

City of Chiloquin  
City Council Meeting  
11/27/2012

Those Present:

Others:

Teresa Foreman: Recorder  
Doug Adkins: City Engineer  
Sam Ramirez: City Attorney  
Pete Pate: Public Works

Mayor: Mark Cobb  
Council members: Floyd Hescock  
Carolyn Blackmon  
Raymond Kirk  
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: Raymond Kirk, Floyd Hescock, Joe Hobbs, Kathy Erion, and Jeff Mitchell, Carolyn Blackmon. Also Public Works employee Pete Pate, City Attorney Sam Ramirez, City Engineer Doug Adkins and the City Recorder Teresa Foreman.

**Motion to accept the agenda of 11/27/2012 was made by council member Blackmon, seconded by council member Hobbs. Ayes: Blackmon, Hobbs, Mitchell, Kirk, Hescock and Erion.**

**Motion passed.**

**Regular Business**

**Motion to dispense with the reading of minutes of 11/27/2012 was made by council member Blackmon, seconded by council member Kirk. Ayes: Blackmon, Hobbs, Mitchell, Kirk, Hescock and Erion.**

**Motion passed.**

**Motion to accept the minutes of 11/27/2012 was made by council member Hescock, seconded by council member Hobbs Ayes: Blackmon, Hobbs, Mitchell, Kirk, Hescock and Erion.**

**Motion passed.**

**11/27/2012**

**City Bills:**

The recorder explained to council that the bill from Ferguson includes supplies that will be taken back for credit. We don't know what the credit will be so if the council wants to approve the payment of the bill after the credits then we can pay it when we know.

Discussion. Council member Mitchell feels the bill should be paid in full and then have a credit on Ferguson's account. Council members concurred.

**Motion to pay Ferguson's in full was made by Council member Hobbs, Seconded by council member Hescock. Ayes: Blackmon, Hobbs, Mitchell, Kirk, Hescock and Erion.**

**Motion passed.**

**Motion to pay the City bills as of November 27, 2012, in the amended amount of \$8858.45 was Made by council Member Mitchell, seconded by council member Hescock. Ayes: Blackmon, Hobbs, Mitchell, Kirk, Hescock and Erion.**

**Motion passed**

**City Correspondence:** Council looked over the correspondence.

One letter of opinion from the attorney. Because of the actions the City has recently taken and the discussions the City has had with the rodeo association over the past years, the Mayor asked the attorney for this letter.

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

**Mayor's Report:** No report.

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

**Motion passed.**

**Public works report.** Doug Adkins, Adkins Engineering is here to present a request for an engineering agreement amendment for two items.

In April there was a request for the engineering services for the turning pad and commonuter which council approved. That had been estimated at \$2000.00. It came in at about \$1500.00.

Second contract amendment request is for fee for re-inspecting and re-testing of the generator start up.

The Contractor called for a start up, all the pertinent individuals on the project were there, some having to travel quite a distance, but the generator did not work. Therefore every one left, to come back at another time. Those expenses were covered in the grant, however when the people had to come back a second time, in order to re-inspect and retest the generator, those related costs were the contractors' costs.

So, in order to recover those costs and to make eligible they must be transferred out of contractors pay so the City can pay the engineer for that reimbursement. That has to be in an engineering agreement amendment.

Those re-inspection costs were \$3828.82. They are asking for a contract amendment in the amount of \$5828.82. There needs to be a paper trail to make sure the funding is eligible under the grant. Doug spoke with Gary Viedorfer this afternoon. What we have to do is get authorization for the amendment and then Mr. Viedorfer has to approve the amendment as to form and then the Mayor has to sign the amendment.

His request tonight is that the council authorize, if they so desire, a motion to approve the contract amendment as presented subject to Gary Viedorfer's approval of the form and authorize the Mayor to sign the agreement.

**Motion to approve the contract amendment of \$5,828.82 as presented, subject to Gary Viedorfer's approval of the form and authorize the Mayor to sign the agreement was made by council member Hescocock, seconded by council member Hobbs. Ayes: Blackmon, Hobbs, Kirk, Mitchell, Hescocock and Erion.**

**Motion passed.**

Public works employee Pete Pate contacted Gary Viedorfer at the community development block office and he laid out the infrastructure conditions. They wrote a letter to him asking about the possibility of funding. We would like to start the I and I (inflow, infiltration) study. There is a timeline of one year of the close of the project of the waste water treatment plant grant to fund and complete the study. It has to be done in the spring with the high flows.

The Mayor explained that part of the sewer upgrade mandated by DEQ was that once this step is closed out we are required to do an I and I study. That study is going to cost upwards to \$60,000.00. That study will identify any leaks in the infrastructure (Pipes, catch basins, drains). After the study, it goes into a full blown fix of the system. There will be a feasibility study, a master plan etc. This is mandatory, not a choice. There will be large expenses coming up in the future.

Pete explained that each of these phases has a penalty phase, if you don't complete it in the allotted time.

Discussion.

Jeremy, from Adkins Engineering, is here tonight to report. Jeremy explained that it so important for the I and I study because there are areas that you can reduce that ground water treatment. They are 99% done with the mapping. They are replacing/upgrading the water map with funding from SCOEDD. This map identifies valves and junctions etc.

Sidewalk grant applications are due Dec. 13. This is through ODOT. We can get up to .5 million. Jeremy went over the proposed project of the sidewalks in town. He passed out drawings that showed the proposed plan. Council put in their ideas and concerns. It was discussed about the need, or not, of sidewalks on each side of certain streets. Also, asphalt vs pavement.

Discussion.

**Motion to accept the proposal with the suggested changes to include sidewalks on First Av. And perhaps decreasing C and D to one sidewalk instead of two was made by council member Erion, seconded by council member Hescock. Ayes: Blackmon, Erion, Hescock, Kirk, Mitchell and Hobbs.**

**Motion passed.**

**(C and D are the letters given to specific areas of the proposed sidewalks in the City. The project proposed sidewalks on each side of the road in those areas).**

More discussion.

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

**Motion passed.**

**Recorder report:** Council member Kirk was absent from the last council meeting and has written a request for permission from council.

**Motion to accept the requested excuse for absence from Council member Kirk was made by council member Hescock, seconded by council member Erion. Ayes: Blackmon, Hescock, Mitchell and Hobbs. Abstained: Kirk because the motion was about him.**

**Motion passed.**

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

**Motion passed.**

## **Old Business:**

Dangerous house update: Discussion about the problems. Council member Erion has brought her computer with pictures of some houses that are proposed problems. Council looked at the pictures, and discussed some of the problems. The Mayor pointed out that it is his opinion that the first houses/yards to be concerned about is when you are coming into town. We need the curb appeal. (not counting dangerous houses)

Much discussion about the houses that are open to vagrants, kids, drunks etc. Some of these houses are so dilapidated that people going in are in danger of injury.

The Mayor pointed out that PW employee Charles Case had written a list of houses he has observed, on his rounds, that are a potential problem. We did not bring this list tonight but will have it at the next meeting.

Council member Erion and the recorder will meet to go over what houses need help and to whom letters should go out.

Chicken Ordinance. Council member Erion brought to the attention of the council a couple of Ordinances that seem to contradict each other. Discussion about the need to amend the Ordinance to allow chickens within the City limits.

**Motion to compose an amendment to the Ordinance to include chickens, ducks and geese to be allowed within the City limits with some specific provisions was made by council member Erion, seconded by council member Hescock. Ayes: Blackmon, Hescock, Erion, Mitchell, Hobbs and Kirk.**

### **Motion passed.**

Council member Erion will discuss this with the recorder. The recorder will draft and pass by the City attorney.

The recorder was concerned about in the mean-time. There is a person in the City limits with chickens, awaiting this decision. The attorney stated the council will just take no action, pending the outcome.

Christmas Bazaar: The recorder reported that the bazaar was happening this Saturday. There will be 28 vendors. Santa will be there to have pictures with kids, adults or animals.

The recorder explained that she could really use some help. We have to set up, take down and clean up. We could use help with the Santa pictures also. Erion stated she would be out of town and Blackmon explained that she had a table at the bazaar. Resident Julie Wolf asked what was needed and then stated she would be there to help the recorder with the pictures of Santa.

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

**Motion passed.**

**New business:**

Christmas party:

1. Gift exchange. The recorder passed around a sign up sheet for those wanting to participate. She will let people know next meeting.
2. Party location & menu: Council discussed the different options, deciding to have it at the Christian center, if available, at 6:30 Dec. 15<sup>th</sup>. The menu will be potlatch with the City providing the main dish. The recorder will bring specifics to the next meeting.

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

**Motion passed.**

**Public Input.**

Jacob Horvath: Jacob is here tonight to ask for permission for the boy scouts to plant a tree in the park. He is asking if allowed, what type of tree would council want?

Discussion. Council would like to see the scouts do the research, decide which type of tree would be best and also to plant a fairly large tree if possible.

**Motion to allow the boy scouts to plant a tree of their choice in the park was made by council member Erion, seconded by council member Hescoock. Ayes: Blackmon, Erion, Hescoock, Kirk, Mitchell and Hobbs.**

**Motion passed.**

A woman called Sam: City resident thanked the public works department for digging a trench on Schonchin to help with drainage. She asked when will the reconstruction of the dirt pile be done?

Pete answered that it was just finished today. He will probably wait through the winter and see what is left after the snow. If still an eyesore next year, he will change it.

Emily Jackson: City Resident. Emily is concerned about houses that are in the commercial zone so can not be lived in unless there is a business there. She tried to buy one and found out about that restriction. She is also trying to buy a lot of the stuff out back of Modoc Motors but seems to be getting the run around from the owners. Also concerned about the fence at Modoc Motors.

Council answered that they understand the fence will be fixed after they know what is happening with

the bridge construction. Also concerned about dangerous houses that are not being taken care of.

Mr. Richard Twamley: Resident. Mr. Twamley is concerned about the discussion of the engineer earlier. He understood them to say the City paid \$3800.00 for a generator that did not work.

The mayor stated that is not what was said. He asked the engineer to explain.

The engineer explained that what the expense was for was that in the original contract the Contractor called for a start up, all the pertinent individuals on the project were there, some having to travel quite a distance, but the generator did not work. Therefore every one left, to come back at another time. Those expenses were covered in the grant, however when the people had to come back a second time, in order to re inspect and retest the generator, those related costs were the contractors costs. It is specified in the contract, very clearly, that it would be at the contractor's expense.

So what we are doing is billing the contractor. The engineer does not have a contract with the Contractor, their contract is with the City. So in able to funnel the expenses and pmt through the grant there has to be an amendment of line items. Mr. Twamley asked why the contractor is not responsible for the generator costs. The engineer answered that he is. The Mayor explained that the contractor would be responsible for back charging the generator company. The engineer explained it was reduced from the contractors pay. In order to make that funding eligible for grant funding there is a process so there is a paper trail to show how this happened. Mr. Twamley asked if the generator company was going to reimburse..? The engineer stated it wasn't the generator company but the general contractor. Mr. Twamley asked if \$3800. was deducted from his pay? The engineer stated yes.

Kay Green President of the Chiloquin Care Program (Food Bank). Ms. Greene is here tonight to ask permission to put empty freezers and shelves in the City duplex for storage for a very short time. Maybe 30 days at most. They may not need the room but the old community center had a fire and they may or may not have to move. The owner of the building has verbalized that they will give it to the Care program but there is nothing in writing. If they do need to move, they would like to have that all set in place so that they will have no delays.

Discussion.

Council member Mitchell asked Ms. Green that if they had something in writing from Duke Kimbol (owner) would that satisfy the needs of the Care program? So that they might be able to begin repairs? Ms. Green answered that the board members have been gone so there has not been a vote. She hopes to have a meeting with everyone next week. Council member Mitchell explained that he had a meeting with Mr. Kimbol tomorrow and is confident he could get that in writing for them.

Discussion.

Ms. Green would like to have Mr. Kimbols' intentions in writing. Council and Mayor stated they would like to have a hold harmless agreement if they decide to allow the short term storage.

Discussion.

This will be brought back to council at the next meeting.

Julie Wolf, Chiloquin resident. Julie would like to know if the building had insurance. It was answered that they believe so, but don't know for certain.

**8:20 Council moved to executive session per ORS 192.660(2) (b) possible litigation. Rodeo association.**

**8:33 Back in regular meeting. No decisions were made.**

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

**Meeting adjourned**

**8:34 Meeting adjourned.**

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Mayor

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Attest:

**11/27/2012**