

City of Chiloquin
City Council Meeting
04/11/2011

Not yet approved

Those Present:

Others:

Doug Adkins: City Engineer
Teresa Foreman: Recorder
Mike Jenkins: Public Works

Mayor: Mark Cobb

Council members: Floyd Hescock
Kathy Erion
Kay Graham
Jill Prewitt
Carolyn Blackmon
Raymond Kirk: absent

Mayor Cobb read the opening statement.

The Mayor called the meeting to order at 6:30 PM.

The Mayor called the roll. Present: Kay Graham, Floyd Hescock, Kathy Erion, Carolyn Blackmon and Jill Prewitt.

Also City Engineer Doug Adkins and City Recorder Teresa Foreman.

Council member Erion would like to add decrepit buildings under Old business. Under New business she would like to give a presentation.

Motion to accept the agenda as amended was made by council member Graham, seconded by Council member Hescock. Ayes: Hescock, Graham, Erion, Blackmon, and Prewitt

Motion passed.

Public Input: The Mayor asked several times if there was any public input, due to the large amount of residents attending. No one spoke up.

Motion to dispense with the reading of the minutes of the regular City Council meeting of 3/22/2011 was made by council member Graham, seconded by council member Hescock. Ayes: Hescock, Graham, Erion, Blackmon, and Prewitt.

Motion Passed.

4/11/2011

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Motion to accept the minutes of the regular City Council meeting of 3/22/2011 was made by council member Graham, seconded by council member Hescock. Ayes: Hescock, Graham, Prewitt, Erion, and Blackmon.

Motion Passed.

City Bills: Council looked over the bills.

Motion to pay the City bills in the amount of \$8,886.08 was made by council Member Hescock, seconded by council member Graham. Ayes: Hescock, Graham, Erion, and Blackmon. Nays: Prewitt.

Motion passed.

City Correspondence: There is a letter from the Rodeo association. This will go into executive session.

There is series of letters from the folks on Baker St. regarding the property at 315 Baker. The Mayor Directed the council to look over these letters. These are concerns that have been going on the past few months. Instead of going over each of the letters individually, the Mayor would like to ask the recorder to answer each of these in a letter form. Council member Hescock asked who would we send these to?

There is no signature.

The mayor gave an overview of the residence in question. A couple of weeks ago, the sheriffs department arrested several people from that house that were running a criminal enterprise. They hauled a lot of junk from that area. That business was shut down by the sheriffs department. The mayor stated that he has spoken with County commissioner Dennis Linthicum about the agreement with the county building department. They have stated that they do not have anything to do with the flood plain certifications. In this instance that certification fell through the cracks. The Mayor is asking that we have a meeting and an agreement with the County to allow the City to do a final first and sign off and then the County can sign off last. The county is in the middle of budget right now and will get back to the Mayor within a month to set up a date for that meeting. The Mayor also contacted the Pacific power individual, Toby Freeman, to question why there was electricity at that residence prior to the final inspection. The answer is that the electricity is given when the power permit is passed. The occupancy is a problem with us so the Mayor is looking into getting that power pulled. The legalities of getting the meter pulled might be a question so we need to have more definite clarification about the legal grounds the City stands on. The mayor hopes to get that clarification at the meeting with the building department. He was able to ask them what the County did when they needed to get tenants out of unauthorized occupancy. They replied that it was very difficult and that they went through a court process. The judges seem to be very sympathetic to tenants.

4/11/2011

Not yet approved

He has also looked into the housing authority to find a way to fix the occupancy issues. The

housing authority pretty much just protects the tenants.

Discussion.

The house in question is the only house on a certain portion of the City main water line. The public works turned off that main some time ago. The water main line was discovered to be turned back on. It was, again, turned off and was buried so as not to be turned on again. We have no proof who might have turned it back on. The mayor pointed out that the City has to follow laws. The wheels of government do grind a little slow at times.

The audience spoke up at this time and the mayor asked them not to interrupt, they had their opportunity during public input. He explained that the council can not just go and kick someone out of their home. They are entitled to due process. It is the obligation of the council.

Wade Johnson, resident of Chiloquin, spoke up. The mayor asked him to introduce himself, which he did. Mr. Johnson asked the mayor if he was aware of Pacific Power coming out to find that home. The Mayor answered that he was involved with that. Mr. Johnson then asked the Mayor if he knew that the meter had been bypassed at that residence. The Mayor stated he was unaware of that.

Mr. Johnson explained that the pacific power employee told him that they were there to turn off the power because the meter had been bypassed. The Mayor explained that the reason pacific power was there was because he had called them to have it done because the owners had bypassed the permitting process with the City. They were going in there to research what the Mayor had told them. Mr. Johnson answered that he was told by the pacific power person that they were there to cut the power. They were there when the police were there.

Discussion.

Council member Erion stated that it was reported to her that while the council was in executive session last meeting, it was stated out in this room that the council could have gotten this done a whole lot easier than what they were doing. Her question is if anybody knows how they could have done that? Hescock explained that they are liable for everything. The Mayor explained that there is a process that must be gone through. He explained about the Rules and regulations, the Ordinances that are currently being followed have been here long before any of this council came around. The council has not gone through and reviewed every word of every ordinance because they like to think that prior councils have done their job properly. So they, as a council, act on situations that come before them. This is a situation that fell through the cracks, for whatever reason, so they are now in a learning situation to figure out what went wrong and how to fix it.

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He feels the biggest thing is the lack of an agreement with the City and the County in the planning/building department. That is in the process now. The illegal activities, they go on in every Community. And when it comes through the governmental attentions then they address those issues. As we go along it is a learning process.

The Mayor explained that when he first came to office he sat down and read everything about the Ordinances and rules and policies. He can not remember everything at any given minute. He wishes he could. We are trying to fix the situation. It takes time. We have to be very careful to do due process. He chooses to move slow and do his homework and do the process right the first time. The Mayor explained the citation process. How we just re-established that recently.

The Mayor asked the residents to please be patient, the council is working on this the best they can.

The recorder is working on a spread sheet so that the council can have one log that lists the violation abatement issues they are dealing with. That way they can look at the spread sheet to see where how violation is progressing. The spread sheet will show the dates of each action.

The recorder had a copy of the unfinished draft for the council to look at.

Discussion about handing out citations. Council member Erion will discuss having a deputy deliver citations at the next sheriff's advisory meeting and report back to the council.

Discussion about the house on third St.

Council member Prewitt has gone back over minutes about the house on Third St. She has a letter from Terry Bennett asking to buy the house.

The Mayor pointed out that the City did look into abating that house and the cost for the hazmat at that time was aprox. \$30,000.00. He stated to Prewitt that he remembers her stating she would contact Terry Bennett about the house. Prewitt agreed and said again she had a letter from Terry saying that she wanted the house. Prewitt feels the City just has to take the house.

Council member Blackmon stated that was the house that has to have Hazmat go into, Prewitt interrupted saying no. Blackmon reiterated that yes it was. It has HIV and Hepatitis. It is a community health problem.

The Mayor stated we would move this to the Old Business.

4/11/2011

Not yet approved

Motion to accept the correspondence was made by council member Graham, seconded by council member Hescock. Ayes: Hescock, Graham, Erion, Blackmon and Prewitt.

Motion passed.

Mayor's Report: The Mayor started to report when Mr. Montoya, in the audience, started making comments. Council member Blackmon asked him to please stop; she could not hear the mayor. Mr. Montoya spoke up loudly. The Mayor asked that if he had a complaint, he was then interrupted.

Mr. Twamley interrupted and was cursing. Council member Blackmon asked him to watch his language. He apologized. Mr. Twamley continued his comments and continued cursing.

The Mayor kept trying to calm the situation. He explained that there was a due process. The audience kept interrupting. Council member Hescock called point of order. The Mayor agreed and stated he would ask anyone to leave that continued to interrupt. He then tried to continue with the meeting. Mr. Twamley interrupted continually and was cursing.

Mr. Twamley insinuated the phone the Mayor was using was paid for by the City. The Mayor stated it was his personal phone and Mr. Twamley argued the point. Council member Blackmon stated that the time for public input was at the beginning of the meeting.

The Mayor tried to go on with the meeting and Mr. Montoya started cursing and making comments about the council. Council member Hescock asked him why he didn't leave. People were yelling and the Mayor tried to call order. Council member Prewitt stated she had to leave because she couldn't take this stress.

The Mayor stated Jill would be excused from this meeting. Prewitt stated the reason was because of the arguing.

7:05 Council member Prewitt left the meeting.

Camera's: The mayor stated that the City had contracted with Basin Telecom to continue with the cameras.

Council became aware that the members of the audience that had left were assembled on the City lawn with Council member Prewitt. The crowd was becoming increasingly angry.

The Mayor stated that when residents come in just to complain about a house in their neighborhood when this council deals with 300 households and 700 residents. This council is dealing with this residence that they are stirred up about. The Mayor and council have done a lot of work on this and it is just not fast enough to suit these folks.

4/11/2011

Not yet approved

The recorder explained to the council about the six letters from the Baker St. residents are based somewhat on incorrect information. That is why Mr. Twamley is so mad; because he is acting on incorrect information. That is why the Mayor wanted the recorder to answer these in a letter form when people can read them without anger and without everybody yelling at each other.

The Mayor pointed out that some of the Ordinances Mr. Twamley cites are out of context. They are in regards to different issues. The Council just needs to stay focused and get this taken care of.

Council member Blackmon asked, because she is a new council member, she thought that public input

is for people to put something in writing and then the council addresses what they have to say and then during the rest of the meeting the public is not part of the input.

The Mayor stated that is correct.

Mr. Twamley came back in and confronted the Council about being pushed around and that he has seven pace makers. The Mayor attempted to stop the discussion and pointed out that Mr. Twamley was making this personal. Mr. Twamley again was cursing at the council. Mrs. Twamley came in and they both left.

The Mayor updated the council on where the camera installation was. We had to get the hard drive fixed. It is under warranty. It just got back today. We will be moving forward.

There is a request from Carolyn Blackmon about her absence. She was taken to the ER by ambulance and was not capable of attending the meeting.

Motion to approve Council member Blackmon's absence was made by council member Graham, seconded by council member Hescoock. Ayes: Graham, Hescoock, Blackmon and Erion.

Motion passed.

Depositions for the employment case. The Mayor Mark Cobb and the recorder Teresa Foreman showed up for those depositions. Council member Prewitt did not show up. She is in contempt of court and has placed our case in jeopardy.

Motion to accept the Mayors report was made by council member Graham, seconded by council member Hescoock. Ayes: Hescoock, Graham, Erion and Blackmon.

Motion passed.

City Engineer:

Bridge Water Line – ODOT has bored some holes on Chock toot and on Klamath Av. to check for contamination. We will get those results in a few days. We are still going back and forth as to if we will go underground or hang the water line on the bridge. We are waiting to see what the costs will be.

4/11/2011

Not yet approved

Discussion about funding this project and getting grants for funding. There is always the problem that when we get grants there are strings attached. Most of the time the requirement is to have your water charges be average with the county. That right now is 38-40 dollars a month for water only.

Discussion about having a well on the West side of the river. We had a well placed with a HUD grant but that well was decommissioned due to sand and sulfur odor/taste.

Discussion about getting that redone. That pump/well hasn't run for over 25 years. There is no pressure release on that pump. There would need to have controls placed on that. It is very expensive.

The Mayor explained to council: Following procedure here, there is a public person in the audience that has been raising her hand. The mayor asked for council consensus if she should be allowed to speak. Council approved her.

Emily Jackson, Chiloquin resident: She is asking about having a system on each side of the river. The engineer explained that is what we are talking about. We just don't have an acceptable well on the West side at this time.

The engineer and council member Hescoock have identified the dangerous trees. They have also identified the right of ways that have lots of trees. They thought maybe we should find a logger that would be interested in removing them.

Discussion.

Under \$25,000.00 the City does not have to go out for bid. We can get quotes. We should be able to get the trees removed for just the taking of the lumber. It hopefully, will cost the City nothing.

Council member Hescoock will contact three separate loggers and attempt to get quotes.

Motion that council member Hescoock contact at least three logging organizations to see if they would be interested in removing these trees was made by council member Erion, seconded by council member Graham. Ayes: Erion, Hescoock, Graham and Blackmon.

Motion passed.

The engineer asked for council permission to survey some areas to be sure we do not encroach on private property. He feels this will probably be less than \$5000.00.

More discussion.

Motion to authorize Doug Adkins to do the property surveying so we can drop the trees was made by Council Member Graham, seconded by Council Member Hescoock. Ayes: Hescoock, Graham, Erion and Blackmon.

Motion Passed.

4/11/2011

Not yet approved

Council member Graham asked the engineer where we were with the septic connection with Melita's? Adkins answered that he felt this was probably going to be going ahead this summer.

Motion to accept the engineers report was made by council member Graham, seconded by council member Hescoock. Ayes: Hescoock, Graham, Erion, and Blackmon.

Motion passed.

City Attorney Report: Not here tonight.

Public works report: There will have to be power on the poles with the cameras. They hope to start next week.

The mayor added to the report. There was a fender bender. We have three estimates: Prewitts auto body: 779.60, Ken's auto body: \$ 740.00, Excel auto body \$ 1002.26.

Motion to accept the lowest bid on fixing the car that got bumped was made by council member Erion, seconded by council member Blackmon. Ayes: Erion, Blackmon, Graham and Hescock.

Motion passed.

The recorder asked the council if she was to report this to the insurance company. The bid is below the City's deductible. The council answered that she did not need to turn in this claim to the insurance company.

Also, this does not have to be reported to DMV. Council directed the recorder to pay the auto body shop directly when the work is done.

The public works employees still need to rent a lift to place the cameras and need some supplies.

Discussion.

Motion to allow the public works to spend whatever is necessary to install the pole, get the wire and string the wire for the cameras was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Erion, Hescock and Graham.

Motion passed.

Council member Erion wants to publicly thank the public works for fixing the step in front of City Hall.

4/11/2011

Not yet approved

Mayor Mark Cobb agreed and stated that he wants the public works to fix the concrete to get past the OSHA violation. We need to get mortar in the holes. He is concerned to spend too much money because of the anticipated expense for the bridge replacement.

Motion to accept the public works report was made by council member Erion, seconded by council member Blackmon. Ayes: Hescock, Graham, Erion, and Blackmon.

Motion passed.

City Recorder report: The recorder went to the Community development block grant administration workshop. S

learned a lot at that meeting. She went into detail about what the responsibilities will be and the time needed to perform these duties. SCOEDD is acting as the City's grant manager, however there are duties of this office as well. Also, when the project is finished and the grant closed out, all of the paperwork and all of the requirements will be the City's responsibility. This lasts for up to 7-10 years. We need to keep a close watch on the finances, the hours and the addition of all math. Any thing found after the grant is closed out is the City's responsibility.

Also, generally the highest elected official is the person signing off on the reports. For example: the environment assessment. This takes an expertise. Who ever signs this report could find themselves defending this report in a court of law some years later. Therefore, that person needs to be very knowledgeable of everything in that report. So, if the council wants to have the engineer, for instance, sign that report, they need to make that a motion. There must be written documentation that the authority for signing has been delegated by the council to someone other than the highest elected official.

A few meeting ago the council directed the recorder to place a copy of the motions for the month in the water bill. She did this for the last meeting and has found that with out the supporting discussion some of the motions do not make sense. She is asking the council to please try to put as much information in the motion as possible concerning the reason for the motion.

Budget workshop. Needs rescheduled. Council decided to have it on Wednesday April 13th, at 6:30.

There is an OSHA compliance workshop. The mayor would like to send the recorder to this course. It is \$199.00.

Council member Graham is the liaison, and the council agreed for her to go also.

Motion to send Teresa and Kay to the OSHA compliance 2011 conference, to allow for gas, lodging and meals as per federal guidelines was made by council member Erion, seconded by council member Hescock. Ayes: Hescock, Erion, Graham and Blackmon.

Motion passed.

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Motion to accept the recorders report was made by council member Hescock, seconded by council member Erion. Ayes: Hescock, Graham, Erion, and Blackmon.

Motion passed.

Old Business:

Decrepit buildings. Council member Erion went around town and took pictures of houses and lots that need attention. . She stated that she did not know what houses belonged to who. She passed

the pictures around.

Discussion.

Mark will follow up and send a letter to the owner of the house on third St. to ask if hr would give that house to the City.

New Business:

Independence day celebration: Council member Erion explained that the committee had met and has decided on each council member's job for the celebration. The committee decided we would do a full fledged float. The Mayor gets to wear a sash that says 'Mayor'. Floyd will build the structure, Teresa will help with the design. Carolyn needs to make bean bags, except they will be made with corn. Mark needs to go to the schools to get parade entries. We need the schools represented.

Discussion.

Letter: Listening Time.

Council member Erion would like the City to host a meeting time for people to give a five minute explanation of what their organization does in the community. It is just for the businesses, churches, non profit organizations that provide community interaction such as food kitchens, free counseling, and computer help. Donate monies to community events etc.

Discussion. This is not meant to gather the community. It is to gather people with a community mission.

The purpose is to raise public opinion and public pride. No questions, no comments, no public input.

Motion to have Council member Erion spearhead her listening time event was made by council member Graham, seconded by council member Hescoock. Ayes: Graham, Erion, Blackmon and Hescoock.

Motion passed.

4/11/2011

Not yet approved

The mayor asked to go back to Old Business and the decrepit buildings. Does the council just want to work on that one house? Having him send a letter to the owner? Council decided that yes, that is a good place to start. Council member Blackmon stated that as far as giving this house away, she would like to walk softly there. The Mayor stated that he would like to remind the council that when that first happened the owner said he would like to give this to the City. Council member Prewitt stated no, she would like to talk to Terry about it first. That was three years ago and it didn't happen. Prewitt is now stating again that Terry is interested again.

Discussion.

The Mayor pointed out that it was brought to our attention that we had been citing the wrong sub paragraphs for the executive sessions. They are correct as listed now.

8:40 Council went into Executive Session. Personnel ORS 192.660 (2) (b) and possible litigation ORS 192.660 (2) (h).

9:25 Back in regular session: no decisions were made during the executive session.

Motion to direct the mayor to send a letter to the Rodeo Association that we will move ahead with the arbitration was made by council member Hescoek, seconded by council member Graham Ayes: Graham, Hescoek, Erion and Blackmon.

Motion passed.

Motion to adjourn was made by council member Blackmon, seconded by council Member Erion. Ayes: Hescoek, Graham, Erion and Blackmon

Motion passed.

9:25 Meeting adjourned

Signed: 4/26/2011

Mayor Mark Cobb

Attest: Teresa Foreman, City Recorder

4/11/2011

3/14/2011