

CITY OF PILOT ROCK
REGULAR COUNCIL MEETING
NOVEMBER 2, 2010

A. ROLL

The regular meeting was called to order by Mayor Virginia Carnes at 7:00 PM. Council members present were John Standley, Nancy Lankford, Glen Snively, Michael Baleztena, Dawn Alderman and Shawna Kirk. Also present were City Recorder Jackie Carey, Public Works Supervisor Steve Draper, Chief Darren Richman, Jim Carey, Jim Rogers, Randy Schuening, Don Hill, Annie Tester, Harley Jeffers, and John Taylor.

B. INVOCATION

Pastor Harley Jeffers gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPEARANCE OF INTERESTED CITIZENS

None

E. PRESENTATIONS

Danny Bane from Lost and Found presented information on the program to the Council. Lost and Found has been going on in Pendleton for around 7 or 8 years. They would like to partner with the Pilot Rock. Information is attached as exhibit A.

Pastor Jeffers stated that this is a healthy avenue for the kids that just aren't involved with other activities, and that the Baptist Church is behind this and would like to see if this would be a good fit for the community. Jeffers would like to the community to latch on to the Lost and Found program.

Mayor Carnes wanted to know how many kids they would start with. Bane stated that it depends on the support of the community and he is committed to invest as much as he possibly can.

Bane stated that the city could use Juvenile Crime Prevention (JCP) funds fairly easily due to the size of the community and that he is looking for the Council's support.

The Council approved supporting Lost and Found by consensus.

F-1 RESOLUTION NO. 519 PACIFIC POWER GRANT

The City has received a check from Pacific Power & Light in the amount \$2000 for Downtown Enhancements. Since the City was unaware of this grant during the budget process, the City, by Resolution, will make appropriations for these funds.

City Recorder Carey stated that Resolution No. 519 was brought back before the council at this time was because at the last meeting the council ratified the resolution by motion. Recorder Carey is requesting that Resolution No. 519 be read in title and approved by council to avoid any confusion.

Mayor Carnes read Resolution No. 519 a resolution appropriating Pacific Power & Light grant funds for downtown enhancement.

Councilor Standley wanted to know if the City had received a response from Pacific Power yet. Recorder Carey replied that there hasn't been a response yet.

Standley asked if they were going to pass a resolution in spite of not knowing what the response would be. Recorder Carey stated that if they requested that the grant be returned, then the grant funds would be sent back.

Councilor Snively stated that he felt they had voted too hastily last time. Snively felt the City should not be channeling funds through any organization. Carey replied that it was her understanding that the grant would stay with the City and the Council would be approving the bills, and they can decide what to spend within the parameters the grant application.

Councilor Baleztena stated that he didn't see a problem with it, that it was a grant to make the downtown look better.

Councilor Alderman stated that it isn't costing the City anything.

On a motion by Kirk and seconded by Baleztena the Council adopted Resolution No. 519 a resolution appropriating grant funds for downtown enhancements. Baleztena, Kirk and Alderman voted yes. Standley, Lankford and Snively voted no. Mayor Carnes voted yes to break the tie. The motion passed.

Councilor Standley wanted to go on record by making a public statement that he did not want to be associated with the possibility of legal litigation regarding this grant. Standley stated that he had some real concerns about the circumstances of the grant.

F-2 CIS GRANT APPLICATION FOR SURVEILLANCE CAMERAS

The City has not been able to afford to update the camera system in the City Park and on Main Street. The cameras are obsolete and old to allow the City to upgrade the cameras and systems associated to be replaced as they quit working. There is a CIS Grant that would allow the police department and the City to apply for \$4,000 to update the cameras and equipment to have a reliable system.

Chief Darren Richman requested that the Council authorize him and Financial Officer Jackie Carey to apply for the CIS Grant to update the surveillance cameras.

On a motion by Standley and seconded by Baleztana the Council authorized the Chief and Financial Officer to apply for the CIS Grant to update the surveillance cameras. All members present voted yes.

F-3 GARBAGE FRANCHISE

The Pilot Rock Sanitation Franchise Agreement is up for renewal December 1, 2010. The Council requested some further information regarding the franchise agreement.

The City's garbage is picked up by Pilot Rock Sanitation at no charge to the City. There are 9 regular size cans and one large green can that are dropped once a week. If the City paid for these services it would cost \$217 per month for an annual charge of \$2604. Pilot Rock Sanitation pays an annual franchise fee of \$250.

The last time Pilot Rock Sanitation received a rate increase was June of 2008. They received a 22% increase.

Councilor Snively wanted to know if all the cans are needed. Chief Richman stated that there is a need for the cans especially in the summer.

Chief Richman stated that they are requesting direction from the Council regarding renegotiating versus going out for bid. Richman also suggested that if the Council wants to negotiate that they could ask for dumpsters provided during spring clean up instead of an increased franchise fee.

Councilor Standley stated that we should support the local businesses and that we should also encourage that it be affordable.

On a motion by Kirk and seconded by Snively the Council authorized staff to send a letter requesting to renegotiate the Sanitation Franchise Agreement to have containers provided during the Spring Clean Up. All members present voted yes.

John Taylor wanted to remind the Council that the last rate increase was 22% due to the increase of the cost of diesel, and that we also want to have a clean community.

F-4 RESOLUTION NO. 520

The property taxes for the Pasture Property came in higher than what was budgeted for this year. Recorder Carey requested that the Council approved Resolution No. 520, a resolution to transfer fund from the Capital Improvement line item to the Property Taxes line item to cover property taxes for the Pasture Property.

Carey stated that the lease agreement for the Pasture Property does not require the lessee to pay for the property taxes, she would like to suggest that when the City negotiates a lease that they consider having the lessee pay the property taxes.

On a motion by Lankford and seconded by Kirk the Council adopted Resolution No. 520, a resolution to transfer funds from the Capital Improvement line item to the Property Taxes line item. All members present voted yes.

F-5 TERMINATE KINZUA LEASE

Recorder Carey stated that there was a lease agreement between Kinzua Lumber and the City on a month to month basis. Kinzua Lumber was going to store logs down by the bark company, but ended up not using the property. Carey stated that she wanted to make sure she was doing everything correctly and sent the lease into the Assessor's Office and Kinzua Lumber received a bill for taxes.

Carey would like to request permission from the Council to break the lease because they have never used the property and the Assessor needs something official in writing that states the City or Kinzua has broken the lease and they won't have to pay those taxes and the City won't have to pay because there wasn't any money made off of the property.

Councilor Standley wanted to know if the lease had an automatic break clause. Carey replied that not according to the Assessor's office, that the lease states that Kinzua is responsible for the taxes. Standley also asked if there was a copy of the lease available for the Council. Carey stated that she would have it available for the next meeting.

Carey stated that the Assessor's office needs to receive a simple letter showing that the lease was broken, because as far as they are concerned there was a lease on the property and the taxes are owed. Carey also stated that it can't be back dated.

Councilor Lankford wanted to know if the County received the letter, then that meant the taxes already billed wouldn't be due. Carey stated that Kinzua would still have to pay the taxes, it has already been billed.

Mayor Carnes read a letter dated for November 2, 2010 from Bill Woodfin General Manager of Kinzua Lumber into record. The letter is attached to the minutes as exhibit B.

Recorder Carey stated that she didn't believe the taxes could be back dated.

On a motion by Standley and seconded by Lankford the Council tabled Action Item F-5 Kinzua Lumber Lease until the Council can look at the contract and get additional information. Councilors Baleztena, Alderman, Snively, Lankford and Standley voted yes. Councilor Kirk abstained due to a conflict of interest.

G-1 DEPARTMENT HEAD REPORT

HOLIDAY HOURS

Recorder Carey asked the Council for direction regarding the holiday hours in December. Christmas day will fall on a Saturday so City Hall will be closed on Friday December 24th. Carey stated that some Cities are closing for ½ day on Thursday December 23rd and she would like to know if the Council wants City Hall to stay open all day on Thursday the 23rd.

On a motion by Kirk and seconded by Baleztana the Council instruction staff to place the issue of holiday hours with additional information on the agenda for the next meeting. All members present voted yes.

BOOSTER CLUB AUCTION

Recorder Carey advised the Council that the Booster Club Auction is November 16th, the same day as the next council meeting.

On a motion by Baleztana and seconded by Kirk the Council rescheduled the November 16th Council Meeting for 5:30 PM instead of 7:00 PM in order to allow time for attending the Booster Club Auction. All members present voted yes.

DECEMBER 21, 2010 COUNCIL MEETING

Carey stated that there is a council meeting the week of Christmas, in the past the Council has cancelled the meeting during the week of Christmas and she would like to know what the Council would like to do this year.

On a motion by Alderman and seconded by Baleztana the Council cancelled the December 21, 2010 cancel meeting with the understanding that if a special meeting is necessary it will be held. All members present voted yes.

POLICE DEPARTMENT

Chief Richman reported that he has received word that we will be receiving JCP funds, and he will be bringing a resolution for approval back before the Council.

Chief Richman requested that the Council clarify whether or not the brown police vehicle could be used by the Library for travel to trainings. Richman wants to know, since they are funded by the Library District if the car should just be loaned or if the mileage should be reimbursed by the library. Richman stated that the car is available for City Staff to use for training travel, but he feels the library is separate.

Councilor Standley stated that the car belongs to the police department and that the Chief should use his judgment.

On a motion by Lankford and seconded by Baleztana the Council approved reimbursing Library Staff for the use of their own vehicles for trainings out of Library District Funds. All members present voted yes.

G-2 AT&T UMATILLA COUNTY CONDITIONAL USE NOTICE

AT&T has applied for a conditional use permit through Umatilla County Planning Department to place a cellular tower on City property. They would site their tower south of the existing US Cellular Site and west of the City of Pilot Rock water reservoir. The property is located outside of the city limits, therefore the conditional use permit must go through the county planning department for approval.

The City has received a public notice of the conditional use permit. The City has 21 days to provide further information to Umatilla County regarding their findings or conditions. If the City objects to the request or feels that certain aspects need to be discussed in a public form, the City must request a Public Hearing; however there will be a \$250 fee for the request for a Public Hearing.

Councilor Standley presented a letter he wrote, that will be attached to the minutes as exhibit C. Standley would like to recommend that the Council request the hearing process and that the fee be waived. Standley also stated that there are several bullet points that need input.

Standley stated that we need to protect the permanent open space, and protect US Cellular access.

On a motion by Standley and seconded by Baleztana the Council to move forward with the public hearing with the County and request that the fee be waived. Councilors Kirk, Standley, Snively and Baleztana voted yes. Councilor Lankford abstained due to a conflict of interest.

John Taylor asked if the Council takes the place of the planning commission why would the City not have a special planning meeting to address only this issue and discuss all the details that goes into this.

Standley stated that Richard Jennings stated that once the process starts and we create our own bullets for the board to make sure that certain issues are discussed.

Snively stated that he wanted to be there.

G-3 AT&T CELL TOWER LEASE

AT&T has applied for a conditional use permit through Umatilla County Planning Department to place a cellular tower on City property. They would site their tower south of the existing US Cellular Site and west of the City of Pilot Rock water reservoir. The property is located outside of the city limits, therefore the conditional use permit must go through the county planning department for approval.

The City has received a proposed Lease from AT&T to site a cellular tower on city property.

Chief Darren Richman addressed the Council and requested that they review the information and have it brought back before them after the hearing.

Standley said he would like to consider a franchise fee instead of the flat rate or see what others are doing to seek various options.

Councilor Lankford stated that she felt they should bear the cost, and negotiate the easements.

Standley would like to request a better map to scale, in order to know that we aren't putting our water infrastructure or tenant in jeopardy. We need to make sure that we don't do any harm to the existing tower. Standley would also like US Cellular to tell us why they can't coexist.

Draper asked if Standley would like him to contact US Cellular. Standley stated that he wants US Cellular to be aware of this because they are our renter. He wants to know of the ability to attach and that we are not in violation of the agreement we have with them.

Councilor Lankford wants to know what other companies are already of attached to US Cellular for informational purposes.

H. CONSENT CALENDAR

On a motion by Kirk and seconded by Lankford the Consent Calendar was approved. All members present voted yes.

I. COUNCIL COMMENTS

Councilor Standley asked if there was any progress with the Masonite tenant. Public Works Supervisor Draper stated they will be having a meeting with outside sources regarding installing utilities.

Councilor Snively asked Draper how the Jim Hinkle project was going. Draper stated that he called Jim in September and hasn't heard anything back from him. Draper stated he asked Jim to come out and go over it one more time before they dig in, he wants to make sure we do exactly what Jim wants and Jim hasn't done that yet. Snively wanted to know if it was too late this year. Draper replied that it would be if it kept raining and that is why he called Jim in September.

J. EXECUTIVE SESSION

The Council went into Executive Session at 8:50 PM under ORS 192.660 (2)(e) Real Property. The Council came out of Executive Session at 8:55 PM.

K. ADJOURNMENT

On a motion by Lankford and seconded by Kirk the meeting was adjourned at 8:55 PM.
All members present voted yes.

APPROVED _____

ATTEST _____