

City of Chiloquin
City Council Meeting
05/09/20011

Those Present:

Others:

Doug Adkins: City Engineer
Teresa Foreman Recorder

Mayor: Mark Cobb

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

Prior to the meeting the mayor explained that he allowed the public to vent at the last meeting. He would not allow that at this meeting. He would keep the public input to 3 minutes per person and 10 minutes per topic. He was not going to allow any one either council member or public to speak discrediting of another individual. If it gets out of hand he will shut the meeting down.

6:30 Mayor Cobb read the opening statement and called the meeting to order.

The Mayor called the roll. Present: Kay Graham, Raymond Kirk, Kathy Erion, Floyd Hescoek, and Carolyn Blackmon.

Also City Engineer Doug Adkins and City Recorder Teresa Foreman

Motion to accept the agenda was made by council member Graham, seconded by council member Blackman. Ayes: Hescoek, Kirk, Graham, Erion, and Blackmon.

Motion passed.

Public Input: Frank Montoya is concerned about the minutes of 4/11/2011. It states that Mr. Montoya and Mr. Twamley were cursing during the meeting. He would like a definition of what is a cuss word. He stated that council member Hescoek also cursed. Also he stated that the Mayor also said a few words also. It does not say in the minutes that anyone cursed except Mr. Twamley and himself. Mr. Montoya asked if the council member was going to be cited for cursing or what? And if he is, he wants it in writing or it means nothing.

The Mayor said that he would ask the council as well as the audience to please refrain from cursing during these meetings in the future. He would not tolerate that and he was unaware that he, himself, had cursed and if he did he is apologizing for that.

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Mr. Montoya stated that is what he wanted. The minutes recorded and recorded right. With that, he said, he rests his case.

The Mayor thanked him.

Mr. Twamley stated that the water was on again at the Baker St. residence.

Discussion.

Public works employee will go over in the morning at 9AM to check the valve. Mr. Twamley asked if he could be there and the Mayor agreed.

Wade Johnson. Mr. Johnson stated that he felt that as the executive person of this City he understands that it is the Mayors responsibility to make these things happen. Not the council members. The Mayor explained that no, all powers of this City is vested in the council. It is stated in the Charter.

Discussion.

Patricia Twamley: Mrs. Twamley stated that if 315 Baker is getting free water, she is going to stop paying for her water bill also and she better not get her water shut off.

The Mayor explained that the public works employee would be looking in to that tomorrow and make sure the water is off.

Council member Blackmon stated that she wanted to point out that she has full confidence in the City workers and she feels that if there is an issue of people using water illegally or not, it should be up to the people that work for the City and dealt with by the City and not by the residents because it then becomes a safety issue.

The Mayor pointed out that no decisions can be made during public input. He would like to ask the council to, later in the meeting, make a motion allowing for himself or the recorder to be able to call the sheriff if there appears to be any theft of services.

Mr. Twamley stated that he did not mistrust Mike. He just feels that it would be good to have another witness.

Roberta Sexton: Roberta asked where the burden of proof is? Anyone could be turning that water on.

Discussion.

Mr. Twamley asked if there was a meter reading from the last time? He was answered yes. He stated that then tomorrow when they read the meter they will know immediately if there is water being used, without digging the meter up.

More discussion.

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Mr. Johnson stated that it doesn't matter who turned the water on, if they are using it they are

recipients of stolen property.

Motion to accept public input was made by council member Hescock, seconded by council member Kirk. Ayes: Hescock, Kirk, Blackmon, Graham and Erion.

Motion passed.

Eva Montoya asked if public input was past? The Mayor allowed her to speak.

Mrs. Montoya stated that she had paid for a copy of the meeting and it is in there where the council member yelled a curse word and it is not in the written minutes.

Motion to dispense with the reading of the minutes of the regular City Council meeting of 4/26/2011 was made by council member Graham, seconded by council member Hescock. Ayes: Hescock, Kirk, Graham, Erion and Blackmon.

Motion Passed.

Discussion.

The Mayor asked Mr. Montoya if he was asking for an apology or a retraction or what? Mr. Montoya said he was asking for an apology and wanted it printed in the minutes correctly about everybody.

The Mayor stated that as the Mayor he would apologize for any cursing that went on by this council directed at any citizen in this room.

Discussion.

The Mayor stated that his apology would be in the next written minutes.

Motion to accept the minutes of the regular City Council meeting of 4/26/2011 as typed was made by council member Graham, seconded by council member Hescock. Ayes: Hescock, Kirk, Graham, Erion, and Blackmon.

Motion Passed.

City Bills: Council looked over the bills. Discussion.

The Mayor explained to the council that he had an invoice from Basin Telecom that does not seem to mirror the estimate. He went over the numbers. It was decided that he would make some phone calls first.

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Motion to pay the City bills as of 5/9/2011 in the amount of \$9,373.56 was made by council

member Graham, seconded by council member Hescoock. Ayes: Hescoock, Kirk, Graham, Erion, and Blackmon.

Motion passed.

City Correspondence:

There is a letter from the people on N. Baker Av. Council member Blackmon stated that she acknowledges the letter but she has a problem with the way their letters have been signed. She believes that these letters should be signed individually by the residents on Baker Av. She feels any correspondence from anyone to the City needs to be signed.

The Mayor explained that normally that is how it is done. In this instance, with all that has been going on in that neighborhood, we know who those concerned people are. He will ask that in the future all letters be signed by individuals but would like the council to address this letter and decide how to move forward in response to this letter.

Blackmon answered that she understands that, but when the City writes a letter it is signed and the people know who they are dealing with. She feels that not signing names to a letter is unacceptable. The Mayor asked Mr. Twamley that in the future if he could sign names.

Mr. Twamley answered that Frank and himself are the only ones on the Street, and the other people are sometimes gone and have given them permission to speak for themselves.

Council discussed the need to address the problems and what is being done and how to pursue this. Mr. Twamley is concerned that the City is misinterpreting their own laws. He is talking about setbacks and such.

Discussion about the engineer and the attorney reviewing the documents and then meeting with the residents.

The attorney asked that they allow the attorney and engineer to review the documents and there may not be a need for a meeting. He wants them to hold off on setting a meeting time. If there is being water used illegally that is a matter for the sheriff. It is not the City's responsibility to answer for the people who are breaking the law. If the house is there illegally, there is a County building inspector.

The Mayor pointed out there are building issues, zoning issues, planning issues, occupancy issues and criminal issues.

The attorney answered that there is County enforcement procedures to take care of that. It can not be the burden of individual council members to answer for other department responsibilities.

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The Mayor stated that he wanted to see the meeting take place.

Discussion.

Motion to have all documents pertaining to Baker Av. situation turned over to the attorney and engineer to review and they can set up a meeting with the Baker Av. residents and council member Erion at their convenience was made by council member Graham, seconded by council member Blackmon.

Discussion. The Mayor asked how long they need to review. Probably next week. They will call the recorder and she can notify the interested parties.

Ayes: Graham, Blackmon, Erion, Hescoock and Kirk.

Motion passed.

There is a letter concerning the dilapidated condition of the old village clinic that was sent from the City to the owners of that building.

Motion to accept the City correspondence was made by council member Graham, seconded by council member Hescoock. Ayes: Hescoock, Kirk, Graham, Erion, and Blackmon.

Motion passed.

Mayor's Report: There are two council member requests for absences.

1. Raymond Kirk. Asking to be excused for the 4/11 meeting because he was at the hospital with his wife and forgot the meeting.

Council consensus is he is excused.

2. Kathy Erion. Had to go to Boston for daughter. It could have been a dangerous situation but turn out OK.

Motion to excuse Erion was made by council member Hescoock, seconded by council member Graham. Ayes: Graham, Hescoock, Erion and Blackmon. Kirk did not vote because the motion was about him.

Motion passed.

The Mayor reported that Michael Jenkins, Public works employee passed his wastewater system operator I certification.

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The Mayor had a meeting with Greg Seger, Klamath County building inspector last week to discuss

the Baker Av. residence. He brought up the fact that the State of Oregon has changed the FEMA regulations.

The flood elevation measurement is no longer at the top floor elevation but at the bottom of the framing members. The I beam. So the current permit expires in August. If it expires they will have to apply for a new permit and that will put them in the new requirements or the County could give them an extension.

The Mayor called Mr. Shaw and told him he needed to get his permits in order. That is what this council is looking for.

Discussion.

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

Motion Passed

City Engineer:

Wastewater Treatment Plant project. There were about 18 contractors to the pre bid meeting. We will open bids in about 10 days. At the next council meeting he will be presenting his recommendation for approval.

Bridge replacement: We still do not have ODOT boring results that they did along Chocktoot. Rumor is that they have the information but we have not received it. As far as the funding for the project he has been in contact with SCOEDD and there has been some research. There is CBDG money but according to Betty Riley, there is not enough time to get that grant. Rural development would require the City to raise their rates significantly. Klamath County can not use timber receipts for this project. Hescock spoke with ODOT and was told that they can pay for it (loan to City) and then get reimbursed by the City's gas tax.

The recorder pointed out that if that was going to happen, she needed to know right away because she is in the middle of the budget process.

Discussion about the bridge replacement and how the council members want the waterline replaced and where it should be placed to the bridge. It can be replaced and hung back on the bridge or it can go under the river. It has to do with the final expenses.

Motion to direct the engineer to pursue gas receipt money with ODOT for funding for the bridge was made by council member Graham, seconded by council member Blackmon. Ayes: Graham, Blackmon, Hescock, and Erion. (Kirk had momentarily left the room).

Motion passed.

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Motion to have the priority route of the waterline be underground was made by council member Erion, seconded by council member Graham. Ayes: Erion, Graham, Hescock and Blackmon.

(Kirk had momentarily left the room).

Motion passed.

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

Motion passed.

City Attorney Report: The attorney has no report tonight.

Public works report: The cameras need to be worked on again. He needs approval for renting a lift again.

Spinks Park fencing: They are going to need 880 feet of fencing and fifty five 10' posts and eight 12' posts. He will get prices.

Discussion about renting the lift. They need to tweak the cameras and have to place some differently lighting to s better.

The lift is aprox. \$140.00.

Motion to allow the public works to rent the lift so the City can finish working on the cameras was made by council member Blackmon, seconded by council member Kirk. Ayes: Kirk, Blackmon, Hescock, Erion and Graham.

Motion passed.

The ditch that needs cleaning out on S. Lalo for draining storm water, they need to rent a tract hoe. It is \$150.00 day.

Motion to rent the machine to solve the problem he is talking about was made by council member Erion, seconded by council member Graham. Ayes: Erion, Graham, Hescock, Blackmon and Kirk.

Motion passed.

We have received a bid for replacing the concrete out front. The public works have to remove the old pavement. The bid is for aprox. \$3100.00.

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Discussion.

They had a water leak last night at the Tribal clinic. They turned the water off for them.

The Mayor wanted to add some input about the cameras. He is going to sit down with Lt. Holloway about an agreement so that they can interact with the City's camera system.

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

Motion passed.

City Recorder report:

OSHA extension for the sidewalk repair has been approved.

Remind council about budget committee meeting on May 18th at 6PM.

Reminded council to make their motions clear for when she places them in the water/sewer bills they make sense.

She asked the council to consider purchasing a lift. We now have cameras that will need attention frequently, we have lights around that need replaced quickly if there is a problem. We have use of one for flags and decorations also. We will need to be renting a lift quite frequently. We are in the budget process now and now would be a good time.

The Mayor reminded council that he had requested, in the past, that the council be careful when spending money because we have this bridge replacement project that requires funding for our moving the waterline.

Discussion.

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

Motion passed.

Old Business:

Council member Blackmon stated she had some old business to discuss. The Mayor pointed out that to stay in conformity of these agendas and public meeting laws , we need to place things on the agenda prior to the meeting so the posted agenda will reflect the actual meeting. The agendas are set out the prior Thursday and if you have something you want on the agenda get it to the recorder prior to that Thursday.

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Graham stated it was just follow up.

Blackmon asked the Mayor to the waste disposal and DEQ about the burn permit.

The Mayor responded that he had applied for the DEQ burn permit for the City's burn pile by the WWTP. The permit is free. He put in a call for the dumpster. For wet garbage it will cost \$600. to \$900.

Council does not want to do that. Consensus.

Discussion.

New Business:

Independence day celebration: Council member Erion stated that we need to discuss the price of ribs. We need a price for 350 lbs of ribs. If it is to expensive we need to re think the ribs. The rest of it is moving along. The banner will be going up soon.

Discussion about music.

Motion to have the Mayor or the City recorder to have the authority to contact the sheriff to bring theft of services charges to John Q. public.

The Mayor asked Graham to clarify the motion for the recorder.

The attorney stated that he did not think council should make a motion like that because it everybody's responsibility to report a crime. That it's everyone in the City's authority to call the authorities.

The Motion died for lack of a second.

Motion to accept the new business was made by council member Graham, seconded by council member Hescock. Ayes: Graham, Hescock, Erion, Blackmon and Kirk.

Motion passed.

8:04 Council went into Executive Session. Personnel ORS 192.660(2)(b) and possible litigation ORS 192.660 (2) (h).

9:15 Back in regular session: no decisions were made during the executive session.

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

Motion passed.

9:15 Meeting adjourned

Signed:

Mayor Mark Cobb

Attest: Teresa Foreman, City Recorder

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