

City of Chiloquin
City Council Meeting
2/13/2012

Those Present:

Others:

Teresa Foreman: Recorder
City attorney: Sam Ramirez
City Engineer: Doug Adkins

Mayor: Mark Cobb
Council members: Floyd Hescock
Carolyn Blackmon
Raymond Kirk
Kathy Erion
Jeff Mitchell
Joe Hobbs

6:35 Mayor Cobb read the opening statement and called the meeting to order.

The Mayor called the roll. Present: Joe Hobbs, Floyd Hescock, Raymond Kirk, Kathy Erion and Carolyn Blackmon. Also the City engineer Doug Adkins, City attorney Sam Ramirez and City Recorder Teresa Foreman.

The Mayor explained that he would like to make some changes before the agenda is accepted. Over the last few meetings, over the past 8 months, the public input has become very volatile. Mayor Cobb suggested to council that they move the public input to the end of the meeting. He would then like the council to approve that change is permanent.

Motion to make the public input be changed to the end of the council meetings was made by council member Hobbs, seconded by council member Hescock. Ayes: Hescock, Hobbs, Mitchell, Erion, Kirk and Blackmon.

Motion passed.

Motion to accept the agenda as amended was made by council member Hobbs seconded by council member Hescock Ayes: Hobbs, Blackmon, Hescock, Mitchell, Erion and Kirk.

Motion passed.

Jeff Mitchell arrived at 6:34

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Regular Business

Motion to dispense with the reading of the minutes of 01/09/2012 was made by council member Blackmon, seconded by council member Hescoock. Ayes: Erion, Blackmon, Hescoock, Kirk, Mitchell and Hobbs.

Motion passed.

Motion to accept of the minutes of 01/09/2012 was made by council member Hescoock, seconded by council member Hobbs. Ayes: Erion, Hescoock, Blackmon, Kirk, Mitchell and Hobbs.

Motion passed.

City Bills

Motion to pay the City bills as of Feb. 13, 2012, in the amount of \$28,786.00 was made by council Member Blackmon, seconded by council member Hescoock. Ayes: Erion, Blackmon, Kirk, and Hobbs.

Motion passed

City Correspondence: Council looked over the correspondence. This will all be discussed in later reports.

Mayor's Report: The mayor stated that he would like to address the volatility during the meetings of the past 8 months. The last meeting (no actual meeting, no quorum). There was audience members grabbing council member's arms. He is asking the council to allow him to purchase a video camera to record the meetings from now on. He intends to put a stop to the physical violence and the volatile meetings.

Council member Mitchell asked for a report on the last meeting and the mayor replied that it probably wasn't appropriate to go in to detail at this meeting. Any council member wishing to hear the meeting can come in and review the tape.

Discussion.

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

Motion passed.

City Engineer report: Forest service waterline repair. This has been successfully completed, although a little more expensive than anticipated. The engineer is speaking with the contractor about expenses. He will report back to the council. There are some pictures taken of the repair.

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He is also in contact with the Winema national forest department that had the design contract for the original placement of that line. He is asking if they could come up with any financial reimbursement for the City.

Discussion.

On the WWTP project, there are a couple of items. The first is a cost change for a blower motor and installation. We do not have authorization from the grant administrator yet. This is a 37 year old motor that failed. It happened now, which may allow us to add it to the budget of the grant. This would be change order #4 for \$680.00. That is to replace the blower motor.

Discussion. The blower motor failed when the old system was turned off and the new generator was turned on. Because of its age, it could be argued that the motor was ready to go or you could argue the contractor did it.

Motion to have the Mayor sign this change order #4 for \$680.00 was made by council member Hescock, seconded by council member Kirk.

Discussion: Council member Erion asked to look over the change order. She asked if the total was \$680.00? Adkins answered yes. Erion asked that since there is a question as to if the contractor caused the problem, maybe he would be willing to take less than \$680.00. Erion questioned this because it seemed we were just taking what the contractor stated and paying for it. Adkins answered that they discussed this amongst themselves and with staff, he asked public works employee Pete Pate to explain his opinion. Pete answered that it was 36 years old, prorated that out and it was just time to go. Adkins explained that the contractor has been very good to work with. They tried to do everything in a timely manner and were diligently working on this project.

Adkins stated that he hoped council has enough confidence that his firm is trying to do what council is asking them to do prior to ever bringing it before council. He does not just take something without checking it out thoroughly. They do this routinely; they do not just take whatever the contractor wants. He feels he has a fairly good reputation with contractors concerning those matters. Pete Pate agreed with that.

Council member Mitchell called for the question.

Ayes: Erion, Kirk, Mitchell, Hescock, Hobbs and Blackmon

Motion passed.

Change order #5. Same project. This is a time change request. The contractor is asking for 33 additional days. He concurs with the request because of the delivery of the Genset (Generator) was beyond his control. This is a no cost change.

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Motion to approve change order #5 was made by council member Erion, seconded by council member Hescoek. Ayes: Hescoek, Erion, Mitchell, Kirk, Hobbs and Blackmon.

Motion passed.

As discussed in previous meetings, they are asking for change orders for the commonuter (grinder) and the sludge stacking pad. Since that time there has been a letter from DEQ regarding the grant that required additional work on SCOEDDs behalf. This would eat into the funds we were hoping to draw on for these changes. Therefore we will not have the total amount of money to spend on change orders that we originally thought we would have. The commonuter is the first priority and will cost \$22,500.00. That is for the contractor to furnish and install. The turning pad is in the amount \$19,646.00.

Council member Erion questioned these amounts. She has the minutes from January that state a different amount. \$21,895.00 for the commonuter and \$18,645.90 for the stacking pad. Adkins stated he would have to ask staff as to why there is a difference. She would like an answer because that is \$2000.00 difference. Adkins will check on the numbers.

We have received approval from Gary Viedorfer, the regional coordinator for the Oregon Business Development department, for these two items as money is available. At one time we were talking about paying what we could for those items from the grant and then try to find the difference in the City's budget. Now, with the additional cost to SCOEDD we don't know what balance we are working with.

He is asking for authorization for change order #6, the commonuter, \$22,500.00 subject to Gary Viedorfer's approval of the work completion by May 25, 2012. That time extension is for this item only. Not all the other items.

Discussion.

Change order # 7 is the sludge stacking pad.

Any grant monies left over go back to the State.

Motion to adopt the change orders #6 and #7 with the caveat that Gary Viedorfer agrees with the time extension, and that funding out of the grant is available after SCOEDD has their costs identified was made by council member Mitchell, seconded by council member Hescoek. Ayes: Hescoek, Mitchell, Erion, Kirk, Blackmon and Hobbs.

Motion passed.

The Mayor signed the change order requests.

Council member Hescoek reported to the council that there is a need to light up the area of the new construction at the wastewater treatment facility.

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We can have a pole and light set by PPL for \$367.00 and then a cost of \$10. 46 per month for the electricity.

Motion to approve the pole and light was made by council member Hobbs, seconded by council member Mitchell. Ayes: Hobbs, Mitchell, Kirk, Blackmon, Hescoock and Erion.

Motion passed.

Motion to accept the engineer report was made by council member Blackmon, seconded by council member Kirk. Ayes: Erion, Kirk, Hobbs, Mitchell, Hescoock and Blackmon.

Motion Passed.

Public works report: It was combined with engineer report.

The mayor asked about the tree removal. Public works employee Pete Pate reported:

Pete approached the low bidder and told him that we had 69 trees, not over 100, and that we only had \$20,000.00 to spend. Pete is asking the council for approval for them to meet with this bidder again and finalize the bid and bring back to council next time.

Hescoock explained that they would meet with the bidder because he does not know which trees we are talking about.

Discussion.

Council agreed that they could sit down with the bidder and bring something back to the next meeting.

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

Motion passed.

Old Business:

SCOEDD: Christine Ingram. Christina explained: The money the City received for the upgrade at the WW treatment plant was from the Oregon Business Development department; Community development block grant funds. Their standard method of operations is that they come in about half way through and monitor the project. They always have 'findings'. In our case they found 15. Christina went on to explain the findings and how they addressed them. This is in a letter form from SCOEDD to OBDB that will be attached to these minutes. Everything has been corrected.

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2 things she needs from council. One thing the City must have is an equal opportunity employment resolution. The City has a policy, not a resolution, so she is asking they pass that resolution.

In addition under the contracting for procurement; how SCOEDD was determined to be the grant administrator.

Christina explained: They are not a non profit as in a 501 C3, They are an ORS.190. This is an Oregon Statute providing for governments to get together to create an entity to work together. Klamath County and Lake County created the Economic Development district to try to bring additional grant funding in loan projects etc. Because they are an ORS 190 they function like a council of governments. The City of Chiloquin has a seat on their board. The City attorney needs to look over how SCOEDD was determined to be the grant administrator and determine if we followed State law.

Motion to adopt Resolution #798 establishing a non discrimination on the basis of handicapped status and others as printed was made by council member Erion, seconded by council member Hescock. Ayes: Hescock, Erion, Hobbs, Mitchell, Kirk and Blackmon.

Motion passed.

Williamson River Bridge project. Intergovernmental agreement. We received this from the State of Oregon in regards to construction access. The Mayor turned this over to the attorney for his review. We will wait until the attorney has a chance to look that over and give the council a recommendation.

There is a draft contract from ODOT. This is a loan contract in the amount of \$163,000.00 at 1% interest for the moving and replacing the waterline on the bridge. It is necessary to move it due to the construction of a new bridge.

Discussion: Council turned this draft contract over to the attorney. The State will wait to create the actual documents until the Mayor signs the draft agreement. There will also need to be a resolution passed that authorizes the loan.

The Mayor wanted to point out that the house on the East side of the bridge is being demolished. Council will be seeing that very soon.

Abandoned buildings and cars: Council member Erion stated that the one she wants to talk about is the burned down mobile home on Schonchin. There is a burned out car, pieces of metal and residue left there. It is dangerous and she would like to see a letter sent to the owners.

There is garbage on Arnold St. She would like to see it cleaned up. Maybe the PW could pick it up.

Discussion.

The Mayor wanted to give report on Aileen Weeks situation. Her brother in Portland is trying to get her into a facility that will help her.

Discussion.

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Council member Mitchell will contact her brother in Portland and follow up with councils concerns.

LCOG (Lane Council of Governments) Ordinance: Franchise agreement for the fiber optic line. There is an Ordinance agreement. This will need a public hearing.

Discussion.

Motion to move forward on the Ordinance granting the telecommunication franchise with the Lane Council of Governments was made by council member Erion, seconded by council member Hescock. Ayes: Erion, Hescock, Kirk, Blackmon, Mitchell and Hobbs.

Motion passed.

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

Motion passed.

New Business:

Resolution to transfer funds for the waterline break at the Forest Service. The recorder explained the need to transfer funds from the contingency fund. Contingency is for emergencies. The water line break repair is going to be more than the City has budgeted in the day to day maintenance of the water system. Therefore, we will need to transfer the contingency money in the enterprise fund to the maintenance and repair line item of the same fund.

Motion to approve Resolution # 799 authorizing the transfer of \$10,000.00 Enterprise water fund contingency appropriation line item to the Enterprise fund maintenance and repair appropriation line item was made by council member Mitchell, seconded by council member Hescock.

Discussion: Erion asked if we receive some of this funding back, do we put it back in the contingency fund? The recorder explained that she believes you can not do that, but she will look into the rules about that. Mitchell stated the funds would go into the general fund.

Ayes: Erion, Kirk, Hobbs, Mitchell, Hescock and Blackmon.

Motion passed.

Revising statutes. Council member Erion would like to discuss this. She feels this is very important we talk about this.

The Mayor stated that for future information, anytime the council is going to talk about money it really needs to be on the agenda prior to the meeting.

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Erion explained that she isn't speaking about hiring someone to do this, but to have them reviewed in house prior to sending them to any legal review.

Discussion: Council decided that a small Committee of three.

Motion to appoint Council member Erion, council member Blackmon and the recorder, Teresa Foreman to review the Ordinances was made by council member Mitchell, seconded by

Motion to accept the old business was made by council member Hobbs, seconded by council member Mitchell. Ayes: Erion, Kirk, Hobbs, Mitchell, Hescoock and Blackmon.

Motion passed.

Independence day celebration: Council member Erion stated she would not be able to help this year. The recorder stated that she was going to do it this year with the help of Paulette and Carolyn to mention a few.

Motion to accept the New business was made by council member Erion, seconded by council member Hescoock. Ayes: Erion, Kirk, Hobbs, Mitchell, Hescoock and Blackmon.

Motion passed.

Public Input:

Patricia Twamley: Her question is about the tree cutting, spoken of earlier in the meeting. She questioned who got the funds from the sale of the removed trees.

The Mayor answered that the company removing the trees would get the funds. That is part of the bid. The City will pay to have the trees removed and what he does with them after that is not City business.

Julie Wolf: Asking about the police task force update. The Mayor explained that the task force will be finalizing their summary and present it to the council the first part of March.

8:25 Council moved to executive session. ORS 192.660 (2)(b) ORS 192.660(2)(h)

9:20 Back in regular session. No decisions were made during executive session.

Motion to adjourn was made by council member Blackmon, seconded by council member Hescoock. Ayes: Erion, Kirk, Hescoock, Mitchell, Hobbs and Blackmon.

9:21 Meeting adjourned

Mayor Mark Cobb

Attest: Teresa Foreman, City Recorder

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