

1 CITY COUNCIL MEETING

2
3 November 10, 2004

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5
6 Attended: Lance Delgado, Mayor
7 Marvin Casebeer, Councilor
8 Mike Springer, Councilor
9 Jim Hamsher, Councilor
10 Anna Bass, Councilor
11 Karen Jacobs, Councilor
12 Diane Clingman, City Recorder
13 Bob Titus, Public Works
14 Jim Wood, Police Department
15 Joe Hitz, Sisul Engineering
16 Sandy Murray, Property Development Committee
17 Linda Harrington
18

19 Mayor Delgado called the meeting to order at 6:00 p.m. The roll was called, Roger
20 McKinley being absent. The pledge of allegiance was recited. The minutes of the
21 October 13 and October 27, 2004 meetings were considered. **MSP: To approve the**
22 **minutes of the October 13 and 27 meetings, Marvin Casebeer/Jim Hamsher.**
23

24 The Council recognized Sandy Murray of the (Texaco) Property Development
25 Committee. She said she was in attendance to update the council on the findings of the
26 committee and reiterated that the purpose of purchasing the property (as per the May 18
27 council meeting) is to provide for expansion of city hall and the fire department,
28 additional parking and possibly a visitor's center. She explained that the committee had
29 met and toured the property as well as city hall and the fire department to assess current
30 conditions. The committee also solicited letters from each department and the rural fire
31 board asking them to outline short and long-term needs for workspace. She said she has
32 not yet received input from the police department or rural fire board, but that the needs of
33 the office and public works department are certainly valid. She said that Georgia
34 Patterson had provided information on the water and sewer service to the property and
35 that the water lines are a mess. Leonard Wolf had checked out the wiring and said that it
36 did not appear that it would be very costly to get it up to snuff. The heating system still
37 needs to be checked out. Mrs. Murray said it had been suggested that a short term
38 solution to the over crowding in the fire department would be to store non-essential
39 equipment and the two older fire trucks in the bays, however, the heating system would
40 have to be functioning in order to store the trucks. She asked the council what the next
41 step should be and it was agreed that there needs to be an agreement on the use.
42 Discussion followed as to whether or not the building should be added on to, remodeled
43 or removed. The mayor recommended looking at the big picture, developing a long-term
44 plan and doing the project in stages. It was noted that money has been budgeted to
45 provide for grant writing, but that much work must be done to develop a plan before

1 application can be made. Discussion followed about getting the building usable in the
2 short term, however it was noted that no money has been budgeted to work on the
3 building in this budget year. It was agreed that the building can be used for short-term
4 storage and that any uses should be documented.

5
6 Planning: It was noted that at the public hearing regarding the Gill's greenhouse the
7 council had questions about the recommendation made by the city's attorney. Lance
8 Delgado said he had not made contact with the attorney to get the issue clarified. It was
9 noted that the issue got down to whether or not the city would move the right-of-way to
10 accommodate a legal set-back, but it was noted that moving the right-of-way for one
11 person is not a good idea. The recorder said that Lyn McDonald had not yet had a chance
12 to complete the minutes of the hearing, but did document the motion made by the council
13 and gave them each a written copy. It stated, "A motion was made that contingent upon
14 clarification of Michelle Timko's letter, we approve the 6' setback on 4th Street and 12'
15 setback on Johnson Avenue. MSP: Jim Hamsher/Mike Springer." A copy of the
16 attorney's letter was attached. The mayor said they had also discussed the parking issue
17 and expressed a preference that parking be limited to 4th Street. It was noted that the
18 council still needs clarification of the Waiver of Remonstrance suggested by the attorney.
19 It was generally agreed that they are in favor of having the attorney draft the waiver but
20 that clarification is needed on the easement and that parking should be addressed in the
21 waiver and that the easement goes with the property as well. The recorder asked if the
22 Gill's would be held accountable for the costs incurred by the city for legal advice and
23 notices since they did not follow the proper channels in the first place by not consulting
24 the city to obtain zoning approval prior to constructing the building. She was instructed
25 to check on the legality of charging the Gill's for the associated costs.

26
27 The recorder told the council that although she had not received official notice from the
28 planning commission, they would be addressing two recommendations from them, one
29 for vacation of a street and one for vacation of an alley. The process requires
30 advertisement for 2 weeks in the newspaper, public posting at the site and a public
31 hearing. Due to the notice requirements, the soonest the hearing could be held is
32 December 8, however, information will be made available to the council prior to that date
33 so they may get their questions clarified ahead of time.

34
35 6:45 p.m. Public Safety: Jim Wood recited the police log and noted that the department
36 would be helping out at the OSAA State Playoff game being held at the high school on
37 Friday night, November 12. He said the new regulations regarding expanded 20 mph
38 zones around schools is being complied with and that he instructed Bob Titus to order
39 additional signs. He also addressed the approval of speed zone changes west of town by
40 the state. Mayor Delgado asked about getting the 40 mph zone east of town extended
41 past the Confederated Tribes office. Officer Wood said it would need to be approved by
42 the state and that he would look into it.

43
44 The council addressed the issue of establishing a committee to research options for police
45 services. Anna Bass said that Larry Bass has agreed to be on the committee, but that
46 Gordon Larson said he can lend technical assistance only. Wanda Winegar and Kevin

1 Purnell both have declined. Mike Springer said possibly Johnnie McHatton would be
2 interested.

3
4 Abatement: Jim Hamsher and Mike Springer said they had independently inspected the
5 Larkin property. Hamsher said the house is about half torn down. There was discussion
6 of what the next step should be and though it was agreed that some progress is being
7 made, it was also noted that the council must keep after the owner to continue. It was
8 agreed that a letter should be written to Ms. Larkin instructing her to submit a plan for
9 cleaning up the property that includes a reasonable timeline. The council instructed that
10 the plan be submitted to them by November 22, 2004 in time for the next meeting.

11
12 **The subject changed to the next meeting date of November 24 and it was noted that**
13 **a number of members would not be in attendance. It was agreed that the meeting**
14 **date would be changed to Tuesday, November 23, 2004.**

15
16 There was discussion as to whether or not the city has ever actually gone in and abated a
17 property. It was noted that the process has not been followed through before and that it
18 would require legal steps as well as working out the logistics of who (public works?)
19 would have to do it and how. It was agreed that the city would rather try to work with the
20 violator(s) to remedy the problems themselves if at all possible.

21
22 7:05 p.m. Landfill: A written report was received by the council. Bob Titus reported
23 that the road has been rocked.

24
25 Public Works: Bob Titus reminded the council he still continues to have problems with
26 the wastewater pumps. Mayor Delgado said there had been discussion some time back
27 about holding the general contractor responsible per the contract and asked where the city
28 was in the process. It was noted that Titus, the attorney and the engineer had met at one
29 point. Mayor Delgado was reminded that the last time he had spoken with the attorney
30 she had indicated that the information provided to her by Titus was sketchy and
31 inadequate. There was discussion of what to do, but Marvin Casebeer reminded the
32 council that they had already made a decision to move forward with legal action and they
33 just need to follow through. There was also question as to who is responsible for making
34 sure it is followed through. It was noted that it is Bob Titus's department and that he
35 needs to stay on it. He was instructed to tell the attorney that the council wants legal
36 remedy. Mayor Delgado said the attorney had said he should document discussions with
37 the engineer and contractor. Titus said he had been. Titus was told that if the attorney
38 has any questions she should contact Jim Hamsher. There was question as to whether or
39 not the city has signed off on the contractor's bond, however no one could recall doing
40 so. Since the system has had problems almost from the beginning it seems unlikely. It
41 was agreed that it should be checked in to. Titus was instructed to get an update from the
42 attorney to be presented at the next meeting.

43
44 Titus said Steve Ellison had approached him about storing old cars at the lagoon site for
45 eventual crushing but Titus didn't know whether or not the DEQ permit would allow it.

1 He was instructed to call the DEQ and find out. It was noted that the rock pit is still a
2 good possibility once the once the logs are removed.

3
4 **It was moved and seconded to add the bid award for the 2004 Utilities and Street
5 Replacement/Repair Project to the agenda, Mike Springer/Karen Jacobs.**

6
7 The council considered the bid tab provided by Sisul Engineering. Dice Construction,
8 Inc. was the apparent low bidder at \$243,918.84. Sommer Construction, Inc. bid
9 \$292,618.00 and Winegar Excavating, Inc. bid \$244,462.80. There was discussion of
10 why the bidders charge different amounts for the same work. **Anna Bass made a motion
11 to award the bid to Dice Construction, Inc. in the amount of \$243,918.84. Jim
12 Hamsher said he would just rather go with a local contractor. Anna Bass noted that
13 the city must have concrete, documentable reasoning not to award to the lowest
14 bidder. Mike Springer seconded the motion. The motion passed, Karen Jacobs,
15 Mike Springer, Anna Bass. Marvin Casebeer and Lance Delgado voting in favor,
16 Jim Hamsher opposed.**

17
18 The optional work portion of the bids was discussed and it was noted that the city did not
19 need to make a decision right away. The work includes the sidewalk and ADA ramp in
20 front of city hall and can be added as a change order. There was also discussion of the
21 possibility of selling personalized bricks to be installed in the sidewalk portion. It was
22 mentioned that the City of Elgin had recently done something along that line and the
23 person to contact would be Bill Searles. Mike Springer volunteered to contact him to get
24 information.

25
26 Well Drilling: Joe Hitz reported that when things dry out a final test well be performed
27 on the newest well. The preliminary test showed 80 gpm. There was question of whether
28 or not the broken off piece of equipment will pose a problem with developing the well
29 but Hitz said it is now covered with 50 feet of dirt and would not. The likelihood of
30 drilling another well at the Coombs site was also discussed and it was agreed that Bob
31 Titus and Joe Hitz should contact him to get approval and work out the details.

32
33 **Accounts Payable: MSP: To approve the accounts payable for October and
34 November, Anna Bass/Mike Springer.**

35
36 The council considered the accrual report that includes comp time and holiday hours and
37 it was noted that Officer Wood is over the holiday hour limit by 21 hours. Mayor
38 Delgado reminded the council that the attorney said they have to stay on top of the
39 accrual of hours and maintain control in order to limit the city's liability. Officer Wood
40 was asked how he plans to reduce the hours and he said he would use them during elk
41 season. It was also noted that the county and state would be increasing their patrols in
42 Prairie City during that time to maintain coverage.

43
44 Museum/Depot Park: Karen Jacobs asked if anyone had talked with Nadia Schultz about
45 her plan to move the contents of the museum and if she had found anywhere to store
46 them. Anna Bass said it was brought up as a possibility and the council asked if they

1 would consider it. If the county doesn't move forward with the renovation of the
2 building it was agreed the contents should be moved in order to preserve them.
3
4 7:50 p.m. Mayor Delgado said he did not want the council to lose momentum on the
5 mission and goals project and asked for suggestions for another date for a workshop.
6 They agreed to meet Wednesday, November 17 at 6 pm for a one-hour workshop. Mayor
7 Delgado agreed to act as facilitator since Bill Harrington is no longer available.

8
9 The city recorder reminded the council that thank you notes need to be sent to Ken
10 Primrose and Shannon Springer for helping with the public meeting, the Grange for use
11 of the building, and Bill Harrington for facilitating the workshops. She said she could
12 send out letters but thought something from the council would be more appropriate to
13 recognize their assistance. She also asked that they consider making a donation to the
14 Grange for use of the building as they are in need of money to make repairs and did not
15 charge the city for using the building. Marvin Casebeer said the usual fee charged is \$75
16 and the council agreed to send them a donation in that amount. It was noted that the
17 council had also mentioned recognizing the fire department for their efforts and they
18 asked what might be appropriate. The recorder said they could start by attending the
19 appreciation dinner being held the following night at the Grange to honor police, fire and
20 emergency services personnel. Mike Springer volunteered to attend and say a few words
21 on behalf of the city.

22
23 Mike Springer said the web site is up and running and there was some discussion of how
24 to get the minutes of the meetings posted on the site. It was suggested that they might
25 have to be posted on another site with a link added to the main site to access them. There
26 was also discussion of posting copies of approved minutes at the post office so the public
27 could have access to them without coming into city hall. It was suggested that they be
28 copied double sided to save paper and to start with 10 copies.

29
30 8:10 p.m. It was moved and seconded to adjourn the meeting.

31
32 Respectfully submitted:

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34 _____
35 Diane Clingman, City Recorder

Approved this Date: _____

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37 _____
38 Lance M. Delgado, Mayor