

1 CITY COUNCIL MEETING

2
3 September 8, 2004

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6 Attended: Lance Delgado, Mayor
7 Marvin Casebeer, Councilor
8 Karen Jacobs, Councilor
9 Mike Springer, Councilor
10 Anna Bass, Councilor
11 Jim Hamsher, Councilor
12 Roger McKinley, Councilor (arrived 7:05)
13 Diane Clingman, City Recorder
14 Bob Titus, Public Works
15 Dave Welch, Chief of Police
16 Dennis Reynolds, County Judge
17 Stan Foster, PARC
18 Sarolta Sperry
19 Kim Kell
20 Ron Kell
21 Pam Woodworth
22 Joe Hitz
23 Debbie Letosky
24 Dee Michael
25 Debi Mecham
26 Rick Mecham

27
28
29 Mayor Delgado called the meeting to order at 6:00 p.m. The roll was called, Roger
30 McKinley being absent. The pledge of allegiance was recited. The minutes of the
31 August 11 & August 28, 2004 meetings were considered. It was noted that Mike
32 Springer’s name was left off the attended list and that the motion and second to approve
33 the payables should have been by Roger McKinley/Marvin Casebeer. Mayor Delgado
34 asked that the word “possibility” be changed to “option” on line 10 of the August 11
35 minutes **MSP: To approve the minutes of the, 2004 meeting as corrected, Mike
36 Springer/Marvin Casebeer. Karen Jacobs and Jim Hamsher would not vote
37 because they did not attend one or both of the meetings.**

38
39 Dixie Creek: Mayor Delgado asked the Council to refer to a letter written by Sarolta
40 Sperry expressing concern over the condition of Dixie Creek near her property on north
41 Cozart Street. Mike Springer said he had inspected the property and provided some
42 photos and a tax map to the Council. He said there are willows growing in the streambed
43 and that debris appears to get caught up in the branches causing the water to eddy and
44 erode the bank in some areas. Jim Hamsher said Bob Titus told him the city has an
45 agreement with the Army Corps of Engineers regarding the stream. Titus said a long

1 time ago the Corps told the city to clean out the stream from the John Day River to the
2 city limits and to keep it clean. Marvin Casebeer said the city should contact the Corps
3 before doing anything just to be on the safe side. Mayor Delgado asked if Titus could
4 produce a copy of the agreement but he didn't seem to have knowledge of one. Hamsher
5 said the Corps moved the stream in 1969 and thought perhaps that was when something
6 may have been established. There was question of whether or not the property owners
7 are responsible for maintenance. Anna Bass referred to Chapter 16.44.160 of the city
8 code "Maintenance of streambeds and channels:"

9
10 Riparian property owners are responsible for maintaining the stream bank
11 and channel to the centerline of the stream unless relieved from the obligation
12 by the governing body. Relief from the obligation must be in writing and
13 signed by the designated local official.

- 14
15 A. Keeping stream banks and channels clear of vegetation
16 and other objects that could produce or enhance the
17 damaging effects during periods of high water.
18 B. Keeping stream banks and channels free of buoyant
19 materials that could damage downstream structures,
20 block culverts or otherwise restrict the passage of
21 floodwater.

22
23 A footnote to the above states: This section is designed for small streams not regulated
24 by the federal government (e.g., Corps of Engineers).

25
26 Discussion followed as to the problems affecting the stream and who has control over the
27 waterway. It was agreed that the Corps should be contacted to see if there is, in fact, an
28 agreement with the city and to determine who has authority to work on it. **The city
29 recorder was directed to contact the Corps and the Mayor said he would like to talk
30 with them as well.** It was determined that Sarolta Sperry, Jim Hamsher, Elmer Lippert
31 and the city own the adjacent properties being affected.

32
33 PARC: Mayor Delgado recognized Stan Foster of PARC (Public Affairs Research
34 Consultants.) Mr. Foster explained that he has been hired by the county to prepare grant
35 applications to finance the renovation of the (county owned) Depot Building that houses
36 the (city owned) DeWitt Museum. He said \$82,088 is needed to complete the work and
37 identified four potential funding sources, two of which he hoped the city would consent
38 to being the applicant, the other two would use non-profit organizations such as GPCCA
39 and the Genealogical Society as applicants. He stated that Grant County would be the
40 fiscal agent, receiving the money, administrating the grant, reporting, managing the
41 expenditures and monitoring the work. He said the reason the county is not being shown
42 as the applicant is because they are committing \$35,000 from the State Parks that could
43 pose a "challenge" since those funds cannot be used for such things as museums and
44 fairgrounds. It was noted that the Genealogical Society has declined to serve as applicant
45 on the grants and Foster said he planned to contact GPCCA to see if they would. He was

1 directed to turn around and meet the president of GPCCA, Sarolta Sperry who was sitting
2 behind him. He said he had mistakenly thought Linda Harrington was the president.

3
4 The question of what kind of liability the city would have by serving as applicant was
5 asked. Foster said they would be using the city's legal authority. He said the funds
6 would go through the county's budget and the city would be a "silent partner." It was
7 questioned as to whether the city could be held liable for the county using the State Park
8 funds inappropriately. Foster indicated the county would be liable. Foster was asked
9 why they don't write the grants to reflect renovation of the Depot Building instead of
10 referring to it as the DeWitt Museum. He said the strategy is to show a partnership and
11 that preserving the building is being done in order to preserve the artifacts. Debbie
12 Letosky said that when she wrote the original grants to restore the building they were
13 denied because there was no involvement by the county to maintain the building.
14 Discussion went back to saying that the city will not be responsible for matching funds or
15 reporting and that the county can't be the applicant because of issues surrounding the
16 State Park funding. County Judge Dennis Reynolds explained that the funds are
17 restricted to use for the development, acquisition and maintenance of county parks and
18 that museums are specifically exempt from use. He said they are calling the park "an RV
19 Park with a Railroad theme." Foster admitted that they are using a "convoluted"
20 approach in writing the grants. The Council was concerned about what liability the city
21 would have and they were told that it is the county that is walking the fine line, not the
22 city. Foster said the grant money would go through the county's budget, not the city's.
23 He also said the applications have been drafted and are ready for review.

24
25 The council raised the question as to the ethics liability of signing on when they are
26 aware of the inappropriate use of funds. Jim Hamsher said he didn't see an ethics
27 problem and made a motion to have the city serve as the applicant and review the
28 application but there was no second. There was more discussion and Mike Springer
29 recommended that the city not consider serving as an applicant at least until they have
30 reviewed the applications. Dennis Reynolds noted that the county had not even reviewed
31 the applications and that he would have to approve them before submission anyway. It
32 was agreed that Foster should fax the applications to the city and that the council would
33 discuss the matter further at the next meeting. Stan Foster said he would be in
34 attendance.

35
36 Planning: The council was informed that a hearing date needs to be set to hear the Gill
37 appeal. It was agreed that the City Recorder would contact them to see what date worked
38 the best.

39
40 Public Safety: No Report

41
42 Abatement: The council recognized a written complaint and photos from Donna Becker
43 on the Larkin property located at 1126 S. Johnson. Discussion followed. **MSP: To**
44 **have the abatement committee inspect the property at 1126 S. Johnson, Anna**
45 **Bass/Mike Springer.** The committee members present agreed on inspecting the morning
46 of the 20th.

1 Landfill: A written report was turned in. Bob Titus said the road needs to be rocked and
2 would be getting some quotes on gravel. He was told to take it up with the public works
3 commissioners instead of bringing it back to council in order to move forward. He was
4 also told there is sufficient funds to purchase the rock.

5
6 7:05 Roger McKinley arrived.

7
8 Public Works: Bob Titus said they had another seal-fail problem at the main lift and
9 booster stations but didn't know if it is a pump failure or seal failure. He also said the
10 building and aeration chamber are being moved from the sand filtration test site. Mayor
11 Delgado said he would like him to keep a photo journal of the water project (before and
12 after) and suggested the city purchase a digital camera. It was agreed that he could use
13 the one from the police department in the interim.

14
15 The subject of the A-Plus Striping proposal was addressed again, and again no one had
16 contacted Ken Purnell with his or her questions. There was discussion of whether or not
17 to enter into a year-to-year or five-year agreement. Bob Titus was asked if he budgets
18 specifically for striping. He said he does not. Jim Hamsher didn't recommend entering
19 into a contract in case the city doesn't need the service. Bob Titus recommended leaving
20 it the way it has been in the past (multi-year) as it has worked out well. It was agreed
21 that the contract should be multi-year and for a price per foot based on width and length.

22
23 Well Drilling: It was noted that the well driller had begun drilling and had hit water at 85
24 feet but that he was having difficulty pumping it out and would have to case the hole.

25
26 Bob Titus referred to a project sheet that included water, sewer and street improvements
27 and asked permission to go out for bids. It was noted that the DEQ has reviewed the
28 portion considered sewer line rehabilitation that would be covered by additional loan
29 funds and has given their OK. **MSP: To have Sisul Engineering put the project up
30 for bids, Jim Hamsher/Anna Bass.** Roger McKinley instructed Titus to keep him
31 informed of the progress of the project.

32
33 Office: **MSP: To pay the bills, Roger McKinley/Mike Springer.**

34
35 Museum/Depot Park:

36
37 Property Development: Mayor Delgado said the Property Development Committee had
38 met twice and that Sandy Murray would be asking the department heads and rural fire
39 department for input regarding long and short-term needs. She is also going to contact
40 Leonard Wolf to see if he will check out the electrical problem. Bob Titus was instructed
41 to pull the wiring from the old pumps and light supports. He also noted that the bays
42 were to be cleaned and that surplus equipment would be advertised for public bid the next
43 week. It was stated that the primary use of the building would be for storage until a long-
44 term design is determined.

45
46 Resolutions/Ordinances:

1 7:30 p.m. Other Business:

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3 The request by Mark Fritch to have the streetlight at 13th & Hall decommissioned was
4 considered. His request noted that the light shines in his windows at night. It was noted
5 that it is a very dark corner and that the next light is 2 blocks away. A suggestion was
6 made that perhaps the light could be modified to not shine into the windows. Dave
7 Welch said he would contact OTEC to see if anything could be done.

8

9 The council was reminded to attend City Hall Day on October 14 at the Elks Lodge in
10 John Day. The event is being hosted by the City of John Day. Jim Hamsher, Diane
11 Clingman, Lance Delgado and Mike Springer all expressed interest in attending. Mayor
12 Delgado said it would be OK to close City Hall in order to allow the City Recorder to
13 attend since Lyn McDonald will be attending a training session that day.

14

15 Mayor Delgado said he had instructed all the employees to attend training in Baker City
16 on September 28 on the "Top 20 Ways Supervisors Get Sued." It was noted that the
17 office would be closed during that time to allow Lyn and Diane to attend. He said
18 Georgia Patterson would be staying behind to allow Bob & Chris to attend. It was
19 recommended that someone from council should attend as well since the 5th attendee
20 would be at no charge. Jim Hamsher said he would attend the training.

21

22 7:35 p.m. Executive Session:

23

24 Mayor Delgado announced the council would be going into executive session with the
25 following: The City council will now meet in executive session for the purpose of
26 hearing charges or complaints against an employee pursuant to ORS 192.660(1)(b).
27 Representatives of the news media and designated staff shall be allowed to attend the
28 executive session. All other members of the audience are asked to leave the room.
29 Representatives of the news media are specifically directed not to report on any of the
30 deliberations during the executive session except to state the general subject of the
31 session as previously announced. No decisions may be made in executive session. At
32 the end of the executive session, we will return to open session and welcome the audience
33 back into the room.

34

35 8:35 p.m. Council came out of executive session.

36

37 Jim Hamsher reclused himself from voting or further discussion in regard to the issue.
38 Mike Springer asked what the next step would be. Mayor Delgado said the council needs
39 to protect the concerns of the Kells and others. It was agreed that the Personnel Policy
40 should be reviewed for options. Kim Kell asked what would become of their robbery
41 case. Roger said it would be turned over to the State Police or Jim Wood. There was
42 discussion of having a meeting with Dave Welch regarding the complaint and it was
43 noted that the soonest a meeting could be held would be Friday. It was agreed that a
44 special meeting with an executive session should be held Friday at 6pm. Mayor Delgado
45 said he would contact the city attorney and district attorney about the personnel issue.
46 Mike Springer suggested talking with the DA about getting Kell's robbery case turned

1 over to the OSP now. Lance said he would do it pending a meeting with Dave Welch.
2 **MSP: To contact the DA's office and have Kell case turned over to OSP**
3 **immediately, Anna Bass/Mike Springer.** Jim Hamsher abstained.

4
5 9:37 p.m. **MSP: It was moved and seconded to adjourn the meeting.**

6
7 Respectfully submitted:

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9 _____
10 Diane Clingman, City Recorder

Approved this Date: _____

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12 _____
13 Lance M. Delgado, Mayor