

# **CITY OF PILOT ROCK**

## **Regular Council Meeting JULY 21, 2009**

### **A. ROLL**

The meeting was called to order by Mayor Virginia Carnes at 7:00 PM. Council members present were Kacie Moss, John Standley, Nancy Lankford, Bob Montgomery, Michael Baleztena and Shawna Kirk. Also present were City Manager Paul Koch, City Recorder Jackie I. Carey, Chief Richman, Public Works Supervisor Steve Draper, Jim Carey, Mary Lue Slabik, Lorene Whittaker, Jim Whittaker, Samantha Bates, Elizabeth Penner, Steve Penner, Tom Callahan, Glen Snively, David Blanc, Bill Woodfin, Linda Woodfin and John Taylor.

### **B. INVOCATION**

Mayor Carnes gave the invocation.

### **C. PLEDGE OF ALLEGIANCE**

### **D. APPEARANCE OF INTERESTED CITIZENS**

Mayor Carnes advised the public that there would be a 5 minute limit to discuss their business before the Council due the full agenda.

Tom Callahan addressed the Council regarding his ordinance violations. Callahan advised he has been working with Chief Richman on resolving this issue until someone complained. Callahan stated this was the first time that the City has identified what things need to be removed.

Callahan asked the Council to reconsider the deadline on when he has to comply with the ordinances. Mayor Carnes advised his time limit was up. Callahan requested more time with the Council regarding this matter.

Councilor Standley felt this issue was moved out the Council's realm and Callahan needs to follow the ordinance. It is now in the hands of the police department.

The Council agreed to 30 minutes on the August 4, 2009, council meeting for Callahan to discuss his issues. Callahan asked the Council to give him an extension on when he has to come into compliance since the council meeting date is after his deadline. The Council did not agree to an extension, the action by the police department will continue on schedule.

John Taylor stated he was a member of the rural neighborhood watch group and they would like the City to consider a new nuisance ordinance that Chief Richman has a copy of.

## **CITY MANAGER SUBCOMMITTEE REPORT**

The subcommittee of Councilors Standley, Lankford and Kirk recommends the following: working towards providing a part time City Manager with full City Manager responsibilities and redefining the existing staff job descriptions to be determined as functions become defined. This effort is a priority and needs to be coordinated with the effort of the subcommittee on policy and procedures.

On a motion by Baleztana and seconded by Montgomery the Council accepted the recommendations of the City Manager Subcommittee Report. All members present voted yes.

### **F-1 ASPHALT PATCHING**

The 2009-2010 budget includes funds in the Street Department for the annual street patching program. The Street-General Fund contains sufficient funds to do the annual patching. Public Works Supervisor Steve Draper is asking for approval to spend \$6,000 for asphalt repairs. On a motion by Standley and seconded by Baleztana the Council authorizes staff to spend \$6,000 from the Street (General Fund) for the annual street patching program. All members present voted yes.

### **F-2 SURPLUS PROPERTY**

For several months the City has been looking into the possibility of disposing of a parcel at the end of SE 4<sup>th</sup> Street. The property has been surveyed with property pins set and an appraisal has been done. The appraiser has determined that the lot has no market value. Kresimir and Shelbey Waite have signed a sewer easement to the City giving the City access to work on the sewer main on Waite's property. The City needs to declare the lot surplus by approving Resolution No. 477 before they can deed the lot to Waite's in exchange for the sewer easement.

Standley objects to the proposal unless they agree with no structures or fencing on the surplus lot.

On a motion by Kirk and seconded by Baleztana the Council did not approve Resolution No. 477 after some discussion. On a motion by Kirk and seconded by Baleztana they withdrew their prior motion. On a motion by Kirk and seconded by Standley, they moved that the last sentence would be removed. After further discussion Kirk and Standley removed their motion.

Lankford suggested researching the prior agreement. There has been some discussion or agreement to trade the sewer easement for the surplus lot. Mayor Carnes asked if the City was defaulting with our agreement with Waites.

City Recorder Carey advised the Waites have signed the sewer easement and it has been recorded.

On a motion by Lankford and seconded by Kirk this matter was tabled until the next council meeting. All members present voted yes.

### **F-3 COURT SOFTWARE**

Staff has included in the 2009-2010 budget the purchase of new court software to replace the very antiquated DOS court software. The current software continually had printing problems and we can no longer get a software maintenance agreement on this software because it is so old.

Staff would like to replace the software with Asyst court software from United Systems Technology, Inc. (USTI). We have received a webinar preview of this software. We feel this software would work for our court at a reasonable cost. The cost for the software and maintenance agreement is \$2018. There is \$2,500 in the budget for court software.

On a motion by Moss and seconded by Kirk the Council approved the purchase of the new court software, Quick Start and maintenance agreement for a cost of \$2018 from USTI and authorized the Mayor to sign the contracts. All members present voted yes.

### **F-4 READY TO READ GRANT**

Staff is seeking permission to apply for the Ready to Read Grant in the amount of \$1000. The purpose of the grant is to "establish, develop or improve public library early literacy services fore children from ages birth to 5 years and to provide the statewide summer reading program fore children from ages birth to 14 years". On a motion by Kirk and seconded by Moss the Council approved applying for the 2009-2010 Ready to Read Grant. All members present voted yes.

### **G-1 CITY MANAGER'S REPORT**

The City has received the approval for certificate of occupancy from the state. The only thing left is the painting of the handicap parking space then this project will be done.

Staff will be proposing an industrial water rate of \$.95 per 100 cubic feet and grandfather Kinzua at their current rate. This matter is scheduled for the August 4<sup>th</sup> council meeting.

July 27, 2009, is the deadline for the RFQ for the OHV master plan. Staff and a member of the OHV board will come back to the Council with a recommendation to hire.

The Humane Society has contacted staff and they are willing to accept \$5 a year for a letter of support from the City. From January 2007 to July 2009 we have impounded 125 dogs. 8 went to pet rescue and 9 were adopted.

City Manager Koch would like some direction from the Council on how they would like to proceed on the proposed changes to the ordinances from the codification company. Staff has been reviewing the changes proposed by the codification company and also making some changes also. Councilors Baleztana and Moss have volunteered to work on reviewing the code changes.

On a motion by Standley and seconded by Lankford the Council appointed Baleztana and Moss to a subcommittee to review the code changes. All members present voted yes.

## **G-2 OHV AGREEMENT**

Taylor addressed the Council regarding the 3<sup>rd</sup> Version of the OHV Agreement. He had several concerns mainly the liability to the City and using public funds. Taylor solution was to deed the 32 acre park to the OHV association and retain the public right to use it. Have in the deed a reversionary clause that OHV can not sell or if abandoned the property reverts back to the City.

Councilor Standley felt Taylor's suggestion would be a simple solution for the City. City Attorney David Blanc advised he would need to review the restrictions to that property before giving direction on this matter.

Councilor Lankford stated there would be a clear separation with city employees.

Manager Koch he would contact the OHV Board to see if they are interested in this suggestion.

On a motion by Standley and seconded by Lankford the Council gave staff direction to pursue this option. All members present voted yes.

## **H. CONSENT CALENDAR**

On a motion by Kirk and seconded by Montgomery the Council approved the consent calendar approving the July 7, 2009, minutes and approving the bills. All members present voted yes.

**I. COUNCIL COMMENTS**

Councilor Standley asked that the utility structures, such as Centurytel, Pacific Power & Light by included in the Natural Hazard Mitigation Plan.

Jim Whittaker addressed the Council stating the suggestion John Taylor came up with was the best suggestion he has heard in along time. He also stated the City needs to spend some money on a PA system.

**J. EXECUTIVE SESSION**

The Council went into executive session under ORS 192.660(2)(e) Real Property at 8:00 PM by a motion by Standley and seconded by Baleztena. All members present voted yes. This is concerning a proposed lease agreement regarding the Masonite property. The following people were present for the executive session: Bill Woodfin, David Blanc, Jackie Carey, Steve Draper, John Standley, Nancy Lankford, Michael Baleztena, Bob Montgomery, Virginia Carnes, Kacie Moss, Shawna Kirk, Samantha Bates and Paul Koch.

Shawna Kirk declared a conflict of interest and removed herself from the council table.

The Council came out of executive session at 9:08 PM.

On a motion by Lankford and seconded by Baleztena the Council gave approval to start water and sewer improvements as necessary for Kinzua Resources not to exceed \$25,000. All members present voted yes with the exception of Kirk who abstained.

**ADJOURNMENT**

On a motion by Kirk and seconded by Moss the meeting was adjourned at 9:10 PM. All members present voted yes.

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

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