

City of Chiloquin
City Council Meeting
4/14/2014

Those Present:

Mayor: Joe Hobbs

Council members:

Raymond Kirk

Jill Prewitt: 6:38

Kathy Erion

Carolyn Blackmon

Julie Trevino

Jeff Mitchell: 7:53

Others:

Teresa Foreman: Recorder

Pete Pate; Charles Case: Public Works

Jeremy Morris: City Engineer

Sam Ramirez: City Attorney

It is the 14th day of April 2014. As presiding officer, I hereby call this regular meeting of the Chiloquin City Council to Order. Please note that this meeting is being recorded.

Following the confirmation and approval of the agenda the council will consider business coming before it. Public input shall be limited to matters pertaining to the business of the City, and to the transactions of City business. In the event you have matters of personal business, or issues involving personality or performance they should be submitted in writing to the City Hall office to be forwarded to the City Council for further review.

Under no circumstance is public input or comment permitted during the period of council deliberation.

During the period of public input, public comments are limited to three (3) minutes per person, no more than ten (10) minutes per topic. Maximum time for all public input shall be limited to thirty (30) minutes total.

As presiding officer I reserve the right to limit all input and to rule out of order persons, whom by testimony are deemed to be abusive, disruptive or obscene.

In addition I shall not accept testimony of a discrediting nature.

The Mayor called the roll. Present: Carolyn Blackmon, Raymond Kirk, Kathy Erion and Julie Trevino.

We do have a quorum; this meeting is now in order.

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

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Mayor Hobbs stated there would be an addition to the agenda of the executive session ORS 192.660 (2) (h) possible litigation.

Trevino asked to have the budget committee members appointed under Old Business.

Motion to accept the agenda as amended of 4/14/2014 was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Kirk, Erion and Trevino.

Motion passed.

Council member Erion pointed out that there were a few changes to the minutes. Her name was placed as making the motion to accept the old business of 3/10/14 and also voting for that motion. Erion was not present at that meeting.

Those changes will be made.

Motion to accept the minutes of 03/10/2014 of the Regular council meeting as amended and to dispense with the reading was made by council member Erion, seconded by council member Trevino. Ayes: Blackmon, Kirk, Erion and Trevino. Abstained: Prewitt because she was not at the meeting.

Motion passed.

6:38. Council member Prewitt had come in to the meeting during the last motion.

City Bills:

Motion to pay the bills for 4/14/2014 in the amount of \$ 10,665.33 was made by council member Blackmon, seconded by council member Trevino. Ayes: Blackmon, Kirk, Erion and Trevino. Abstained: Prewitt because she didn't read them.

The recorder asked for clarification if the vote was abstained or no. Prewitt asked what the difference was. The attorney answered that for an abstention, you have to give a reason. Prewitt answered that her reason was she didn't really read them. The recorder explained that she just needed the correct vote for the record.

Motion passed.

Council member Erion asked the attorney what the policy of abstention was. When can you abstain?

The attorney answered that generally you could only abstain if there is a conflict. The other would be that you are not qualified to vote.

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Discussion to approve as paid, the bills from the 3/25 meeting. The Mayor approved those, due to a lack of quorum at the last meeting. These bills needed paid.

Motion to approve as paid, the bills of 3/25/2014 in the amount of \$12,103.46 was made by council member Trevino, seconded by council member Kirk. Ayes: Blackmon, Kirk, Erion and Trevino. Abstained: Prewitt. (No reason given)

Motion passed

City Correspondence:

Council looked over the correspondence.

There is a letter from a resident asking for time to pay her water bill. She is in the middle of chemo therapy and doesn't have any money. She is asking for the minimum payment. Council not sure what that might be. Council member Blackmon informed the council that at this time, this resident is not behind in her services. Blackmon suggested that the recorder ask what the resident had in mind as far as payments. Erion proposed the recorder contact the resident, ask if she would be able to tell the recorder and let the council know what her thoughts are on this. What she thinks she can pay. The recorder will attempt to contact the resident for that information.

Council looked over a questionnaire the Mayor had developed for the purpose of prioritizing goals for the council. Council will take this home to bring back to next meeting.

City Engineer report:

Jeremy Morris, City engineer reported that he, Pete and Charles met with Yogi, of the forest service last week. They have expressed interest in pursuing a lift station on their property to cross 97 to connect the sewer service to the City. Yogi will be getting a letter of intent to the City. They are hoping to get funding for a community lift station so it could include others on that side of the highway. This would change how we connect Melita's restaurant. Melita's could be included in their system.

Discussion.

Council member Trevino asked if the council could discuss the next meeting date. The council meeting is scheduled for one week from now. She would like to move it to two weeks.

Motion to change the council meeting of April 22 to April 29th was made by council member Erion, seconded by council member Trevino. Ayes: Blackmon, Kirk, Trevino, Prewitt and Erion.

Motion passed.

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There is a search grant application that needs to be in by mid-may. This is for \$30,000.00. Jeremy is preparing that application for the water master plan. He will bring it to council next meeting for their review, approval.

Motion to accept the City engineer report was made by council member Erion, seconded by council member Trevino. Ayes: Blackmon, Kirk, Trevino, Prewitt and Erion.

Motion passed.

Public Works report:

Park improvements.

Pete reported to the council about the playground equipment. He passed around some ideas for the equipment to be fabricated. He has asked for bids on that.

For a cost of \$1000.00 there could be three pieces of equipment purchased. Then the public works employees could do the installation. There would be the cost of paint also.

John Bellem of Klamath Falls is also looking into doing the same thing we are looking into.

Discussion.

Council liked the equipment proposed. Blackmon would like to see rings added. The kids love to swing across rings.

Prewitt would like to know what it would cost to have it placed by the company. She feels the wages of the guys would have to be figured in to the cost of the project.

Motion to provide \$1000. 00 to make playground equipment and authorize Pete and Charlie to do the work they need to do to bring this to fruition and to keep track on how many hours they spend doing playground equipment installation so that we have an idea of what's going on and the ability to spend any extra we need to pay that guy to finish it (do the installation) was made by council member Erion, seconded by council member Blackmon.

Discussion: Prewitt would rather have a bid done by a professional playground person first.

Question called: Ayes: Erion, Blackmon, Trevino and Kirk. Opposed: Prewitt

Motion passed.

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Motion to also get a bid from the company making the equipment as to what they would charge to do both, make and install the equipment just so that we have that bid in our possession was made by council member Erion, seconded by council member Prewitt.

Discussion.

The Mayor asked for a second (He did not hear Jill's second)

Council member Prewitt stated that she was withdrawing her second.

Motion died for lack of a second.

Pete discussed with council the need for street maintenance. Shoulder rock and crack sealing. He has procured three bids.

Discussion.

He is asking for permission to bring bids to the next meeting. Council agreed with that.

Pete reported that the City Hall has termites and wasps. We have contacted three companies and have heard from one. Pete will get the other bids and bring back to council.

Code enforcement: Pete asked council if they had looked over what he gave them before. About dumpsters etc. Dumpsters are \$610.00 per week and \$5. per day after that. Those are big dumpsters with 6' sides. Tires can go for \$2.50 each.

Discussion about a code enforcement officer from Klamath County.

Council asked if the person would come up and speak with the council. Pete will ask.

Discussion about absent home owners. Concern about owners that board up their homes and leave for 15 years. Owners expect the City to take care of those places.

Motion to work up a contract to review with the gentleman was made by council member Trevino, seconded by council member Erion.

Discussion: The Mayor asked the attorney if he saw any problems with this. The attorney answered that he would need to look over the contract. Blackmon asked if the money was available. The recorder answered that it was a line item in the budget.

Question called: Ayes: Erion, Blackmon, Trevino and Kirk. Opposed: Prewitt

Motion passed.

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Council member Blackmon stated that she noted in the written report that the public works was spraying for weeds. She asked if the chemical was bee friendly. Charles answered that he was sure it was but would double check.

Council member Erion stated that before the public works employees leave the meeting she would like to say something. It has been her job to sign pay checks periodically and she has noticed in the hours that the guys come in at 2am or 3am for any problems. She knows there are broken pipes for the residents and the public works is there. She stated that also, this past payday, she looked at the pay scale. This is the first time she has looked. Erion stated she wants to make a public announcement that the public works is not getting over paid. They are getting \$23. per hour and she knows that is not much compared to contractors and others doing the same work. Public works is not getting \$45-50 per hour as is being said around town. Some of the tests Charles does at the sewer plant, if sent out, would cost the City \$37,000.00 more per year. She complimented the workers.

She thanked them and asked for a round of applause.

Motion to approve the public works report was made by council member Trevino, seconded by council member Blackmon. Ayes: Trevino, Erion, Blackmon, Kirk and Prewitt.

Motion passed.

Recorder Report: Ordinance for the chickens. We had a public hearing and nothing about the regulations were changed. Just some of the wording.

Motion to officially amend ordinance 362 to read as presented document was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Erion, Trevino and Kirk. Opposed: Prewitt; Abstained: Mitchell because he just got to the meeting and was not here for the discussion of this motion.

Motion passed.

7:53 Council member Jeff Mitchell arrived during the last motion.

The recorder reminded the council that their Statement of Economic Interest must be mailed to the State by tomorrow.

Fourth of July: Does the council want to have a celebration then or a separate one at another time? Trevino stated she would like to see it on the 4th.

The Mayor asked the council to come back to the next meeting with some suggestions.

Council member Trevino reminded that the next meeting would be on the 29th.

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The recorder reminded council that the City has a city wide yard sale the first Saturday in June.

We also have our yearly clean up. We do not have a verified date yet but will be in May. The recorder is asking if the council has any input in this clean up.

Motion to accept the Recorders report was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Erion, Prewitt, Kirk, Mitchell and Trevino.

Motion passed.

There is a letter from the auditors that states they are not going to do audits for the City any more. They have offered to help do a RFP.

The recorder will check with the auditors to see if they are going to charge the City for the RFP. She will also work on a draft RFP from this office.

Old Business:

City Web site:

Motion that the City of Chiloquin signs up with Joan Rowe to give her city information to put on her web site and pay the yearly fee of \$100.00 was made by council member Trevino, seconded by council member Blackmon.

Discussion.

Question called: Ayes: Blackmon, Mitchell, Prewitt, Trevino, Kirk and Erion.

Motion passed.

Council member Erion will contact Joan Rowe

Segregation of financial duties: Resolution on the table. Has been discussed at several past meetings.

Motion to adopt resolution policy for segregation of financial duties for City Hall office was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Mitchell, Kirk, Trevino and Erion. Abstained: Prewitt (no reason given) Kirk: because not feeling well could not keep with the discussion.

Motion passed.

Resolution for records request: Discussion

Strike the sentence that only allows certain hours.

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Motion to adopt a resolution setting rules, requirements and fees for records requests with the alteration of number one that it is to read all requests must be made in writing was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Mitchell, Trevino and Erion. Opposed: Prewitt; Abstained: Kirk; because not feeling well enough to keep with the discussion.

Motion passed.

Nuisance cleanup: Council member Erion reported to the council that the County tax foreclosed properties are going to be cleaned up. Rafael Hernandez is going to get dumpsters up here and start one house at a time. They are starting with the house across from the gym. They are going to tear it down.

RFP/ DEQ loan document: We did not have a meeting last time but we published the RFP. It does not obligate the City but if we missed the time we would have to wait another year. We had one response to the RFP

Discussion.

The loan is to do the work; the RFP is to find the company to do the study.

Motion to approve this loan agreement 22130 tonight so that the engineer can move forward was made by council member Erion, seconded by council member Trevino.

Discussion: concern about the repayment schedule. This will not start for about 18 months. This will have to be budgeted for. Discussion about the control of the project to meet requirements

Question called: Ayes: Trevino, Erion, Blackmon, Mitchell. Opposed: Prewitt; Abstained: Kirk; because not feeling well he could not keep with the discussion.

Motion passed.

The RFP was published, we received one proposal. The attorney will review that proposal. It is from Adkins engineering that will partner with Anderson Perry.

If the attorney reviews the contract and the council approves, the engineer could have a proposed contract at the next meeting.

Motion to have the City Attorney review our one and only proposal response to our request for an engineer to work on our project. To have him review the response in such a way that we might have a contract to review on the meeting of the 29th was made by council member Erion, seconded by council member Blackmon. Ayes: Blackmon, Trevino, Mitchell and Erion. Opposed: Prewitt; Abstained: Kirk; because not feeling well could not keep with the discussion.

Motion passed.

ODOT finalized loan document: Council members stated that had been done.

Motion to appoint Kay Green and alternate is Floyd Hescok on the budget committee was made by council member Blackmon, seconded by council member Trevino.

Discussion

Question: Ayes: Blackmon, Mitchell and Trevino; Opposed: Prewitt and Erion; Abstained: Kirk; because not feeling well could not keep with the discussion.

Motion passed.

New Business:

Marijuana Dispensary:

Motion to go with the one year moratorium was made by council member Blackmon,

The Mayor responded by explaining that before he would recognize that motion, he wanted to ask the attorney if that was legal.

City attorney replied that a moratorium has to be declared by an Ordinance.

Council member Blackmon stated that she was unaware of that. The recorder explained that to pass an Ordinance, there has to be a public hearing. So, you have to make a motion to that effect. To propose an Ordinance for a moratorium.

Council member Erion stated she had some things she wanted to discuss.

Council has been given copies of articles and resolutions from other Cities. She has brought a copy of the law.

The recorder copied the documents and passed them to the council members.

Discussion.

Council expressed the desire to do more research and to have a public hearing at the next meeting date.

Motion to discuss this and make a decision at our next meeting was made by council member Erion, seconded by council member Mitchell.

Discussion: The attorney suggested there may not be time to do the Ordinance. The recorder responded that there is time. There will be the appropriate notices and have a public hearing on the 29th, have a council meeting on the 29th and pass the Ordinance with an emergency clause allowable by City Charter.

Question called: Ayes Blackmon, Mitchell, Trevino, Erion and Kirk. Opposed: Prewitt.

Motion passed.

Public Input:

Kim Woods: Kim is on an action team with quite a few other people. She is not here tonight to represent them but she is very upset about the public intoxication and drinking. Kim runs the AA program at the Christian center. She has seen underage individual purchase alcohol; she has seen people buy alcohol for underage or intoxicated individuals. She is very concerned about intoxicated individuals convening on the porch near a city store.

Kim explained that in order to stop this we have to complain to OLCC. She has been told there has been no complaints made.

Council member Trevino explained that at the last sheriff advisory meeting Monica Yellow Owl passed out complaint forms for individuals to follow up with. The City has received permission to post the private property for no trespassing.

Council member Mitchell pointed out that we have all had discussions with the sheriffs department, with Frank and with previous sheriffs. He feels that primarily Klamath County Sheriffs department is still mad at this community for rejecting their contract agreement. Since that time we have had trouble getting them to come up when contacted for various reasons. He feels the sheriffs department feels unwillingness on the City's part for not helping financially but we all pay taxes.

About the property in question, the City has sent letters to the property owner. He is an out of town owner. He has boarded it up and posted signs but there needs to be more.

As far as anyone saying there has been nothing said from this community is incorrect.

Much discussion.

Council member Mitchell addressed the council with an invitation to an event this Friday at Collier Park. There will be a signing of the agreement between the Tribes and upper basin community. It will be 9:30. There will be a lunch served. The Secretary of Interior, Governor Kitzhaber, Under Secretary of Commerce, California Secretary of natural resources, Senators Wyden and Merkley among others will be in attendance. It is free.

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Richard Twamley, city resident: Mr. Twamley is concerned about the council approving the loans, earlier in the meeting, and that the City is going into debt. Twamley stated that the City is held to a debt limit, by State law, of 3% of the property value of the City. His claim is that the City now will only have about \$100,000.00 loan authority left.

Mr. Twamley said he was pointing this out because he hopes the City will be careful in their consideration of the marijuana issue. He feels this is a gateway to more drug use. He has had personal family experience with this. Mr. Twamley stated that we have enough drug addiction in this town without enhancing it.

Council members Jeff Mitchell excused himself from the meeting.

The recorder asked the council if she could answer to that. Mr. Twamley is referring to a bond limit. That is not what the City has. The City has no bonds. The loans the City has now are through government agencies: ODOT; DEQ and IFA. The only limitations are those imposed by the loan authority of each entity. It is the responsibility of the loan authority to ascertain the City's ability to repay the loan. The recorder has spoken with the department of Revenue, the League of Oregon Cities and the City's auditor.

Council member Raymond Kirk excused himself from the meeting.

Council member Trevino asked the City attorney if he agreed with the recorder. The attorney stated he would look into that if the council wants him to but he was comfortable with that information.

9:40 Council moved to executive session per ORS 192.660 (2) (h) possible litigation.

9:45 Council back in regular session. No action taken while in executive session.

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

Motion passed.

9:45 Meeting adjourned

Signed

Joe Hobbs, Mayor

Attest: Teresa Foreman, City Recorder

