

1 CITY COUNCIL MEETING

2  
3 July 23, 2003

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6 Attended: Lance Delgado, Mayor  
7 Karen Jacobs, Councilor  
8 Anna Bass, Councilor  
9 Roger McKinley, Councilor  
10 Jim Hamsher, Councilor  
11 Diane Clingman, City Recorder  
12 Dave Welch, Chief of Police  
13 Sarolta Sperry  
14 Debbie Letosky  
15 Judy Jacobs  
16 Joe Hitz  
17 Dean Hicks  
18 Barbara Hicks  
19 Jeff Shervey  
20 Laura Van Newkirk  
21 Gene Van Newkirk  
22

23 Mayor Delgado called the meeting to order at 6:05 p.m. The roll was called, Marvin  
24 Casebeer being absent. The pledge of allegiance was recited.

25  
26 The Council addressed the employee's request for waiver of their sewer fees in lieu of a  
27 raise. Anna Bass cited a reduction in cash carry-forward, higher personal services and  
28 materials and services costs, and needed repairs to the collection system as reasons  
29 against granting the request. She did note that sewer revenues came in higher than  
30 predicted for 2002-2003 and it was pointed out that the reason for the reduction in cash  
31 carry-forward was due to the accumulation of revenues for the sewer project and the  
32 resulting use of those funds as planned. The Council members had a handout comparing  
33 the cost of the sewer fees (\$2,160) per year versus the cost of a .014 raise (which is what  
34 the \$2,160 is equivalent to) demonstrating that a less than 1.5% raise would cost the City  
35 more. Jim Hamsher said \$360 per employee per year was not very much to show  
36 appreciation. Discussion followed about whether or not the waiver of fees would be  
37 ongoing or just for this fiscal year. **MSP: To grant the employees a waiver of their**  
38 **sewer fees for the fiscal year, Jim Hamsher/Roger McKinley.** Anna Bass opposed,  
39 Mayor Delgado did not vote.

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41 Mayor Delgado recognized Debbie Letosky. She said she had been researching how to  
42 get signage for the new restroom. She said the State will provide signs on Highway 26  
43 up to 5 miles in either direction from the City. In order to avoid paying an annual fee for  
44 the signs, the restroom must be open 24 hours a day, 7 days a week Signs will also be

1 placed at the intersection of Front and Bridge Streets. She said the State will send a letter  
2 when they have determined the location of the signs.

3  
4 Letosky addressed the Council regarding the GPCCA/Prairie City booth at the county fair  
5 and asked for volunteers to work shifts. In other business she said the 4<sup>th</sup> of July  
6 Celebration went well although somewhat spread out. She also said the County had  
7 accepted the \$24K in grant funds from Meyer Memorial Trust for restoration of the depot  
8 building and that she had applied for 3 additional grants. In regard to the ADA  
9 requirements, she said the City had previously committed to providing the labor and the  
10 county will provide the materials.

11  
12 6:35 p.m. The minutes of the March 12, 2003 and June 25, 2003 meetings were  
13 considered. One correction was noted on page 2, line 25 of the June 25 minutes; should  
14 be \$33K not \$33. MSP: To approve the minutes of the March 12, 2003 meeting as  
15 written and the June 25, 2003 minutes as corrected, Anna Bass/Roger McKinley.

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17 Planning: No Report

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19 Public Safety: Chief Welch reported that one of the patrol cars had been totaled in an  
20 accident on July 4 and needs to be replaced. He noted that there is not enough money in  
21 the reserve fund to buy a 4WD as previously planned but said he had located a company  
22 that sells reconditioned police vehicles in the \$13,000 price range. He said Financial  
23 Consultants International refurbishes cars and has 1999 & 2000 Crown Victorias with 2  
24 year 24,000 mile warranties. Discussion followed regarding the other options he had  
25 presented at the last meeting. **MSP: To pursue purchase of a replacement vehicle  
26 with the 24,000 mile warranty from FCI, Jim Hamsher/Karen Jacobs.**

27  
28 Abatement: Chief Welch was asked to present information regarding the investigation of  
29 2 complaints about Dean & Barbara Hicks' fence and placement of trailer. Utilizing a  
30 diagram of the property on the chalkboard, he reported that he had measured various  
31 parts of the fence and that it exceeds height requirements in all but one portion. It was  
32 noted that the intersections are wide enough to exempt the fence from the clear-vision  
33 requirement. He noted that weeds and grass have been allowed to grow almost as high as  
34 the fence along one portion (that being closest to the complainant) but questioned who  
35 has the responsibility of keeping vegetation cut down – the City or the property owner?  
36 He also noted (as per the complaint) that a trailer was parked in the corner of the yard  
37 creating an obstruction and that it was higher than the fence.

38  
39 It was noted that the next step for the Council to take is to determine whether or not the  
40 height of the fence and the positioning of the trailer constitute violations of City  
41 Ordinances. Discussion followed regarding the common fence between the two  
42 properties. It was determined that the fence is 5 feet in height but could be 6 feet  
43 according to the Zoning Document, although it was noted that this portion of the fence  
44 was not included in the complaint. It was pointed out that the Zoning Document allows  
45 for 4 foot fences in street side yards and that 3 sides of the Hicks' property are street  
46 sides. Regarding the trailer, Chief Welch said it was up to the council to determine. Mrs.

1 Hicks asked the Council when the Zoning Document went into effect and about the fence  
2 being grand-fathered in. The Mayor pointed out that a new fence was constructed and  
3 would therefore be regulated by the current rules. He told her she would have an  
4 opportunity to address the issue in a future step in the procedure. He asked if the Council  
5 was ready to make a decision and determine whether or not the fence and or the trailer  
6 are in violation of ordinances. Laura VanNewkirk asked to be recognized. Mayor  
7 Delgado reminded her that she had already filed a complaint and that they will have an  
8 opportunity to address it later in the process as well. He said that if she had a new  
9 additional complaint she would have to submit it in writing it at a future meeting. He  
10 asked if she wanted to withdraw the complaint and re-submit it. She said no. He asked  
11 that the Council be given time to consider the information.

12  
13 Mayor Delgado asked that the complaints be addressed separately. He asked for a  
14 motion regarding the fence and whether or not the Council deemed it to be in violation.  
15 The question was raised as to the entire fence being out of compliance versus the portion  
16 that is allegedly obstructing the neighbor's view – should the entire fence be addressed or  
17 only a portion? Jim Hamsher questioned why the fence between the properties (which is  
18 not out of compliance) does not hinder the complainant's vision. Mayor Delgado  
19 reminded him that that portion of the fence was not included in the complaint. Chief  
20 Welch said he was under the impression he was to check the height of the newly built  
21 fence and asked if the Council was going to abide by the Zoning Document or make an  
22 exception. Anna Bass made a motion to go forward with the next step to provide written  
23 notice to the owners that they are in noncompliance with section 4.230 Fences on the 3  
24 city street side yards. Roger McKinley asked what the complaint was about and whether  
25 or not there is a complaint about the other 2 sides. There was discussion about only  
26 addressing one section of fence even though the other sections are out of compliance.  
27 There was no second. Upon review of the written complaint, it was noted that the entire  
28 fence was addressed as a problem. Laura VanNewkirk said the complaint could be  
29 changed. Mayor Delgado said it depended on what she would like but that she would  
30 have to withdraw the complaint and submit it at another meeting. She said she didn't  
31 think they understood what she meant and that she would like to explain. Mayor Delgado  
32 again asked if she would like to withdraw her complaint and change it or not. He said he  
33 did not want the meeting to turn into a big discussion and argument, but told her she  
34 could go ahead. She explained that they could see down the street when it was a wire  
35 fence and now that the fence is of wood and too high she can't see along Bridge and the  
36 corner of Bridge & 12<sup>th</sup>. She said she didn't have a problem with the McCallum Street  
37 fence but just included it in the complaint. **Anna Bass made a motion that the City  
38 Recorder provide written notice to the owners of the property we received a  
39 complaint on, on the 3 city street side yards that are in excess of section 4.230 fences.**  
40 Jim said he was not in favor of the motion because there's not a problem with McCallum.  
41 Mayor Delgado noted that the complainant didn't want to modify the complaint. **Roger  
42 McKinley seconded the motion. Karen, Anna & Roger voted in favor, Jim Hamsher  
43 opposed.**

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45 The complaint about the trailer was addressed and that it would fall under "unenumerated  
46 nuisances." (That section was read aloud and explained, i.e., that if the specific problem

1 is not preciously mentioned but creates a problem it can be abated as well.) Officer  
2 Welch said there is a safety issue because the placement of the trailer blocks the  
3 complainant's vision from her driveway. He again brought up the problem of the weeds  
4 in the right of way as well. Jim again brought up the fence between the properties as his  
5 idea of the problem. It was mentioned that the VanNewkirk's also have trailers parked  
6 on their side of the fence. Mayor asked the Council to make a decision on whether or not  
7 the placement of the trailer constitutes a violation of the ordinance. **MSP: To direct the  
8 City Recorder to provide written notice to the owners of the trailer that we've  
9 received the complaint on that it is in violation of 8.04.120 unenumerated nuisances,  
10 Anna Bass/Karen Jacobs. Jim Hamsher opposed.**

11  
12 Mayor Delgado read the section of the ordinance to clarify the next step, that being the  
13 writing of the letters and that the owners can respond in writing within 10 days. Barbara  
14 Hicks asked where on their property they should put the trailer. They were advised to  
15 move the trailer enough to remove the obstruction of vision or to park it even with the  
16 VanNewkirk's trailers (let common sense prevail.) The Hick's left a written explanation  
17 and photos.

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19 The question of abatement of the Bailey property was brought up. The Council said they  
20 were still waiting for a written complaint. Mayor Delgado said he would look into it.

21  
22 8:00 p.m. Landfill: No report. It was determined that Chris Camarena is running the  
23 landfill while Bob Titus is on vacation.

24  
25 Public Works: Joe Hitz reported to the Council that one bid had been received on the  
26 well drilling project. James Neal put in a bid for \$32,800 for schedule A items. Hitz said  
27 he had extended the advertising time to allow for more bids, but none were received. He  
28 also said it will be up to the City to determine the actual location of the test well. **MSP:  
29 To accept the bid from Jim Neal contingent upon the City determining the site,  
30 Roger McKinley/Jim Hamsher.**

31  
32 Accounts Payable: The Council was presented with the current accounts payable and  
33 payables already paid earlier in the month (not approved prior because no meeting was  
34 held.) **MSP: To approve bills paid prior and bills presented, Anna Bass/Roger  
35 McKinley.**

36  
37 Office: The Recorder reminded the Council to schedule a workshop with Jess Holt of  
38 Anderson Perry & Associates to discuss potential (alternative) sites for the sand filtration  
39 facility. It was decided the workshop could be held the following Tuesday, Wednesday  
40 or Thursday afternoon. The Recorder said she would check with the engineer and  
41 coordinate with Council members to determine a time.

42  
43 There was discussion about whether or not the City had chosen someone to work with the  
44 Forest Service regarding the potential move from Prairie City. It was generally agreed  
45 that it should be someone from Council if possible but if not a citizen could do it. It was  
46 decided that Roger McKinley or Mark and Sandy Murray could be possibilities.

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8:30 p.m. Mayor Delgado announced that the Council would now meet in executive session for the purpose of addressing a complaint against a public employee and personnel issues pursuant to ORS 192.660(1)(b).

9:07 p.m. The regular meeting was resumed. Mayor Delgado said the Council would follow the process in the Personnel Policy in addressing the complaint made against Bob Titus. He said Titus would receive a reprimand with a corresponding letter put in his personnel file. Mayor Delgado said he would conduct the conference with Titus. He also said he had already asked the Recorder to look into supervisory training for Titus and recommended the Council to go ahead and find job descriptions through the League of Oregon Cities. The Recorder said she did not feel she should be in charge of finding training for Titus, given the situation, but if anything came across her desk she would pass it on to the Council. Mayor Delgado asked if everyone was in agreement that Titus be sent to supervisory/conflict resolution/appropriate training. It was agreed and also noted that anyone else interested in attending training sessions be encouraged. Anna Bass said it should be documented whenever Titus attends a training, i.e., where, when, what. Mayor Delgado confirmed with the Council that they would put a letter in his (Bob's) file regarding the complaint from the Hendricksons and require him to attend supervisory training. Karen Jacobs said she and Jim would finish the employee interviews soon.

The City Recorder suggested the Council consider implementing a memo form of evaluation and outlined the basics. She was asked to find out more about the process.

9:15 p.m. It was moved and seconded to adjourn the meeting.

Respectfully submitted:

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Diane Clingman, City Recorder

Approved this Date: \_\_\_\_\_

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Lance M. Delgado, Mayor