztena asked what the response time is? Councilor Corwin asked if he uses his own vehicle to get to and from his home? Chief Richman responded that there is a 16 minute response time and Officer Diehl uses his personal vehicle to drive to and from home. **On a motion by Councilor Corwin and seconded by Councilor Baleztena, Council agreed to allow Officer Diehl to live in Pendleton since there is only a 16 minute response time. All present voted yes.**

F-2 School Stairs

Steve Draper presented Council with a letter from the City engineer, stating that the stairs need to be demolished. Steve stated that the next step would be to secure an easement for a portion that is across private property and then seek funding. We can use half of the \$50,000 street grant, there are a few thousand dollars in the bike and ped fund, the county commissioners also have a bike and ped fund that we may be able to tap into, as well as trying to get a grant through the Back to School grant. It will be some time before it is completed. Steve asked for a motion to move forward on the stairs project and seek the funding.

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On a motion by Councilor Baleztena and seconded by Councilor Moss, Council agreed to allow Steve to move forward on the stair project and start getting the grants and easement, whatever it takes to get the stairs fixed. All present voted yes. Virginia suggested that Steve share this letter with the school district.

Councilor Deno asked that Steve keep Council informed as the process progresses. Councilor Doherty asked, since the stairs have been there so long isn't there an easement grandfathered in? Steve stated that there is no easement, you can push since it has been there so long, but it would take some attorney fees. Steve stated that the property owner of the old doctors office is open to discussion regarding the easement. Steve stated that there has been some discussion regarding the property owner buying the old house next door, and the City tearing it down, then the property can be used for parking. Mrs. Slabik, asked how grant money that was to be used for street improvements, can be used for the stairs. Steve stated that in the past the grant money was used for a specific street, but Steve asked the State if a portion can be used for the stairs and they said it could. Mrs. Slabik then asked what streets were to originally be repaired with that money and are they now not going to be fixed? Steve stated that the money was to go to improvements to Main St. from the High School and the next two blocks. With half the money he will be able to go from the bottom of Main St. to Cherry St. which is about half the original project. Then we would have to reapply for another grant to finish the project. Mrs. Slabik asked who made the decision to forget about the street and fix the stairs. Councilor Baleztena stated that Council had hinted that they felt that repairing the stairs was important as it keeps the kids off the highway. There was discussion regarding the need for a formal motion on the use of the \$50,000 grant money. It was decided to wait until the easement is acquired then see what monies are available at that time and make the decision then on how best to spend the \$50,000 grant money.

F-3 PP&L Franchise Renewal and Ordinance No. 558

Steve Draper presented Council with the PP&L Franchise renewal and stated that this agreement reflects the increased franchise fee from 3.5% to 8%. Steve introduced Bill Clemmons with PP&L who is present to answer any questions. Teri Porter stated that there was a change to the Ordinance that is in the packet. This ordinance is declaring an emergency as the agreement is due by the end of the month. Also the year on the last page will be 2013. Councilor Doherty asked where the extra 4.5 % is coming from? Bill Clemmons stated that PP&L collects it and passes it on to the City from the customer. This is not an increase of the power it is a separate line item on the bill. Steve stated this issue was discussed in several Council meeting and on September 6, 2011, Council voted to raise all franchise fees to 8% whenever possible, to give the City sustainable income. Bill stated that most Cities are moving up their franchise fees to 8%. Councilor Moss read Ordinance No. 558 in title. **On a motion by Councilor Deno and seconded by Councilor Hinkle, Council agreed to pass Ordinance No. 558. All present voted yes.** Councilor Moss read Ordinance No. 558 in title for the second time. **On a motion by Councilor Baleztena and seconded by Councilor Deno, Council agreed to pass Ordinance No. 558. All present voted yes. On a motion by Councilor Baleztena and seconded by Councilor Deno, Council agreed to declare Ordinance No. 558 and emergency. All present voted yes.** Councilor Doherty asked why it had to be declared an emergency? Teri explained that most Ordinances are effective 30 days after they are past. Declaring it an emergency makes the ordinance effective immediately.

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Since the franchise agreement expires the end of this month it was necessary to declare it an emergency so that the new agreement is in effect when the old one expires.

F-4 Pasture Lease Renewal

Steve Draper stated that we have received a letter from Donald and Michael Weinke, to renew the pasture lease. Steve explained that per the original lease agreement it is due to renew in 5 years with an 18% increase. **On a motion by Councilor Baleztana and seconded by Councilor Hinkle, Council agreed to renew the pasture lease agreement.** Teri stated that Mr. Taylor had visited with her and asked that the following three points be presented to Council. 1. He feels the legal description is incorrect 2. Would like to see that the lessee is responsible for the property taxes. 3. The City makes 1.8 return on its investment and perhaps we should offer it for sale. In response Steve stated that every property that the City owns in this town is for sale, everybody knows that. The property did go out to bid originally, they were the highest bidder, when the contract was written it gave them the option to renew after 5 years. Councilor Corwin asked for clarification that the property can be sold if we had an offer and Teri explained that it does state in the lease that either party can give 60 day notice and terminate the lease at anytime. Mary Lue brought up the same concerns about the legal description, stating that the bike pit and archery range is included in the description. Steve explained that they are part of the same tax lot and it is understood that the land that they occupy is excluded from the lease agreement. Mary Lue also stated the lease states that they must let the City know 60 days prior to renewal, but the letter was late. *(it was due November 22 but was received December 5)*. Council has the option to renew or find them in default. Councilor Moss stated that their is a motion on the floor. **All present voted yes.**

F-5 Vacation Request.

Teri Porter requested permission to take vacation from January 2, 2014 through January 8, 2014. **On a motion by Councilor Baleztana and seconded by Councilor Hinkle, Council agreed to approve Teri's vacation. All present voted yes.**

F-6 Holiday Schedule

Teri stated that in the past City Hall has been closed half a day on Christmas Eve and New Years Eve as a holiday. Teri asked Councils approval to close those half days this year as well. Councilor Hinkle asked if it would be paid or unpaid? Teri explained it would be a half day of Holiday. **On a motion by Councilor Baleztana and seconded by Councilor Corwin, Council agreed to approve allowing City employees to work half a day on Christmas Eve and New Years Eve. All present voted yes.**

F-7 Annual \$25 Bonus for City Employees

Teri explained that each year Council is asked for approval of a \$25 Christmas bonus for all City employees. Teri stated that this is already addressed in the budget. **On a motion by Councilor Baleztana and seconded by Councilor Corwin, Council agreed to approve the \$25 Christmas bonus for all city employees. All present voted yes.**

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F-8 Resolution #553 Authorizing HRA VEBA

Teri explained that it is time to renew the Health Reimbursement Arrangement plan. VEBA is requiring that a resolution be passed authorizing the plan. This is already budgeted for, there is no additional expense, all that is required is the resolution. Steve Draper explained that 8 years ago while reviewing the insurance rates, Council decided to go with the cheaper plan that raised the deductibles for each full time employee, which meant more out of pocket expense for the employee but would save the City approx. \$20,000 a year. To help offset the added expense to the employee, the City Council agreed to the HRA agreement, which put \$1000 a year for each full time employee that is a total of \$7,000 per year. Steve stated that we do look at the insurance plans and cost each year to ensure we have the most affordable policy. **On a motion by Councilor Deno and seconded by Councilor Moss, Council approved Resolution #553. All present voted yes.**

F-9 Ordinance No. 557 Rezoning the Motel

Teri corrected her staff report that the property referred to is 326 NE 4th. Teri reminded Council of their approval to rezone the old Motel from commercial to residential and explained that in order to move forward, Council must pass ordinance no. 557. The ordinance has been available to the public for 4 days. Councilor Moss read Ordinance No. 557 in title. **On a motion by Councilor Baleztana and seconded by Councilor Hinkle, Council agreed to pass Ordinance No. 557. All present voted yes.** Councilor Moss read the ordinance in title again. **On a motion by Councilor Deno and seconded by Councilor Doherty, Council agreed to pass Ordinance No. 557. All present voted yes. On a motion by Councilor Doherty and seconded by Councilor Corwin, Council agreed to declare it an emergency. All present voted yes.**

F-10 Vacation Request for Tim Britain

On a motion by Councilor Baleztana and seconded by Councilor Hinkle, Council agreed to approve 56 hours of vacation for Tim Britain. All present voted yes.

G INFORMATION ITEMS, REPORTS AND PRESENTATIONS

G-1 Department Head Report

City Hall:

1. Working on updating and developing policies as recommended by CIS. Will submit finished product to Council for approval.
2. Wanda will be sending out the annual letters to the low income applicants who are receiving reduced rates, informing them that they must reapply and show proof of eligibility by January 28, 2014.
3. Cheryl Lopez's, part time librarian, last day will be Tuesday December 17, 2013. Susan Hilliard, the lead librarian, will be working Cheryl's hours. She will work a total of 35 hours a week.
4. Due to the cancelled December 3rd Council meeting, I received a consensus approving the Christmas Light parade.
5. Prepping for the Fenton Rezone and Perrine Conditional Use public hearing, scheduled for January 21, 2014.
6. Have been working with Abadan the leasing company for the copy machine in City Hall. The lease is up in February and we will be purchasing the machine for \$1,182.
7. Went to Salem for training on Planning in Oregon. It was awesome. Good info. Will be making some changes to our application for development and will develop a planning handbook.
8. The monthly payments to Mary Koch have resumed. Council may want to consider if they feel any further action is needed in this matter.

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Police Department:

1. Officer Diehl has started and he is going to be a great asset to the City and police department.
2. I will continue to have Officer Stallings help cover the vacant times.
3. I had to take the Impala in for a check engine light and it was caused by a sensor on the transmission and fuel reconitioner.

Public Works:

1. Adam's last day was November 27th, he will be back in the spring.
2. The snow plow and sander have been put to good use. The maintenance crew has been working on the roads during the snowy and icy conditions.

H. CONSENT CALENDAR

On a motion by Councilor Hinkle and seconded by Councilor Baleztena, Council agreed to approve the consent calendar.

I. CITY COUNCIL COMMENTS

None.

J. EXECUTIVE SESSION:

On a motion by Councilor Moss and seconded by Councilor Baleztena, Council agreed to now meet in executive session for the purpose of real property transactions. The executive session is held pursuant to ORS. 192.660. (2)(e) which allows the Council to meet in executive session to deliberate real property transactions. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room. All present voted yes.

Council and staff went into executive session at 8:03.

Council and staff came out of executive session at 8:17.

In regular session there was discussion regarding the monthly payments the City is making to Mary Koch. There was discussion that perhaps the best course of action to try to straighten this out, would be that Council appoint someone to meet with Mrs. Koch to try to come to a mutually agreeable resolution and a written agreement. Since Councilor Doherty is new to Council, a brief explanation of the issue was given. *Originally it was thought that the property, US Cell needed, would sit half on City owned and half on Koch property. The lease amount for the entire piece of property would be \$600 paid to the City and in turn the City would pay \$300 to the Koch family. An easement across Koch property was needed so that US Cell would have access to their tower. The Koch family granted the easement at \$0 dollars. Before construction it was discovered that the property US Cell would be using sat solely on City property. No written agreement was done to explain what the \$300 monthly payment to the Koch family was now for.* There was discussion about different options such as a sunset clause or offering a lump sum payment to buy it out. Councilor Doherty asked why we don't

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just stop the payments. It was explained that after seeking the attorneys advice it is our understanding that although there is no written agreement, the fact that previous council had approved the payment in previous council meetings, and allowing these payments to go on for many years, could in itself constitute an agreement. It would have been much better to get the agreement in writing back when the oral agreement was made but since that did not happen we are attempting to get something in writing now that explains why these taxpayers dollars are being spent. **On a motion by Councilor Corwin and seconded by Councilor Deno, Council agreed to appoint Councilors Moss and Balezteno to meet with Mrs. Koch and negotiate a resolution. All present voted yes.**

K. ADJOURNMENT

On a motion by Councilor Corwin and seconded by Councilor Baleztena, Council agreed to adjourn at 8:30pm. All present voted yes.

APPROVED _____

ATTEST _____