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# CITY OF PILOT ROCK

Council Meeting  
April 4, 2023, 6:00 PM

## A. Called to Order

Having a quorum, the Regular Council meeting was called to order by **Mayor Randy Gawith** at 6:00 PM. Council members present were **Councilor Raymond Doherty, Councilor Tegan Kaneaster, Councilor Rhonda Lazinka, Councilor Derek Turner, Councilor Tiffany Schademan and Councilor Vern Sandy.** Department Heads present were **City Recorder Teri Bacus, Public Works Director Steve Draper, Public Works Director Tim Britain and Chief of Police William Caldera.** **Corporal Daniel Badal from the Police Department also attended. Citizens that attended were Ray Bacus, Jimmy Doherty, Jenn Mespelt, Krista Smith, Lavenia Downing and Paul Rabitaille.**

## B. INVOCATION

Pastor Harley Jeffers gave the invocation.

## C. PLEDGE OF ALLEGIANCE

## D. APPEARANCE OF INTERESTED CITIZENS

## E. PRESENTATIONS

Mayor Gawith requested to add three items to the agenda. An employee vacation request, a request for the purchase of new tasers and a request to purchase a new backhoe. **Councilor Turner made a motion to approve adding the three additional items and Councilor Schademan seconded. Councilor Kaneaster voted yes, Councilor Lazinka voted yes, Councilor Doherty voted yes, and Councilor Sandy voted yes. Motion carried: 6 – Yes 0 - No**

City Recorder introduced property owner Paul Rabitaille and explained that he is requesting to build a paneled privacy fence six feet high with a two-foot lattice top. He owns a large dog and is concerned that the dog will jump the current four-foot chain link fence. The paneled fence will also assist in keeping the dog from barking due to reducing visibility. Pilot Rock Municipal Code chapter 8.10.170 and pictures of the current fence and dog were provided. She explains that our current ordinance only references the minimum height of six feet. The ability for police officers and firefighters to see over the fence for safety reasons was discussed. Paul stated that he is trying to be a good neighbor and be proactive. The backyard faces an open field and does not affect anyone. Current ordinances on fencing were discussed. Councilor Turner asks Chief Caldera if it would be adequate from a police perspective and he answers, if the top of the fence has lattice to see over the fence, it's okay. Only the back yard with three sides will be affected. Councilor Turner does not have an issue with it as long as the lattice is installed. Councilor Doherty states that he doesn't see how this is prohibited by rule anyway. There was discussion on the process for the development permit and City Recorder will add

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that two feet of lattice is required on top of the six-foot-high fence to allow police and fire to see over the fence. No motion was made.

### F. ACTION ITEMS

#### **F-1 Resolution #697 – Renew Contract with Eastern Oregon Waste Management, LLC (EOWM)**

City Recorder presented resolution #697 to renew contract with EOWM. Ordinance #579 was passed in July 2017 which requires the contract to be reviewed annually on or before July 1<sup>st</sup>. EOWM has reviewed and accepts the terms of the agreement. The franchise fee has been increased from \$1,000 to \$1,500. This is the only change to the agreement. **Councilor Doherty declares a conflict of interest and recuses himself from discussion and voting.** Owner Jimmy Doherty provides an update on new equipment and employees. He also discussed new containers that are currently being tested. He is considering installing a small transfer station. He explained a new program being introduced by the State of Oregon called “The plastic pollution and recycling Modernization Act”. This act will update Oregon’s outdated recycling system by building on local community programs and leveraging the resources of producers to create a new system. This new program will be implemented in July 2025. He also explained the current recycling system. **Councilor Turner made a motion to approve resolution #697 renewing the contract with EOWM and Councilor Schademan seconded. Councilor Lazinka voted yes, Councilor Kaneaster voted yes, and Councilor Sandy voted yes. Councilor Doherty did not vote. Motion carried: 5 Yes – 0 No – 1 Abstained**

**F-2 Resolution #698 Address Resolution** – City Recorder presented resolution #698 which assigns an address on a partitioned lot. The property was partitioned from a larger lot in June 2022 and a tax lot number has not been assigned at the time. The county tax assessors office has assigned a tax lot number of 00300. Therefore, an address has been assigned based on the road that the front door is facing. **Councilor Turner made a motion to approve resolution #698 and Councilor Kaneaster seconded. Councilor Lazinka voted yes, Councilor Schademan voted yes, Councilor Doherty voted yes, and Councilor Sandy voted yes. Motion carried: 6 Yes – 0 No**

**F-3 Dangerous Dog Ordinance** – Chief Caldera presented the first draft amending our current dog ordinance, PRMC Chapter 6.05 to address dangerous dogs. He explains that there is a specific dog with an irresponsible owner in the city that has been cited numerous times. The owner does not show up to scheduled court dates. The dog has been impounded and the owner paid the fine. Another dog has been running loose and has killed chickens, chased lambs, and harassed deer. He states that he worked under this ordinance when he was working for the Pendleton Police Department. Our current ordinance is generic and does not address dangerous dog situations. Other incidents include a two-year-old child that was bitten in the face by a dog and had to be transported to the hospital for stitches. A delivery driver was bitten on the lip by a dog in a separate occurrence. Due to the increasing incidents, he believes that a dangerous dog ordinance is necessary to allow law enforcement to act. He contacted the city attorney and verified that a more stringent ordinance should be in place. The new ordinance has steps in place to deal with these situations and euthanizing the dog is the last resort. Councilor Sandy states that he does not have a problem with the ordinance at all. **Councilor Sandy**

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**made a motion to approve the first draft of the dangerous dog ordinance and Councilor Lazinka seconded.** Councilor Doherty would like to review the ordinance by section. City Council reviews the ordinance by section and discussion was held on changes. City Recorder annotated changes. Purchasing collars for identification of a dangerous dog was discussed. **Councilor Sandy amends his motion to include changes discussed and Councilor Lazinka seconded. Councilor Doherty voted yes, Councilor Schademan voted yes, Councilor Turner voted yes, and Councilor Kaneaster voted yes.**  
**Motion Carried: 6 Yes – 0 No**

**F-4 Positional Wage Increase** – Public Works Director presents a request to increase the wages of the Utility Worker position. He states that he would like to increase to have more competitive wages to recruit high quality candidates. He is requesting approximately a \$500 increase per step and feels the request is reasonable. Chief Caldera asks how close the wage would be to the director's position wage and Councilor Schademan asks about how the step increases work. City Recorder explains that step increases are provided on the hired anniversary month and a 2% increase is given for each certification obtained. She also states the position is currently open and has received 3 applications. Councilor Doherty states that as long as we are getting interest in the position, we should leave it there. **Councilor Doherty made a motion to disapprove the positional wage increase request and Councilor Turner seconded.** Step increases, current budget and the hiring process were discussed. **Councilor Kaneaster voted yes, Councilor Schademan voted yes, Councilor Lazinka voted yes, and Councilor Sandy voted yes. Motion carried: 6 – Yes 0 – No**

**F-5 FY24 Employee Cost of Living Increase** – City Recorder presents a request for a cost-of-living adjustment on wages for all employees. She is currently working on the fiscal year 2024 budget and the increase if approved would start July 1, 2023. She provided information on the annual cost by percent and the consumer price index on inflation which is 6%. She also states that the social security administration approved an 8.7% increase. The carryover balances from each fund on the current was discussed. **Councilor Turner made a motion to increase wages 3% and Councilor Doherty seconded.** Councilor Sandy states that he thinks 3% is not enough. He does not want to lose personnel to Pendleton and would like it to be closer to 6%. Councilor Schademan agrees with Councilor Sandy. Chief Caldera explains the current situation with Pendleton hiring new police officers and an increase would assist in filling the open position. He also states that he is being well compensated and will forgo his raise. **Councilor Kaneaster voted no, Councilor Lazinka voted no, Councilor Sandy voted no, and Councilor Schademan voted no.**  
**Motion failed: 2 Yes – 4 No**

**Councilor Sandy made a motion to increase employee wages by 6% and Councilor Schademan seconded.** Councilor Doherty states that in his opinion, 6% is too much. **Councilor Doherty voted no, Councilor Kaneaster voted yes, Councilor Lazinka voted yes, and Councilor Turner voted no.**  
**Motion carried: 4 Yes – 2 No**

**F-6 Employee Vacation Request** – Chief Caldera presented a request for vacation. **Councilor Turner made a motion to approve the vacation and Councilor Sandy seconded. Councilor Kaneaster voted yes,**

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**Councilor Lazinka voted yes, Councilor Doherty voted yes, and Councilor Schademan voted yes.  
Motion carried: 6 Yes – 0 No**

**F-7 Taser Purchase** – Chief Caldera presents a request to purchase 2 new tasers. The current tasers are approximately 10 years old and soon batteries will not be available to keep them working. Corporal Badal provided a presentation on the use of tasers. He recently attended a taser instructor course. He covered the pros and cons of new tasers. The new tasers are more accurate and have dual ability. He also explains that the old tasers have been found to cause cardiac arrest due to the body absorbing in a specific area and the new taser uses the entire body to spread it out. The other advantage to purchasing new tasers is that other agencies will be using the same type and training will be available. Councilor Sandy asks if there is enough money in the budget to cover the purchase and City Recorder answers, definitely. All the newer tasers are manufactured by the same company with different distributors. Therefore, they are all the same price. **Councilor Sandy made a motion to approve the purchase of new tasers and Councilor Turner seconded. Councilor Kaneaster voted yes, Councilor Lazinka voted yes, Councilor Doherty voted yes, and Councilor Schademan voted yes. Motion carried: 6 Yes – 0 No**

**F-8 Backhoe Purchase** - Public Works Director Steve Draper requests authorization to spend up to \$150,000 to purchase a new backhoe. He states that the current backhoe was purchased 33 years ago and has over 6,000 miles on it. He explains the importance of having a backhoe and that there is about \$300,000 to \$350,000 in the equipment fund. Councilor Doherty states that the backhoe is being used about 181 hours per year and Steve answers that it varies each year depending on current projects. The amount of use for the new backhoe was discussed and Steve explains that the current backhoe has sloppy hydraulics and a weak engine. Councilor Doherty suggests obtaining a 5 or 6 year old used backhoe for less. He feels that \$150,000 is too much money for only 181 hours per year. Councilor Turner discusses the current budget and agrees with Steve. The features of the new backhoe and what would happen with the old backhoe were discussed. **Councilor Turner made a motion to approve the request and Councilor Schademan seconded. Councilor Doherty voted no, Councilor Lazinka voted no, Councilor Kaneaster voted no, and Councilor Sandy voted no. Motion failed: 2 Yes – 4 No**

### **G-1 Department Head Report –**

City Hall:

1. Complete routine updates on reader board
2. Routine updates on city website
3. Completed March 21, 2023, City Council meeting minutes.
4. Formatted new dog ordinance
5. Completed required resolutions for City Council
6. Placed advertisement for Utility Worker position
7. Processed payroll
8. Completed quarterly state tax requirements
9. Completed quarterly federal tax requirements
10. Assisted several citizens with planning questions

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### 11. Scheduled interview board for Utility Worker on April 20

#### Police Department:

1. Did a record request for the Department of Corrections.
2. Testified in Pilot Rock Municipal Court on several matters.
3. Investigated a motor vehicle crash between a semi-truck and a pickup. The driver of the pickup was cited for disobeying a stop sign.
4. Assisted Eastern Oregon Waste Management on a civil matter.
5. The city attorney was requested to do an Order to Show Cause against an irresponsible dog owner whose dog was lodged at the pound. The owner has failed to appear on several dog citations and now his dog is starting to kill animals.
6. Assisted the high school counselor on some concerns she had with an elementary student.
7. Officer provided security at several high school athletic events.
8. Did a welfare check on a female who was the possible victim of a domestic violence.
9. Turned over a dog who was running at large to its owner.
10. Received a report of a dog who was running at large killed another dog.
11. Assisted DHS – Child Welfare by doing a home visit checking on the welfare of a four-year-old.
12. Arrested a local resident for DUII. BAC was .15%.
13. Report of a woman screaming in a motorhome.
14. Assisted a citizen with a traffic related question.
15. Received a report of an individual receiving threatening text messages from an old acquaintance.
16. Report of a mother who uses drugs in front of her two young children.
17. Assisted DHS – Child Welfare with children who are being subjected to neglect by their mother.
18. Officer responded to a parking complaint.
19. Received a report of three dogs who were running at large, and they acted aggressive to the reporting party.
20. Officer lodged a dog at the pound after it was found running at large creating a public nuisance. The owner was cited.
21. A gold ring was found in the city park and it was seized and entered into the property room until the owner claims it.
22. Report of a civil matter that might result in a confrontation.
23. Received a driving complaint of a dump truck forcing another vehicle off the road.
24. Received a report of a neighbor cutting bushes and tearing down a fence that didn't belong him.
25. Report of a bicycle tire being slashed.
26. Assisted OSP with a motor vehicle crash on Highway 395.
27. Approved an OLCC permit for the upcoming First Citizen's Banquet.
28. Mediated the exchange of a child between the school and the child's father.
29. The chief is working on drafting an ordinance dealing with dangerous dogs.
30. Assisted Pendleton PD with the transport of an intoxicated person.
31. Responded to a domestic violence between parents with their two children under age 4 who were present during the incident.
32. Report of a civil matter regarding an ex-tenant who might try and break in to get her belongings.
33. Assisted the sheriff's department with a report of two suspicious vehicles in the cemetery late at night.
34. Updated a citizen on the Good Samaritan Law.

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35. Tagged an abandoned Winnebago motor home.
36. Crash report sent to an accident reporting firm at their request.
37. Did a record check for CTUIR on a prospective employee.
38. Report of two suspicious people who were out looking to steal fuel. Both suspects and their vehicle have been identified.
39. Report of a loose dog running at large on SW Birch St.
40. Report of a suspicious person in the Family Dollar parking lot. The subject was contacted and left the property.
41. Code violation investigation started on SW 4<sup>th</sup> Pl.
42. Tagged an abandoned boat on SW Birch St.
43. Tagged an abandoned pickup on SW Cedar St.
44. Received information on drug activity.
45. Tagged an abandoned pickup on NE Hickory.
46. Code violation started on storing household garbage in the back of a pickup.
47. Investigating numerous code violations on SE Elm St.
48. Ofc. Badal attended a three-day peer support training in Pendleton.
49. Chief attended the regional law enforcement administrator's meeting in Pendleton.
50. Chief attended a meeting with Community Counseling Solutions in Pendleton.
51. Investigating the on-line corruption of a minor.

### Public Works

1. Continuing closure on old lagoon. Acreage reduced from 600 to 250
2. Parks will begin opening up next week
3. Repairs on equipment continued
4. Working on design for new senior center
5. Negotiating agreement with Idaho power for 3 year lease to store materials.
6. Awaiting plans for water project phase II.
7. Sent out Request for proposal for paving on Cherry Street – Bid openings on 4/6
8. Sent out RFP for new backhoe – Awaiting response
9. Soil samples for spreading sludge in process – Awaiting results
10. De-winterizing equipment
11. Tim & Steve will be attending water/wastewater training in Pendleton first week in April
12. Steve submitted formal resignation letter effective 4/30/2023

## H. CONSENT CALENDAR

**Councilor Turner made a motion to approve the consent calendar and Councilor Sandy seconded. Councilor Doherty voted yes, Councilor Lazinka voted yes, Councilor Kaneaster voted yes, and Councilor Schademan voted yes. Motion carried: 6 Yes – 0 No**

Bills \$51,874.78

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**I. COUNCIL COMMENTS - None**

**K. EXECUTIVE SESSION - None**

**L. ADJOURNMENT**

**Councilor Turner made a motion to adjourn, and Councilor Sandy seconded. Councilor Kaneaster voted yes, Councilor Doherty voted yes, Councilor Lazinka voted yes, and Councilor Schademan voted yes. Motion carried: 6 Yes – 0 No**

Mayor Randy Gawith adjourned the meeting at 7:48 pm.

APPROVED \_\_\_\_\_  
Randy Gawith, Mayor

ATTEST \_\_\_\_\_  
Teri Bacus, City Recorder