

City of Chiloquin
City Council Meeting
6/11/2012

Those Present:

Others:

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

Mayor: Mark Cobb
Council members: Floyd Hescock
Carolyn Blackmon
Raymond Kirk Left meeting 8:28
Kathy Erion
Jeff Mitchell:
Joe Hobbs:

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

The Mayor called the roll. Present: Floyd Hescock, Kathy Erion, Raymond Kirk, and Carolyn Blackmon. Also the City Engineer Doug Adkins; the City Attorney Sam Ramirez and the City Recorder Teresa Foreman.

The Mayor asked council to amend the agenda by moving the temporary liquor license application from new business to executive session.

Motion to accept the agenda as amended of 6/11/2012 was made by council member Blackmon seconded by council member Hescock . Ayes: Blackmon, Hescock, Erion, Hobbs and Kirk.

Motion passed.

Regular Business

Motion to dispense with the reading of the minutes of 5/22/2012 was made by council member Hescock, seconded by council member Kirk. Ayes: Blackmon, Hescock, Erion, Hobbs and Kirk

Motion passed.

Motion to accept of the minutes of 5/22/2012 was made by council member Erion, seconded by council member Hescock. Ayes: Blackmon, Hescock, Erion, Hobbs and Kirk.

Motion passed.

City Bills:

Motion to pay the City bills as of June 11, 2012, in the amount of \$14152.82 was made by council Member Hescock, seconded by council member Hobbs. Ayes: Blackmon, Hescock, Erion, Hobbs and Kirk.

Motion passed

City Correspondence: There is an update about the work on the railroad. They will be doing the work on June 25. The crossing will be closed from 5AM to 5PM. Emergency crossing only.

Discussion.

The railroad is also going to build a fence on the SW side of tracks, parallel to the tracks. Aprox. 25' off centerline to about the gate of the sewer plant. They will be closing in their yard.

Fire district letter: The letter is about the wood chips being spread on the lot by Family food center. This lot belongs to the City and is under lease to Family Food Center. The lease requires they adhere to all regulatory authorities. The City has no Ordinance to dis-allow the spreading of chips for landscaping or on parking lots. Dwayne Holster is Deputy State Fire Marshall and there are fire laws. There are also chips by the library. Mr. Holster has spoken with them and they have said they would clean them up. The Mayor stated his recommendation is to take no action and let the Deputy Fire Marshall handle this.

Council decided to take no action at this time.

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

Motion passed.

Mayor's Report: The Mayor stated that he had, again, spoken with the railroad people about the drainage issue. They stated that they saw no problem with right of way issues if the City wanted to get that work done.

Discussion

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

Motion passed

City Engineer report:

Rodeo Lease property description: At the last meeting, after looking at the rodeo lease, it was decided the property description was wrong. Council asked the engineer to look into this. The description is 35 or more years old. The engineer has brought to council the proper description of the land leased. As it is it does not follow City ownership. The current lease had includes land the City does not own and also cuts off part of the arena itself. The recommendation is to adjust the lease to take on the proper description.

Discussion.

Bridge project: They are supposed to open bids on Thursday. That will give us a better idea of what our costs will be for the waterline removal and replacement. The state has a 56 day window to award the construction contract. Then there will be a pre construction meeting. The engineer feels the construction won't begin until August.

Tree removal. The project is progressing nicely. He is concerned about the trees lying about, all over town. He feels that there is a potential for someone getting hurt.

Discussion. Hescock will speak to the company tomorrow and tell them to get those trees out. Mitchell reported that the other day, there were some people that came in to the Tribal office to begin a petition against the log removal project.

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Council member Erion stated that she had numerous people come to her about the tree removal. They feel the trees are healthy straight trees. They feel there are dangerous trees not being removed.

Discussion.

The Mayor stated that a letter needs to go out to the public explaining the project. Explain what the criteria is for removal. If there are dangerous trees that have not been marked for removal, in the City right of way, then those need to be brought to the attention of council member Hescock or City engineer Doug Adkins.

There is also the issue of nesting birds. The Mayor has spoken to the supervisor of the crew and he assured the Mayor that it is their policy to look for nests prior to cutting the tree down. If they find one, they remove it to another tree. Birds do not typically nest in pine trees. He assured the Mayor he would take special note to look at these trees for nests.

As far as the trees looking healthy and straight, he points to the tree in front of the big gym. It looked like a nice tree but when it came down you see the big hollow core down the middle of the tree.

The Mayor will come in and help the recorder write a letter about the tree removal project to place in the water bills.

Council member Erion asked if there was a way that the people could speak to someone with concerns. The recorder explained that she had only one complaint, and that person is here tonight. She typically

refers people with concerns to the Mayor. The engineer stated that the concerns should come to City Hall and not the contractor. Then it will be passed to the appropriate person.

The tree removal project is a special cities allotment grant. There is another call for notifications of intent to apply for a grant for pedestrian and other types of improvements. Eligible projects: Bicycle and pedestrian infrastructure; Safety and educational activities for pedestrians and bicyclists; Scenic or historical site acquisitions; Scenic or highway historical programs; Landscaping and scenic beautification; Historic preservation; Historic transportation facility rehabilitation; Abandoned railway corridors; Outdoor advertising inventory control or removal; Archeological planning; Environmental mitigation; Transportation museums.

Maybe with the new bridge and side walk, maybe we should have a continuous sidewalk from the bridge to the school. There is no designated pedestrian walk way from the school to the big gym. There is no minimum to apply for or no maximum but there is a 10.27 percent match. The City does have to close out any existing projects before you're eligible for their grant. The letter of intent needs to be in by 5PM June 6th.

Discussion.

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Motion to direct the engineer to work on the letter of intent for applying for a grant for bike and pedestrian paths was made by council member Hescoock, seconded by council member Kirk. Ayes: Hescoock, Kirk, Mitchell, Erion and Blackmon.

Motion passed.

Commonuter and turning pad for the WWTP: Those change orders have been issued and the equipment has been ordered. We do not have a specific date for installation.

To answer some of the questions Mr. Twamley raised in his letter during correspondence. There are plans and specifications for the pad and there is a model number and horsepower set for the commonuter. The City did bid this project and this is a change order that modifies that contract to include these items. The reason there was an increase in the original change order numbers of the two items from the first time it was talked about to now is because the first numbers we got were a year old by the time we determined we had enough left over to do them. Also, the contractor now has to bring his equipment back up here whereas originally it was on site.

Mr. Twamley, in the audience, stated that he just doesn't understand how the original contract covers change orders.

Adkins replied that this was all authorized by the State, Gary Viedorfor, who modified the contract to include these items. They were identified in the original grant application as eligible items. Then because we have excess funds it becomes a decision as to if we send those funds back to the State, or use them

to get the items that need to be done. Change orders are done on most construction projects and are not out of the ordinary.

The train company is going to be replacing the crossing here in Chiloquin. They will be closing for the daylight hours. They will have an emergency vehicle crossing.

Discussion.

Adkins brought up the possibility of getting the railroad co. to finally fix the drainage issue that they caused years ago by closing off a culvert. We have a catch basin that goes nowhere. The railroad was to fix that years ago and have been reminded periodically to no avail. The recorder explained that she had brought that up and was told they will be going nowhere near that area. The Mayor reminded council that the drainage problem there cause a back up of water against certain buildings and did need to be rectified. He asked if the engineer could incorporate that in the intent letter he is writing. Doug answered that he didn't see that as an eligible project. The recorder stated drainage is eligible for Timber receipts.

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

Motion passed.

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Public Works report: Erion asked the public works about the ditch on Lalo. It is a mosquito breeding ground. The engineer asked if the pipe was built that drains it? It has not been placed.

Discussion. One culvert would just let it drain to the next property. The Mayor asked to get a cost estimate for culverts.

The Mayor asked if the public works could clean out the gutters and sides of the streets in the commercial district.

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

Motion passed.

City Recorder report: 4th of July is coming up fast. We had our first meeting. There were about 10 people. The recorder reminded the council that this is a council directed project and she really needs council participation. She rarely has council help. Council member Hescock has helped every year and Kathy has helped. She pointed out the several committees and asked the members to please help.

The next meeting is Tuesday at 4PM. She also asked the audience for participation.

The recorder pointed out that we need tables. We have only three. Public works employee Pete Pate looked into the costs of building tables and picnic tables.

Discussion.

The council felt the expense was higher than could be bought right out and they had questions about weight and folding etc. They would like to have Pete here to answer those questions.

The Mayor stated he had a catalogue that had inexpensive tables. He will bring that in.

Chiloquin Web site. Would the council support us having our own website? She has not looked in to it at all but would like to know if the council would like her to look into that.

Discussion.

The recorder will look into this possibility and bring information back to the council at a later date.

The Budget committee meeting will be on the 31st at 6PM. The council needs to be there. The Mayor doesn't attend that meeting but council is needed for quorum. Council member Erion stated she would be out of town.

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

Motion passed.

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Old Business:

Proposed Ord. for the storage containers: The council had been asked to review and bring back changes, or additions and ideas.

The City of Klamath Falls considers them accessory buildings. The council discussed the containers that are owned or rented. Permanent, temporary?

Discussion.

The recorder explained that these are coming in and she has to have direction. If the council wants her to ignore them, she can do that. If they want them treated as accessory buildings she can do that or if they want an Ordinance we can do that. She has no specific opinion as to how they should be handled. She just needs to know how Council wants it done.

Council member Blackmon would like to see them tightly controlled. Council member Mitchell feels they should be regulated and the City needs to manage them. The quantset hut was allowed because we did not have rules against that. There should be regulations as to where they can be placed. Hescok feels they should by regulated and there should be a time limit. City Engineer, Doug Adkins, stated the council has to have specific rules according to the zoning. Industrial would be OK whereas residential maybe not. Council member Kirk feels they should be regulated also, whether aesthetically or temporary. He does not like the looks of them. Council member Erion feels they should be regulated

also. No electricity, no water etc. No buried containers. She doesn't feel they should be considered accessory buildings.

The recorder will bring back another copy making this temporary only. The Mayor stated that he has the notes and will help her put that together. Maybe we can find another City that has an Ord. that is about temporary storage containers.

W/S Resolution.

Motion to adopt resolution # 802 with the change that we add the and/or sewer and /or water was made by council member Erion, seconded by council member Kirk. Ayes: Erion, Kirk, Hescock, Mitchell and Blackmon.

Motion passed.

Williamson River Bridge project: The loan document has come in to be signed. This has been reviewed by the City attorney Sam Ramirez. This is a 1% loan for the replacing the waterline on the new bridge.

Check the box to have the closing fee deducted from the loan proceeds.

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Motion to pass the resolution of the City of Chiloquin authorizing the loan from the Oregon Transportation Infrastructure Fund by entering into a loan agreement with the Oregon Department of Transportation was made by council member Blackmon, seconded by council member Hescock. Ayes: Blackmon, Hescock, Mitchell, Kirk and Erion.

Motion passed.

Motion to have the Mayor sign both the loan agreement and the promissory note for the bridge waterline project was made by council member Erion, seconded by council member Hescock. Ayes: Hescock, Kirk, Mitchell, Erion and Blackmon.

Motion passed.

Motion to allow Teresa Foreman, the City Recorder, to sign payment requests was made by council member Blackmon, seconded by council member Hescock. Ayes: Hescock, Kirk, Mitchell, Erion and Blackmon.

Motion passed.

8:25 Council took a break to allow the recorder to replace batteries in the tape recorder.

Dangerous building update: The house on Third that is falling down. The water is shut off, the electricity is shut off. We need to see where we are in the process of eliminating the safety issues with that. The owner has moved to town. The owner has contacted the habitat for humanity to see if they

would like the windows of that house. The owner still has her possessions in that house, unless they have been stolen.

Discussion. There have been phone calls to Aileen, to her brother, etc. There have been verbal promises to take care of this house.

8:28 Council member Kirk was called from the meeting for a family emergency.

Council is concerned about people living there without water, sewer and electricity. Beyond that, the house is falling down. Anyone near or inside the house could be injured.

The mayor pointed out that he would like to see the spreadsheet on the councils projects kept current. It was decided sometime ago to keep that spread sheet for the council to keep up with, and not let them fall through the cracks.

The recorder was directed to bring the information to the next meeting as to what has been done and any information about the removal of the safety hazards for the house on third.

New business: None

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Public input: Virginia Jayne, Chiloquin Resident. Her concern is about a property line issue. Her landlord is intending to fence the yard and they have just learned that a neighboring property's out buildings are encroaching on their property. The Mayor stated that the establishment of the property line is a land owner's responsibility. Ms. Jayne answered that they had established that, her question is what will happen to the encroaching buildings? The Mayor explained that is a civil matter between property owners. Ms. Jayne asked about the garbage at that property. The Mayor stated we would send someone over to check that out. If they are in violation, they will get an abatement letter.

Ms. Jayne is concerned about the trees being removed within the City. She feels there are healthy trees that are not potentially dangerous or harmful to the infra structure that are being removed. (Her letter is attached). She has enjoyed the ambiance of the trees and is very sad to see them removed. Her neighbor has seven large trees that they intend to remove because of the pine needles. Virginia agrees that is their right but if the City removes all the trees and the individuals start removing trees, it will end up looking like Sprague River.

Several things Ms. Jayne and others she represents are asking the council for several things: (see attached).

The Mayor answered that, as he spoke with her on the phone, he does not like to see the trees removed either. He loves the forest and believes everyone here tonight would agree and feels the same. This project has been discussed for 6-8 months. It had to be, we had to apply for the grant. This project is now under contract and we have a legal obligation with the tree company. This project is probably 90% completed. There are a lot of concerns. He believes the ad hoc committee is a great idea for any future tree removal project. He will see to it that each council member has a copy of this letter to go over before the next meeting so they can decide if they want to take any action.

Jinni gave a letter from Duane Jenne also. (attached)

Attorney Sam Ramirez addressed the council/audience. Mr. Ramirez explained that he was the attorney in the early 90's and was asked to draft an Ordinance to keep people from cutting trees in the City. There was such backlash from the members of the community that council decided not to pursue that Ordinance.

More discussion.

The Mayor asked the Old non passed Ordinance to be pulled back out and brought before the council.

In the letter signed by Virginia Jayne, and one that is also from Duane Jenne, there are some comments and questions that council member Blackmon wanted to address:

‘ Who came up with this project? Was this project from the City Engineer, and were there any kickbacks?

Can the City council request how much, and were any kickbacks given to the council, city attorney, or city engineer? Prove there were not.’

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Blackmon stated this was ridiculous. It was a safety concern. She also loves big trees. Blackmon stated she would like to go on record right here and right now, No, they did not receive any kickbacks.

Nobody received any kickbacks.

The Mayor explained that the logs themselves went to the company cutting the trees. In order for him to afford to be able to cut these trees he will sell those logs as part of his contract. None of that money goes to anybody in the City, it goes directly to the company cutting the trees. He has sole possession of those trees. The limbs and things will be going as firewood. The contractor is the owner of all debris and can do as he likes with that debris.

The City is more than willing than to work with community committees that are working with City issues.

Motion to accept the Public Input was made by council member Hescoek, Seconded by council member Erion. Ayes: Blackmon, Hescoek, Mitchell and Erion.

Motion passed.

8:52 Executive session Possible Litigation. ORS 192.660(2)(h)

9:15 Back in regular session.

Motion to direct the attorney Sam Ramirez to write a letter to the Rodeo Club stating they have 30 days to fix the bleachers or we will find them in default of their contract was made by council member Blackmon, seconded by council member Erion.

Discussion: Council member Mitchell asked if ‘default’ is clear enough? The attorney explained what he would say in the letter. As far as the motion goes ‘default’ is clear.

Ayes: Hescoock, Mitchell, Erion and Blackmon.

Motion passed.

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

9:17 Meeting adjourned

Mayor

Attest: Teresa Foreman, City Recorder

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