

CITY OF PILOT ROCK
REGULAR COUNCIL MEETING
SEPTEMBER 7, 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, Annie Tester, William Weinke, Jim Carey, Mary Lue Slabik, Brad Baird, Pastor Harley Jeffers, Tom Callahan, Carla Callahan, Tony McKague and Randee McKague.

B. INVOCATION

Pastor Harley Jeffers gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPEARANCE OF INTERESTED CITIZENS

None.

E. PRESENTATIONS

None

F-1 ANDERSON-PERRY LETTER

Brad Baird, President of Anderson/Perry Associates, addressed the Council regarding a letter he sent regarding the water project and the Hinkle easement issues. Baird stated the letter was sent for the following reasons: to clear up any misconceptions on why things were done the way they were, to provide documents for your files and future council why things were done a certain way regarding the water project and then lastly to clear up our position on the Hinkle Easement. If anyone wants any clarification on all this stuff now is the time to say it and get it on record and hopefully put most of these issues to bed.

Councilor Standley stated that Paul was here and the Council was told it was close but maybe different that led to some of the confusion.

Brad wanted to add to page 4 that they did write the revised easement for the Hinkle easement.

Councilor Snively asked if Mr. Hinkle contacted him personally that the water line was in the wrong place. Brad stated Mr. Hinkle did not contact me personally, he contacted our project manager. Brad was notified after the water line was already installed.

Brad picked the location of the water line and placed the location on the design plan. The City's surveyor did not write the easement where Brad put it on his plans and Brad did not put it where the easement was written. There was no communication between the engineer and the surveyor.

Councilor Snively asked what Brad did regarding the Hinkle easement issue. Brad stated they did the following: we attended a council meeting and talked about the whole situation, we met with Mr. Hinkle on site and talked to him several times on the phone, and we wrote the new easement where the water line is located all at their expense and did not bill the City. Brad stated they did all this even though the water design came first. Brad stated the City will do their part and resolution to the issue is a win- win situation and a reduced cost.

Councilor Standley stated we kind of got out of sequence here. Mr. Hinkle came to the Council and stated the water line was in the wrong spot. Councilor Kirk made a motion to have a packet put together on what had been done and bring it back the Council so they could decide how to proceed. The next thing we know the easement is signed and complete.

Councilor Kirk stated Brad has clarified it for her. We can't go back and change what happened.

Councilor Standley thanked Brad for coming to the meeting and explaining what occurred. Brad would like to continue to have a good working relationship with the City.

F-2 BYRNES OIL VARIANCE

Jim and Sam Byrnes are requesting a minor variance to place mini-storage units on their property located at 608 NW Cedar. They want permission to construct mini-storage units 5' from their property line on three sides of their property. However, the required setbacks are 10' on the sides, front and rear setbacks.

Councilor Standley advised there are no buildings only the railroad tracks. Carey stated she received a call from Union Pacific to help determine where the units would be located, but she did not receive any opposition.

On a motion by Baleztena and seconded by Lankford the Council approved Byrnes variance request of 5' from the property line. All members present voted yes.

F-3 CALLAHAN'S BUILDING PERMIT

Carey advised she approved a development permit for Mr. Tom Callahan to build a shop with living quarters and a house. She placed a condition on his permit that the house had to be built first, because the shop is an accessory use to the primary use for that zone, which is limited residential.

Mr. Callahan would like the Council to interrupt his development permit. Since his shop will have living quarters, he wants to build the shop first so he can live in the shop while they are building their home.

Carey talked to Councilor Standley and the question came up, what if he called it a house with an attached garage, instead of a shop would it meet our zoning ordinance.

Carey advised she contacted Tamara Mabott in at the county planning and she suggested she talk to the Council and get direction from them regarding this matter, because it is out of the normal perimeters of the zoning ordinance.

Carla Callahan stated they had an agreement with the Council to store that materials on their property located on NE 4th. They would like to just build the shop up there to store the materials so they don't get any more complaints. Councilor Snively asked who they had an agreement with. Carla stated they have an agreement with the city council. Snively asked if it was in writing. Carla stated yes, but they couldn't find it, it should be in the records. Tom Callahan stated he came in right after the council meeting and got the first building permit for that property. The City asked him to do, so they could tell other people that he had a permit and that should take care of it. He thought it was 2005.

They are talking now to build only a shop, without living quarters. Carey stated she would not approve a development permit without living quarters, because a shop alone is not allowed in a residential zone.

Tom stated the only reason they want to build a shop first is to appease the complainants.

Tom would like the City to look at the tape of 2005, to see if there was a time line. He says there wasn't a time line. Council stated the building permit would only be good for one year.

Councilor Standley stated it has to be tied to the residence and the residence has to be habitable and meet the requirements for a residence. The building permit only deals with the building permit and has nothing to do with the complainants.

Carey stated they would have to amend their permit, because the original permit had a house and a shop.

The Council's direction is if the plot plan shows a dwelling with an attached garage it would meet the City's zoning ordinance instead of a shop with living quarters.

Councilor Standley stated the property is residential and it should be used for residential not storage. We are dealing with the planning commission issue only and not how the property is being used. It goes back to Carey for her decision.

Tom Callahan wants to talk to the Council regarding the complaint letter. Mayor Carnes stated it was not on the agenda. Callahan stated it should have been, he asked to have

to put on the agenda. Tom wants to be heard by the Council on the complaint. Tom told the Council that Jackie did not do her job, because he asked to be put on the agenda. Carey advised that was a police matter not a Council matter.

Callahan asked the Council to have the Chief not issue him a citation until he can be put on the agenda. Mayor Carnes stated it would be a Council decision if they want to grant you time on the agenda and if they extend your time or not. Mayor asked Chief Richman if he had anything to add. Chief stated it was two separate matters.

Councilor Baleztana stated it is a law enforcement matter, it is too late for the Council to deal with it. Chief Richman stated he would write a citation unless Council gives him otherwise direction.

Callahan stated it boils down to if he going to be heard or not. He feels he should be heard. Callahan would like clarification from the Council because they are responsible for what is in the ordinances.

Councilor Standley advised the Chief has received complaints and he is representing him on this process. Chief has started the process and we are going to follow that process.

Callahan asked to be put on the agenda. Mayor stated the Council has two options; walk away from it now and let the Chief continue with the process right now or extend the time until the next council meeting.

Councilor Lankford stated the Council cannot take the due process away from Chief.

F-4 HIRING PART-TIME CLERK

Staff has been testing applicants and receiving applications for the part-time clerk position. Carey would like permission from the Council to hire the best applicant for the position prior to the next council meeting. The Personnel Policy C251, gives the Department Heads the authority to hire part-time help. The employee would be on probation for 1 year with a starting wage of \$11.25 hr.

Councilor Baleztana asked if the money was in the budget. Recorder Carey stated yes.

Mary Lue Slabik asked the Council to consider not hiring a part-time clerk at this time. Councilor Alderman asked if the applicants were local residents. Carey advised some are from Pendleton.

On a motion by Alderman and seconded by Baleztana the Council gave Carey the authority to hire a part-time clerk to replace Roberta Muth. All members present voted yes.

F-5 STORM DRAIN BIDS

Draper is requesting approval of a bid for construction storm drain system on the west side of Ease Main Street. Draper has talked to Superintendent Munck and the school district will pay up to \$4,000 on the storm drain system.

The City received two bids as follows: Hatley Construction \$8000 and Pioneer Construction \$17,950. Draper drew a diagram for the Council showing and explaining what would be done.

On a motion by Baleztena and seconded by Kirk the Council approved the Hatley Construction bid for \$8,000.

G-1 DEPARTMENT HEAD REPORT

Chief Richman advised that he was not going to the Chief's conference in Salem, because he can go to some mandatory training in Pendleton and save the City some money by not traveling. He can pick up 36 hrs of FEMA training at no cost to the City.

G-2 EMERGENCY OPERATION PLAN

The City has not had an updated Emergency Plan for guidelines to respond to emergencies for several years. Chief Richman has written the guidelines and had several people review the plan. He did change several options and information because of other concerns brought forward during the reviewing process. The plan will give all departments and citizens guidelines to protect the City and how to respond to emergencies.

Chief Richman will bring the Plan back to the Council for their approval at the next meeting. Councilor Standley asked if he was going to activate the CERT team. Richman stated yes.

G-3 GARBAGE FRANCHISE INFORMATION

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

The City's garbage is picked up by the Pilot Rock Sanitation at no charge to the City. There are 9 regular size and one large green can that are dumped once a week. If the City had to pay for these services it would cost \$217 per month or \$2604 per year. Their last rate increase was in 2008 and it was a 22% increase. Also I attached a list of the other cities garbage rate, which will be attached to these minutes.

Tony McKague, Pilot Rock Sanitation, advised they are not going to increase the rates for the next couple of years. McKague stated the grass clippings have become a big deal, because of the weight. Customers are allowed 3 bags per week of grass clippings.

G-4 BIKE PIT DEED

Draper advised the City received an email from the city attorney that advised the Bike Pit would have to have a 5013C. The Board has not met yet, so Draper will report back at the next Council meeting to see what their plan will be.

H. CONSENT CALENDAR

Councilor Snively wanted to know what an electronic pen is. Carey advised it is a pen that records what is said and you can go back to your notes and listen to what was said at a specific spot. On a motion by Kirk and seconded by Lankford the Council approved the Consent Calendar. All members voted yes.

I. COUNCIL COMMENTS

Councilor Standley suggested making a motion to accept the documents regarding the Hinkle property and not bill Anderson/Perry for the costs. On a motion by Baleztena and seconded by Kirk the Council will not bill Anderson/Perry for \$3500 for the Hinkle easement issue. All members present voted yes.

Mayor Carnes advised she had been contacted by June Benthin regarding the notary fee for the Cemetery District. She wanted to be exempt from the fee because they are a non-profit. Standley stated where do you stop. The Council asked that this be put on the agenda next time.

Councilor Standley advised the Boardman to Hemingway corridor will run by the Winget and the Grange Hall.

Mayor Carnes advised Pilot Rock was represented at the State Fair in the Umatilla County Booth.

J. EXECUTIVE SESSION

No executive session

K. ADJOURNMENT

On a motion by Kirk and seconded by Lankford the meeting was adjourned at 8:45 PM. All members voted yes.

APPROVED _____

ATTEST _____