

CITY OF ELGIN  
COUNCIL MINUTES FOR APRIL 09, 2013

COUNCILORS PRESENT -           Brent Linville . Mayor  
                                          Scott Abernethy                   Chris Boylen  
                                          James Brainerd                 Allan Duffy  
                                          Dick Miller                       Kathy Warren

ABSENT .

Call to Order

The meeting was called to order at 7 PM by Mayor Brent Linville with the salute to the flag.

Approval of Minutes

The Mayor called for approval of the minutes of the meeting of March 12, 2013. Councilor Warren moved to approve the minutes as presented, with Councilor Brainerd as second. The vote was unanimous for approval, motion carried. The Mayor called for approval of the work session minutes of the meeting of March 26, 2013 with a correction of adding to the minutes that notification of rate increase be put on the water bills. Councilor Duffy moved to approve the minutes as presented with a correction with Councilor Miller as second. The vote was unanimous for approval, motion carried.

Supervisors Reports

The Mayor called for the supervisors reports.

Police: Union County Sheriff's Office . Deputy Pointer    Councilor Duffy wanted verification of the traffic citations are going to the municipal court. Deputy Pointer verified three (3) citations had gone to Elgin Municipal Court. Sgt Nafziger, Sgt Pallis, seven deputies and two reserve deputies contributed hours to the total for the month. These hours and activities do not reflect all of animal control and all of civil. The statistics sheet enclosed with the statement reflects the activities for the Sheriff's Office. Activities include: Traffic patrol, school patrol, extra patrol, follow up on reports, report of criminal mischief at the health clinic, drug activity information obtained, assisted medical, juvenile cited for harassment, missing person investigation, attempt to locate crash victim, report of harassment, report of a hit and run, report of criminal mischief-individual trespassed, vehicle pursuit that ended in an arrest, investigated a harassment, report of a burglary and theft, report of two suspicious persons in north Elgin, report of two intoxicated males calling 911, unfounded report of a burglary, assisted P & P, arrested one for Probation Violation, report of a possible trespass, report of a verbal domestic report, options given for civil situation, report of a hit & run, 2<sup>nd</sup> vehicle pursuit that ended in an arrest, one arrested for Assault IV, report of a theft of a chainsaw. HOURS: 341.5, CRIM. CITATIONS: 1-Juvenile, TRAFFIC CITATIONS: 4, WARNINGS: 3, ARRESTS: 3, CALLS FOR SERVICE: 31, FINE: 2, WALK-INS: 0, REPORTS: 6, TOWS/IMPOUNDS: 0, OTHER: 12

Ordinance: Mike Little reported that he had 7 dog complaints which two (2) were cited; two (2) residences that had trash/debris. He went and talked to the residents and they cleaned it up and took care of the problem. Councilor Boylen asked if Mike had talked to any groups to help senior citizens/handicap citizens with ordinance problems. Mike said that Councilor Abernethy

was also working on that. Councilor Abernethy stated that the Elgin Ministerial Association is working on a plan.

Public Works: Dan Larman reported no injuries/accidents, patching potholes as weather permits, had two air relief valves that went bad over the winter. One is on the end of 14<sup>th</sup> and the other is in front of Elgin Boot and Saddle. Working on replacing both valves; Sidewalks and streets are both swept; working on the RV Park to open up; Todd Sannar attended the Eastern Oregon Short School over in Pendleton and now is caught up on his CEU\$. An additional 3,000 feet of sewer line has been jetted; our water and sewer samples are on schedule; the in-flow at the treatment plant is still normal; tearing apart snow plows; there is a Consumer Confidence Report (CCR) that is coming up here in April. This is information for the past year on the water system. And for those of you that look at the bills, we have special water samples that are done every three (3) and five (5) years. 2013 is the year for the more expensive samples. All the shipping containers and bottles are bought and the sampling should be done around September. Please remember it will be expensive.

Library: Theresa Chandler reported that a communication letter from the library board was in your packets. There is nothing else to report.

Ambulance: Travis Perkins reported that they just completed run 64. The grants have been sent out for the MTB Classes and should hopefully hear back by the end of the month. Travis handed out packets to the council. Back in January 2013, we talked about a stipend raise. The first page in your packet is a proposed rate increase to get us up close to other ambulance agencies as far as price wise. Attached in the packet are income statements, the budget position for February and March 2013 and then a run history and costs for the previous years and on the back of the page a projected run history and cost with the proposed increase. I am asking that you look at the proposal and get back with us. The last thing I have is if the council has made a decision on the stipend raise? Travis asked if the budget meeting was this Thursday and Mayor Linville stated, yes. Travis stated that he knows this packet is a lot to take in but he had hoped that they wouldn't have to wait till the next meeting. He also stated some of the ambulance crew met with the councilors and heard that went well, so thank you for that. Mayor Linville said they would look at the information. Travis asked, will this probably have to come first before the stipend increase? Mayor Linville stated, most likely.

Municipal Court: Martin Birnbaum- report submitted.

Administrator/Recorder: Terrie Richards- nothing to report.

Citizens to Speak on agenda items . None

#### Committee Reports

The Mayor then called for the committee reports.

Opera House: Friends of the Opera House . Teresa Shaffer reported that they have moved most of the costumes into the jail. They are not all hung and organized yet. Grease opens Friday but the schools are invited to watch a dress rehearsal on Thursday. They will be

continually working to get the costumes organized and put away. Tours are done whenever someone calls and arrangements are made to meet with them. Mayor Linville stated to Teresa that on the front of the building there are two light bulbs that have been out for a very long time and would like to see them replaced so it makes a nicer statement when people come to see the Opera House or play.

Administration: Councilor Abernethy and Councilor Boylen: Councilor Abernethy reported that the bills and bank statement have been reviewed.

Public Safety: Councilor Miller and Councilor Duffy. Councilor Miller met with the Sheriff here in the last few days about more officers coming on here in mid month but this officer is on maternity leave. He will be our new DARE Officer but has to go to DARE school. So we'd say mid-month or a bit later. Councilor Duffy attended the ambulance meeting and they are going over budget. Ambulance members along with Councilor Abernethy, Mayor Linville and Councilor Duffy met to go over budget issues. They will be presenting more information on Thursday at the budget meeting.

Public Works: Councilor Brainerd and Councilor Warren. Councilor Brainerd reported that he met with Dan this afternoon and discussed on what Dan reported on in his report. The public works received a load of coal patch to do pot holes, relief valves are going to be addressed and the work they are doing at the RV Park are that they are removing the railroad ties. One reason is that a patron ran over one and it smacked his RV and when the kids or patrons that walk on the ties they have creosote on their shoes and track it into the RV's. Mayor Linville asked how the job descriptions are coming along and Councilor Warren stated that she is typing them up.

#### Old Business

Mike Barry from ODOT was present to discuss the Safe Routes to School. Ken Patterson came to the council when this was first discussed. This project is for Four Hundred Ninety-Five Thousand (\$495,000) dollars which goes through a fairly competitive process in the way those are selected. Your school district did some of the front end work. At some point it switched location on me when Laura was still here. My job is to get the consultant on board and they are HPR which are subcontractors for Anderson Perry. I negotiated their PE Costs, so the PE Phase of the project is when they design it. Liesel came back from a meeting with AP and said there was a lack of direction in terms of what the scope of the project is. Unfortunately, we are too far down the road to have a scope issue on a project when they are out there surveying. Consultants are busy folks and expensive so if we go and spend a whole bunch of work up front in the wrong location you're eating up monies that you could be putting in concrete and sidewalks. I have told her to stop until we have got this firmed up a little bit on the location of the project and how it's going to look. When Ken talked to me, he told me you talked about a 12th street option, a 10th street option and a halo option. The halo option really isn't something that would have competed well in that process. Halo process is sidewalks along Baltimore Street, up 10th and 12th and along Detroit Street. I am willing to consider your 10th or 12th street options, either one. I think they both have some merit and some challenges associated with each one of them. The issue for me is the time. The longer the consultants are on board, the more money they are eating up long term. So basically, you have your 12th street route which some people felt that was a better route to get the kids from north to south to school and

back. The challenges with it are that the right of way is narrow and more likely to have right of way impacts in that route. It is only a 60 ft right of way and 10th street is an 80 ft right of way. It's a lot wider. So you're more likely to have those problems. You have a lot more driveway impact if you went up 12th street. So if you go up 12th, each one of those driveways would have an additional cost associated with building those in the project so your money doesn't go quite as far if you do that. The right of way issue would add another phase to the project so the way federal projects work is, you do the design and then you do the right of way. You can't do them at the same time because of federal rules. So that lengthens out the process time plus I would have to involve my right of way unit in helping getting that done. What this does is it subtracts from your concrete down the road if you want sidewalks. Your 10th street option is still a pretty good option and gets people from North to South and like I said it has a wider right of way. So you're likely not to impact any of the properties directly. So you wouldn't be taking the right of way. The one issue we might have is the culvert. It may be a little narrow. I looked at it, measured it and I think there is a way around that. But Leisel at Anderson Perry will have to play with that to see what she can come up with. Either way, it sounds like you have had a lot of input. So it really is your project and your decision to make on how you're going to move forward with it. There is one other option that wouldn't be nearly as appealing. You have got one of the last 100 % funded Safe Routes to School Projects. All future ones are going to have a 10.27 % match and that is based on a formula on population which goes state by state. If you were to not do the project, unfortunately we have completed around twenty five thousand (\$25,000) to thirty thousand (\$30,000) dollars (not the exact number) worth of work and what the Feds say is that if you don't build it, then you have to pay that back. So your no build option would cost you money. So those are the three options that I heard you have that I think you could move forward with our process. In terms of dates the right of way certification date, if we were to have right of way, is December 29th of this year (2013) that we have scheduled. What that means is that the right of way agreements are written and my right of way agent certifies that right of way is correct. The feds want to see that. So that means we have to have the design done and move onto that right of way phase and get any right of way and there isn't any budget therefore I would have to do a project change request if we did have any. It's not that long in terms of negotiations and the amount of time you have legally to get right of way so that is a concern of mine. Our PS & E, which means plans and specs, date is February 20, 2014 is the target date and the bid date is April 15, 2014. That schedule is pretty doable. If we had to compress that right of way and move it out. It takes awhile by the time they get the plans, specs and estimate done and into Salem for them to advertise to get that job out. That is usually six (6) weeks. Therefore that'll give us three (3) weeks to get it out to the street and three (3) weeks to get the documents out. So my concern for the City of Elgin is (A) we're going to use up a lot of the money in engineering and (B) you're going to get really compressed for time at the end and may have less of a project for you when you're done. Some options to move forward is to vote on those two issues if you think you have enough information. One thing Terrie and I were talking about is we could do an open house but we've got to tell you that work was done by the school early on. If I could get some kind of process to move forward by the middle of next month, Leisel can get her crew back out here and start surveying the spot where you're going to build so we can move forward with the project. Mayor Linville asked, so if we change plans from the original 10 th street plan, how much are we losing? Mike Barry stated so let's say those driveways were an extra two hundred fifty (\$250) dollars each. So I heard that on 10th street it has an approximate 7 or 8 driveways and on 12th street has 25 plus and then

you have to negotiate with each and every one of those property owners if you need a construction easement because once you get out near that right of way line anytime you go onto that property in order to build then you have to have an easement from that person to enter that property to do the work. That is very time consuming and costly. Those process times are very expensive and that can cost you another sixty, seventy (\$60,000/\$70,000) thousand dollars in getting just all those easements done. Councilor Duffy asked, rough estimate, how many feet of sidewalk in the end would you estimate it to be. Mike Barry stated, you have enough to go all the way up 10th Street and do some connections the way it was originally designed. If you go up 12th street, those additional costs for right of way easements and everything else are going to cost you both time and money. Therefore it will subtract from the amount of work you have to do. Another issue you have on 12 th street that I forgot to mention is that you have a bridge there. Leisel was wondering, how do I get around this bridge? Do I widen the bridge? Do I build a wooden foot bridge on the side of it? All those issues are more engineering time and will cost you money. Councilor Miller asked, we will have a similar issue on 10th, right? Mike Barry stated, yes a similar issue but with a rail, I think you can get away with just the narrowing up of the sidewalk for a very short distance to get around that. Councilor Miller asked, will we (inaudible coughing) add a section of culvert? Mike Barry stated, in logical terms, yes, in federal terms, no, because it's a stream. Once you start dealing with fish then your costs go way up in terms of the environmental work that they have to do to let you do that work with federal dollars. The federal rules are very strict on fisheries. Councilor Miller stated, you've seen something I've never seen in that creek and that's fish. Mike Barry states, you have to prove that aren't any. Councilor Abernethy asks, there was four hundred ninety-five thousand (\$495,000) dollars, right and out of that Anderson Perry is going to approximately use up one hundred seventy-five thousand (\$175,000) so that leaves us three hundred twenty thousand (\$320,000) dollars to do the concrete? Mike Barry states, you've got eighty-three thousand (\$83,000) dollars from preliminary engineering after I made the change. We had two thousand (\$2,000) dollars as a place holder in there for the right of way, which wouldn't begin to touch with what you would probably have to do on 12th street. And your construction budget would be four hundred nine thousand (\$409,000) and of that four hundred nine thousand the construction engineering piece of that for the consultant would probably run 12% of that so another sixty thousand (\$60,000). Richard Mackie asked, when the City of Elgin replaced that culvert, what did we do at that point in time? At the time they are going to be here working on it to extend that culvert, there won't be any water in it at all and when they replaced the culvert there was water in it. So what did we do with it then with DEQ and Fish and Game? Mike Barry states, if you go through that process at a local level you have a lot more flexibility then you do a federal level. As soon as you touch it with a federal dollar, the rules change. I don't know what the answer is at the end but I do know the process to get to that answer is costly. Mayor Linville asked, what would happen if that was taken care of before you started extending the culvert? Would there be any ramifications we would get? Mike Barry stated, I don't know the answer to that exactly. But you are in a project area that the feds know about. So if they found out you were doing that work during the time the consultants were out there, it could come back on me. City Administrator, Terrie Richards asked, Are you asking for a decision tonight? Mike Barry stated, I am asking that you consider making a decision tonight but if you feel you don't have the information that you need to make a decision then we need to develop a process for where we can make one next month. If you do feel like you have enough information, by all means. Councilor Duffy asks, Dan do you have a recommendation? Public Works Supervisor, Dan

Larman states, I definitely think 10 th street is the spot for the sidewalks as you get more for your money that way. Councilor Warren asks, Dan are you talking right up at the top of 10th street or one block down where it's safer for the kids to cross? Dan states, I haven't even seen the design on it yet. Mayor Linville states, while we were asking options, from what he's telling us, we are going to lose if we go up 12th, they don't like the close H (Halo) pattern that we talked about for around the school. Councilor Warren asks, we'd get more for our money if we go up 10th street, is that what you're telling us Mike? Mike Barry states, I think you will get more square feet of concrete in the end. Councilor Boylen asked, have they figured out how to get them across 10th street safely? You can get them down but how are you going to get them across? Mike Barry stated, I believe the project ended up at the end of 10 th but if you want a crossing there, we can certainly look at that in the design. Councilor Boylen stated that the problem for these kids is the crossing of 10th as kids come from east to west. Terrie asks, so what you're saying is maybe a crossing at the park? Councilor Boylen, If they will obey the crossing, if we make them come down that far. What I'm saying is the problem is crossing 10 th street, that's the safety issue. Mike Barry asked, where would you want the crossing? Councilor Boylen, I'm not saying that's the solution, I'm just saying that's the problem, I'm not saying that the kids aren't safe coming down the street, they're not safe crossing the street where ever that may be. Whether it's down on Baltimore or Detroit or even Galveston, it's crossing 10th street that is the problem. Councilor Warren stated she believes it safer to cross at Galveston. Mike Barry stated that he could have Leisel look at a bulb out being placed there where they have less room to cross where they are better protected but where it's not so narrow that you can't pull trailers up the street. Councilor Miller stated if you go down to Galveston Street this way they are already a block away from that corner and that I think would be adequate. Then go down to the next street. Mike Barry stated these are relatively cheap solutions. Terrie Richards states that it's just paint on the road, correct? Mike Barry states yes, but crosswalks that aren't official school crosswalks are the responsibility of the city to maintain. We can have that conversation with Terrie and involve you if you wish and talk with Leisel and come up with some crossings with some background on where the kids cross. Councilor Miller asked, so I have one question, let's say we pave down to Galveston headed toward the school and we get halfway across in front of the Community Center and we run out of three hundred and some thousand dollars, do we call it quits? Mike Barry states in the engineering we will make sure that it connects because it's a route. Councilor Abernethy states that it looks like we have three hundred seventy-one (\$371,000) thousand dollars to work with. Kyle Boylen asked, what about the infrastructure there, the water and sewer lines. Mayor Linville, well if council decides that we want to go with original which would give us the most, then we need to have Dan look at that. Mike Barry states, it's also something your engineer will look at and map all of those water lines. Councilor Miller states not only that but I think what they are asking is if those lines are bad do we need to replace them before we put sidewalks down. Councilor Warren asks Mayor Linville, are you looking for a motion to approve the 10th street? Mayor Linville states, I'm looking to see if we are comfortable in making a decision so we can get this project moving forward. Councilor Warren states that she is comfortable with it. Councilor Miller states, the one thing I have a question on is if we are going to go through three hundred and some thousand dollars worth of concrete and we have to replace lines, do we have any money to put pipe across the street if we find a bad one? Mayor Linville, depends on how many feet we are talking. Okay, even if we agree and said yes right now for them to move forward, they're not going to begin work until a year from this June. And if we raise rates, we will have

something to cover that. Mike Barry stated that, you'd have a lot of conversation with the engineer and you will get to see that design as we go through that process. You will get to watch the project develop and see the layout and know where those are. I'd make sure from my end those communications happen. Councilor Duffy asked, do you have some preliminary designs on 10th street? Mike Barry stated, we have the original application from the school with a highlighted route of the design on a map. Councilor Abernethy states, I'm with Kathy, I'm more comfortable with 10th street with this discussion and the last discussion because it's put dollars and cents in front of us and what really needs to take place and also the issues that Dick brings up which we have also discussed with JUB at that time. So I think this is where it has to happen and we need to make a decision. Do we want another session or what do we want to do at this point? Councilor Boylen states, if anyone had any pull with Anderson Perry so we would know what those lines look like now so that Dan can get an estimate on what needs to be replaced. We are doing budget now and I'm not real comfortable knowing what we are going to have to put out for replacement, if any, of pipes until we kinda have an idea of where that is. Terrie Richards, City Administrator, states nobody can really estimate that and nobody knows what kind of condition those pipes are in under the ground right now. Dan Larman, Public Works Supervisor, states we do have some tv records of 10th street. Councilor Warren asked what kind of condition were they? Dan states, from what we can tell there is a little bit of manhole work that needs to be done. Raise one up and grout a couple of more. Terrie Richards states, that was sewer. What about water? Dan Larman states, I have no way of looking at a water line. Councilor Miller asked, do you have any idea of when that water line was put in. Dan Larman states, no. John Garlitz, JUB Engineers, quick question, comparatively the water and sewer impacts on 10th VS 12th, just in your estimation, is 10th less impact for water and sewer than 12th not only driveways but water and sewer as well? Dan Larman states, by far. Kyle Boylen states the water main was probably put in in the late fifties early sixties and runs on the East side. Sewer and drain run down the West side. Councilor Warren states, so it would concern us with the sewer and drain. Richard Mackie states, one thing you might want to consider with the water lines and not knowing how old they are is to put a sleeve in. So when it does go bad, you can dig on each side of the sidewalk, put your water line in and you're done. Councilor Warren, well we won't have a sidewalk on the same side of the street as the water lines are. It'd be on the opposite side. Richard Mackie asked, isn't the sidewalk going on the East side? Councilor Warren states, no it's going on the West side. Richard Mackie states, I thought it was going on the East side and then at the Community Center it was going on both sides? That was my understanding when I filled out the survey for ODOT. Terrie Richards states, that was one discussion. Councilor Miller states, I think we need to look and see what got on the maps. Councilor Warren asks Mike Barry, Does the design lay on just one side of the street on what you've got? Mike Barry states, part of it was on one side and part of it was on both sides but I couldn't tell you exactly where. Councilor Warren asks Richard Mackie, the other side you said was right in front of the Community Center? Richard Mackie states the other one is in front of the Community Center, yes. Terrie Richards, City Administrator, states I think it went up from Division to Detroit on both sides and then up the West side on 10th. Mike Barry states, one good thing about the design is separated sidewalks between the edge of the pavement and the sidewalk you'd have some space if you wanted to use that for a utility route of any kind. Dee Mackie stated, I was on that committee when we first started the Safe Routes to School and the original thing we were working on from the very beginning was the West side of 10th street all the way up. That was the original plans on the West side of the street. Mayor

Linville states, so what does council need to make a decision? Councilor Miller states, we need more information. Councilor Duffy states, I would like to know where the sidewalks are actually going to be laid so we can look at our city utilities. Councilor Miller states, I would like to have a work session. Councilor Boylen states we can have a meeting before the next council meeting too so we can see this stuff. Mike Barry states even early next month would probably be alright I just didn't want to burn up a bunch of your money (inaudible coughing) in the wrong spot. Councilor Miller states, I don't have a problem with 10th street, I have a problem with where the sidewalks are on 10th street. Mike Barry states, I can get a map for you. I'll have Leisel draw that up and I can give it to Terrie and she can distribute that for you. Terrie Richards, City Administrator, states, the application map, if that exists, I think they need a copy of the first actual application was. There was much discussion on when to have a work session. Mayor Linville states we already have an executive session on April 29, 2013 at 2 pm. We can set the work session also on that day. Mayor Linville stated as long as we have a map to look at before the meeting. Terrie states, Mike can e-mail it to me and I can forward it on. Councilor Duffy stated, it'll be a special meeting and not a work session. Mayor Linville said, yes, it'll be a special meeting. Mayor Linville states that we have set a special meeting for April 29, 2013 at 4 pm.

JUB Engineering: John Garlitz was present to inform the council that they resubmitted the Treatment Plant Upgrade for your operators for the Treatment Plant Operators of the Year at the Oregon Operators Conference. There was some pretty stiff competition. The City of Pendleton had an upgrade also but the City of Elgin won the Treatment Plant of the Year Award. This is the project that we have been working with your staff on for about two years now. The conference was April 1 - 3, 2013 and Todd Sannar attended and got to get the picture taken with the plaque. John reviewed the history of the WWTP. We had many violations from 2003 and 2005 and in 2006 you entered into an agreement with DEQ to figure out what was wrong. Eventually you ended up conducting a start up in January 2012 for about two hundred fifty (\$250,000) thousand dollars. You guys installed errateors to increase the circulation. The treatment plant is operating within its perimeters well. This was phase 1. Phase 2 is ongoing city improvements that the city staff is making in the collection system. Nicholas Hiebert from JUB stated he wanted to congratulate the city as there were approximately 50 cities at the conference. It's really neat to see you guys get that recognition and we were proud to be associated with you guys so, thank you for the opportunity. I also want to recognize Dan and his staff. The operations of your system, is 90% of who is doing it. You guys have great staff working hard to make that happen. That's one of your greatest assets is your people. It's not your pumps, it's not your pipes, it is your people. I have dropped off the final water sustainability analysis and the sewer rate evaluation documents. These documents are for you to go back and see where you were at, how are we doing and to see where we need to be. Mayor Linville states as a council we would like to thank Public Works for the work they have put into helping improve our system along with JUB.

Restructure of Committees: Mayor Linville stated he brought this up at the last council meeting for everyone to think about it. I did it to shake things up, get different eyes on different aspects. Councilor Duffy stated, well we just appointed committees in January. I don't have a problem with moving around for people to learn but some have only been on their present committee for three (3) months. Wouldn't this be better at least going six (6) months? Mayor Linville states,

yes we can. As a council, I'm trying to get as much work, digging, depth, information that I can get from all of you so I can see both sides of everything. Councilor Abernethy stated, I myself would like to stay where I'm at with administration because I'm learning the process of the city's finances. This is a big learning curve for me because I've never been involved in any city government. Councilor Boylen stated I think it would be wise to keep a two (2) and four (4) member team on each committee. Mayor Linville states when I was thrown on one of the committees and taught by someone else after the fact now, I just didn't have enough information. I wasn't asking the right questions that I learned later and not by the one I was being taught from. I understand some of what you're saying but having gone through and seeing the other aspects of different eyes on the same thing can give us more. I'm just trying to get as much participation that I can. Councilor Duffy stated, I hope just because we are on one committee doesn't limit us on our roles. I think if we're realizing that things are going on that we could crossover and sit in on meetings with the other committees. That will give us more experience as we approach. But I think we need to spend a little bit more time at this point and then later on make a switch. Maybe there can be a rotation where one person rotates off but that's just an idea. Councilor Abernethy stated, if I'm hearing Allan correctly, if somebody wanted to interact with me and Dick on safety as a sit in, that would be a possibility. But it would also help facilitate that person to understand in what it really is they're doing and get some new ideas. Then at another time rotate one person out. Mayor Linville stated well there are a lot of things that we need to get handled and we have to get them going somehow. Some people are doing a lot more than others. I know it can be a big confusion but if everyone is going to step up and continue to do more than they have been then I don't have a problem leaving it the way it is. I need commitment from the council to continue to move forward. Councilor Abernethy states, what you're looking from us is to interact with each other in other venues outside of what our designated responsibilities are? Mayor Linville states, in a lot of different things, we've brought things up, we've had things that needed to be handled, we've had time to work up to it and haven't done it, until the last minute. So if we can continue to start working on the items we need to be working on, because we have a ton of them, then we'll move forward. If not, then we need to shake it up and shake it hard to get everyone to working. Some are doing a lot more than others and we all have our personal lives but when we took on this obligation, I want to make the most of what we can do. Councilor Abernethy stated, not looking at past practices but future. Mayor Linville stated yes future. I want to see any positive steps to move forward to get our work done efficiently to see both sides of everything so we are not missing things, leaving stuff out, that's what I'm after and that's what we need. As long as there is only three of us, we can group up to learn more about what that committee is doing to give more insight to help. Because the more that see it and say it when we're in meetings discussing it then we have more options to see what our pitfall is or what can we get around. Councilor Abernethy asked how do you all feel about that suggestion about paring up or doubling up? Councilor Duffy stated I have no issue with it. In fact, we have many other areas that we all have interest in. In the ultimate end, we are all involved because the final decision comes to this table here. Councilor Abernethy stated so in the past it's just been a revolving door and no interaction. Mayor Linville states that's why I'm trying to get things to change. I want interaction so we can understand it better. Councilor Abernethy states, I think there might be some fear in that too. We are only talking about three (3) people getting together so then you're safe within that environment. So as long as we stay within those perimeters it's okay. Mayor Linville states, we will leave it the way it is for now and I will monitor on what is

happening. Councilor Brainerd states, you want more done. Personally, I could use some direction if I'm not accomplishing my goal therefore I would need some direction from you. Mayor Linville asked if Councilor Brainerd could meet after the meeting. Councilor Brainerd said sure. Polly Parsons stands up and says, Mr. Mayor before you move on to new business, I have the minutes from the March meeting indicating that you stated you would have further discussion this evening on the omissions from the February minutes. Mayor Linville states, we are not to that yet. Polly Parsons asks, is it on the agenda? Mayor Linville states, I have placed it in with the policy and procedures on the complaint form. Polly Parsons states, I don't think it has to do with the complaint form. I think it has to do with the minutes and the accuracy of the minutes. Mayor Linville states well that's where I planned on doing any talking for that.

### New Business

Stampeder's Association: Application for Property Tax Exemption.

Mayor Linville states this is a renewal for them to keep that status. What is the date for when we have to have this returned by? Terrie Richards, City Administrator, states on the application it says, the city has sixty (60) days to grant or deny the application. Give written notice to the county assessor and to the applicant. Sixty days of receiving this as you see was March 12, 2013. Mayor Linville states, we've got a concern. I don't see a problem with renewing this for them. My concern is we have asked for a long time for a document from them for the water and then we've never gotten. Terrie Richards, City Administrator, states, that is a whole other issue and I don't think you should hold that over their heads for this. Mayor Linville states, it's a whole other issue but then how are we going to get that document? Terrie Richards, City Administrator states, you know we can request it again but I do not believe you should hold that over their head for this. Mayor Linville states, I'm just asking council. I'm asking for ideas because we've been asking for years and we haven't gotten anything. Councilor Miller states, I would have liked to have seen a representative at least. Councilor Abernethy asked what other concerns are there, because I'm not privy to that. Mayor Linville states, the concern is that there was an agreement for water for the stampede grounds. They have said time after time that they have got a written document stating so and that it is suppose to be in someone's attic. We don't have a copy here. It's all hearsay because we've never seen it. And they were supposed to get it to us. Terrie Richards, City Administrator, states as a separate part of this application. It needs to be followed up on but it is separate from this application. The property use is Elgin Stampede's goal is to provide a quality professional rodeo in the local community to bring revenue and tourism to the community and to participate as an active member of the community. Annual Crab Feed, Steak Feed, Rodeo, local and surrounding communities use the hall for community events and meetings. They don't say no to anybody that I'm aware of. Councilor Duffy made a motion to send them a letter requesting that letter and if they fail to produce that letter then we'd act upon implementing water rates. Councilor Warren states, I think that's fair and give them so much time. Mayor Linville states well we need to address this first but I wanted to bring that up so we can discuss. Councilor Duffy states, I will withdraw my motion for the moment and I will make a motion to grant the tax exemption status for the Elgin Stampede's with Councilor Brainerd as second. The vote was Councilor Warren against and Councilor Brainerd, Councilor Miller, Councilor Abernethy, Councilor Boylen and Councilor Duffy for, motion passes. Councilor Duffy states now I would like to make a motion to send a letter to the Elgin Stampede's requesting the information we have requested from them and if they do

not comply within sixty (60) days we will implement water rates with Councilor Boylen as second. The vote was unanimous for approval, motion carried.

Complaint Form: Mayor Linville states, we have a complaint form that we've put in session here. We now need to figure out the policies and procedures on how we are going to address these complaint forms that we are getting. Councilor Abernethy asks, Mr. Mayor, did you get all that paperwork that I put in your box? Mayor Linville states, No, I did not. Councilor Miller states, when I looked at various websites, none of them are like our situation that I can find. But they seem to have a chain of command and so I basically would say in this situation it gets turned over to whatever department (inaudible coughing) and they deal with it and if they don't get satisfactory results from the complainant, then it comes to council and there would be so many days to respond to it. So if there is a complaint then we have ten (10) or fifteen (15) days to get an answer back to the complainant and then if that doesn't happen then it moves forward to council. Councilor Abernethy states, I would like to table this until such time you have had an opportunity to go through the things I've downloaded for you with Councilor Warren as second. Mayor Linville states, we will table this until the next meeting and I will look over all the documentation that you gave and I will get it to the rest of the councilors. In that same aspect, I didn't state it properly, I want to continue to work out the logistics of our website and the minutes. Terrie Richards, City Administrator, stated excuse me, you had a motion and a second but you didn't vote on it. Councilor Warren states, to table. Mayor Linville states, all those in favor of tabling the policy and procedures on the complaint form until next month. The vote was unanimous for approval, motion carried. Mayor Linville states having looked at other websites on city minutes I see one thing as it has been pointed out by other councilors looking at the green book, it could go more. If you look at our minutes from our last meeting it could go way more and cost a lot of time. There has to be a happy medium. Councilor Duffy states minutes and record keeping. The public meeting law requires a govern body of a public provide for sound, video or digital recording or written minutes of its meetings ORS 192.650 Section 1. The record of the meeting whether preserved in written minutes or a sound video or digital recording shall include at least the following information; members present, motions, proposals, resolutions, orders, ordinances and measures proposed in their disposition results of all votes and except for public bodies existing of more than twenty-five (25) members unless requested by a member of that body the vote of each member by name, the substance of any discussion on any matter in subject to public records law ORS 192.410 to 192.505. A reference to any document discussed at the meeting such references does not change the status of the document under the public records law ORS 192.650 Section 3. Written minutes need not be a verbatim transcript in a sound video or digital recording is not required to contain a full recording of the meeting except otherwise provided by law. Whatever means of recording used must give a true reflection of the matters discussed at the meeting and the views of the participants ORS 192.650 Section 1. Public meeting law requires that written minutes or sound video or digital recording of a meeting be made available to the public within a reasonable time after the meeting ORS 192.650 Section 1. If written minutes are prepared, they cannot be withheld from the public merely because they will not be approved until the next meeting at the governing body. If minutes have not been approved, they may be so identified in any event the completed minutes, sound video, digital recordings are public records subject to disclosure under public records law in assistant with public records law fee provision discussed in part one of this manual. A public (inaudible coughing) may charge a person a fee for preparing a transcript

from these sound video or digital recording. Mayor Linville states how involved do we want to get? We have sound recordings. How much more do we want to incorporate onto the website? Micki Miles states, in your February minutes there was a vote taken that is not recorded in the minutes at all. The council voted to put me on the budget committee and there is no mention of it what so ever in those meeting minutes. Mayor Linville states, under Administrator/Recorder, Terrie Richards stated that because the Mayor revised the agenda, she only has the budget committee to mention, there is still one vacancy to fill, the Mayor said Michelle Miles submitted a letter of interest for that vacancy, Councilor Duffy moved to appoint Michelle Miles to the budget committee with Councilor Miller as second. Vote was unanimous. Micki Miles stated she missed it. Mayor Linville states alright now back to the original question on how involved we want to get. Terrie Richards, City Administrator, stated anybody can request an audio recording. Councilor Boylen asked, how long does it take to copy a digital recording. Terrie Richards, City Administrator, stated depends on how long the recording is and what I have in front of me. I like to make sure I'm off my computer so that I don't mess up the recording. Councilor Boylen asked if someone came in the morning can they pick it up at noon. Terrie Richards, City Administrator, said no the next day because I don't know what is going to come across my desk for interruptions. Councilor Duffy states if we can provide an audio portion of it for the public, I think there may be still some concerns there as we will have to list on that audio recording of whose present and whose not. Mayor Linville stated so if we take a roll call before the meeting then that would cover that. Richard Mackie stated a couple of times we have brought this down and Terrie has made us copies. That's a whole lot quicker than typing up minutes and a lot more accurate because you are getting it right off the recording. Supply each one of the councilors with a disc of the recording and if the people would like the minutes, charge them five (\$5) dollars for the disc or they can bring their own down and wait for a day or two. That would take a big burden off of Terrie. Terrie stated, thank you Richard, very much. Councilor Miller states something about being inaudible. Terrie Richards states well it is very difficult when people are coughing, sneezing or the door squeaks. It is very hard when people are not speaking clearly, they have low voices, mumble sounds and it is very inaudible. This is all we have. We've never bothered to try update any kind of recording. We talked about it, not seriously and not in council. And until the city can afford to come up with a better thing, we really need people to understand they have to project their voice, they have to speak clearly and not cough and you won't have a sentence that says something, something+inaudible. But this is the way it is. Councilor Boylen asked, how are they going to be marked approved later if they are given out? Terrie Richards, City Administrator, states, there is nothing to be approved if it's verbal on CD. You would have to approve the written minutes. There needs to be a written form of minutes for the files. Councilor Boylen stated but those wouldn't have to have anything else done to them because that's what it is and that's what was said. Terrie Richards, City Administrator, states, correct. Councilor Duffy states once they are available whether approved or not we have to provide them. That's what I read. Terrie Richards, City Administrator, states we are more than happy to do CDs. I just have to schedule it when I'm not on the computer. Mayor Linville asked, Josh what would it take to put that on the website? Josh stated what would probably make it easier if you had a microphone for all of you. The other thing is space size. Right now you do not have the space to put it on. How far do you want to go back in storage? I can make the files mp3 but then clarity goes down. There will be some issues we need to work out if we do audio. Councilor Miller asked the written minutes take up less space on your computer, is that what it amounts to? Josh states, it really does. It takes up a lot less

space on the server. When you add audio or even video, you're talking a lot more space on a server drive. Polly Parsons states I am wondering if you're suggesting that it's not possible to go back and correct? Mayor Linville states No, I'm not suggesting that? because that was my initial request that the February minutes be amended to include the views of the participants and the suggestions given to the council and that's what I am wondering what is the problem with just amending it when they are incorrect. Or is there a problem amending it? Richard Mackie states so when you go back in the future they aren't going to be there. Mayor Linville states there are hard copies in the main file and can be accessed by anyone requesting. It's not like they are going away. Councilor Miller asks Polly, are they on e-mail file to just be transferred? Polly Parsons states yes. And I don't think it needs to be the whole letter itself but the gist of it and the suggestions that were given to council. But however you want to amend minutes is your decision. But it seems to me that it could be a very simple thing, even a matter of adding a few sentences to the minutes clarifying the input from the participants. Michelle Miles states the green book says, it's suppose to give a true reflection of the opinions of the participants and what was in there, says nothing. Councilor Warren states so Polly what you want in the minutes is the e-mail or complaint forms or any e-mail we receive from Elgin people, you want it written in there we received complaint form from so and so, what it was on and the gist of it. Polly Parsons states it's not regarding complaint forms, it regarding any views of the participating participants whether they give a verbal opinion in council session, whether someone sends an e-mail, whether someone fills out a complaint form, if it's discussed at city council then that needs to be included in the minutes. It could be a brief summary, it could be a hard copy, it could be a variety of forms but the views of the participants need to be included in the minutes according to state law. Terrie Richards, City Administrator, stated, it was corrected. She has the unapproved minutes. You guys approved the minutes where it says Polly Parsons read her e-mail sent to the council January 25, 2013, five (5) pages regarding the ordinance officer. Ms. Parsons listed some positive suggestions to the ordinance officer issue. It does state that. Mayor Linville states so the question is still standing in how far we want to go with this because we have the minutes and the recorded audio. Terrie Richards, City Administrator, and that is what the minutes are taken off of is the recorded audio, not just my notes. Mayor Linville states so for the written minutes, everyone that I have read you get a very brief basis of what was talked about. We've got the original minutes with the audio. Terrie Richards stated may I make a suggestion, the more in depth you make this again it's going to take more time and I am going to suggest you extend the date I have to have them done. So you want to make the minutes longer and you still want them due by Monday? Councilor Abernethy states, It is not a big enough time frame. Councilor Miller states, how do you figure that? There are three (3) people in the office, only one (1) can do it? That's time management. Terrie Richards states, the last minutes, thirteen (13) pages. My assistant will do the minutes from now on. You will get thirteen (13) to fifteen (15) pages. You may not get them done by Monday because she does the best she can with the other interruptions that she has to deal with and she's not here on Fridays. She does the best she can with her time management to do those minutes. She does stick with it unless she has to get away from them and answer some other question or get something else. She did the best she could. That's why they weren't exactly ready on Monday this last time because they are so in depth. She has one less day to work with them. So you're asking her to do verbatim minutes, Wednesday and Thursday so you guys can have them Monday. Mondays are a hassle around here. It's a very busy day for us. Mondays are hard to be able to sit down and concentrate on any one thing for a very long time at all. Richard Mackie

states, Terrie lets not make excuses. Lets just accept it and go on. Terrie Richards states I am not making excuses. I am telling you exactly the way it is. Richard Mackie interjects and states Terrie if I was to do that on a job site. Mayor Linville states Richard. Richard Mackie states If I was to do that on a job site, I wouldn't have a job. Mayor Linville states, Richard please. That's why I wanted to discuss this. You've got minutes in audio form. They are legal, they are to the point. Councilor Warren states I think if somebody wants a copy of the minutes like that then, they can request them and get an audio of it and then they have the whole meeting. Councilor Brainerd states how can we store every month's audio so that we are not taking up hard drive? Can we put it on a mp3 and then file it? Councilor Abernethy asks is that being burned to a disc? Terrie Richards states this downloads onto my computer. I then put the disc in and ask the pc to burn a copy. Councilor Warren asked Josh if he could come down and help Terrie with that? Josh stated yes. Jon Holmes stated that he has friends that know computer and has seen them lose data. You could buy a computer with a CD burner off to the side that doesn't cost that much at Cosco. If it would help with everybody's job and get people the disc they need. Councilor Duffy states it doesn't sound like there's a problem of burning the disc. Terrie Richards states no there's not. Councilor Duffy states there are certain items in our procedures at the beginning like roll call and we have to identify ourselves in roll call on the disc, that's what the law is saying. As long as we are doing that and making it available, the disc, obviously we need to continue to look at improving the equipment that we have so that we can get clear audible recordings. I think that will alleviate the problem we are having. I think we need to move forward and start looking at purchasing the equipment that we need. We can't afford not to. Josh states that he will do some research so you can get a price line of the equipment but know that it's going to cost. Polly Parsons states I just want to be clear on what I'm hearing you say. My understanding is you're suggesting that the minutes be done verbatim from the disc or summarized from the written minutes? The written minutes you hand out at the office. Are you suggesting those be done verbatim from the recording of the meeting or summarized from the recording? Councilor Duffy states I think they would be summarized more because we'd be able to provide you with the complete disc of the complete meeting. Polly Parsons states so it would be helpful to notify people that is an option and a disclaimer on the written minutes saying if you would like further or more details, opinions of the participants and same thing with the online minutes that you can come to the city office and request a CD of the meeting. Terrie Richards stated if someone brings in their own disc, she doesn't charge them. If the city has to provide a disc then the council needs to decide what the charge will be. Councilor Warren made a motion to charge five (\$5) dollars for a disc if provided by the city. Mayor Linville stated it is something we need to look into but I don't think we need to go with this minute. Councilor Warren withdrew the motion. Councilor Abernethy stated can we add this discussion to the special meeting and by then Josh would have some prices for us? Mayor Linville stated he looked into the system a year ago and for video and microphones for everyone was just under eight (\$8,000) thousand dollars. Councilor Miller made a motion to table it until the special meeting on April 29, 2013 with Councilor Abernethy as second. Vote was unanimous for approval, motion carried.

Finance Recording System: Councilor Miller states that they have a check writing module. Terrie Richards, City Administrator, states do you mean the payroll module? Councilor Miller states, yes. What does that all involve? Terrie Richards states the explanation that I remember is it's going to cost approximately twelve (\$12,000) thousand. I think Mark from BIAS said that

there was going to be some kind of discount and I'm not sure that is included in that \$12,000. I've asked for clarification because we are in our budget process. My understanding is I would have to fax over the time sheets, they would put everything into the system for us and then notify me when they are done. Then all I would have to do is print the checks. They have, for instance in public works their time sheets are broke out in water, sewer, streets, general fund, rv park and they have to write down the hours they spend in each department. BIAS, in entering these time sheets into the system, puts that in the right place and it is deducted out of the proper department. They would also create the 941 tax and other taxes and all I would have to do is print the payroll checks and do the ACH payment and make sure that those taxes were paid at that time. Councilor Miller asked is if we go with this program of \$12,000, is there a monthly fee on top of this? Terrie Richards states, I'm going to say yes. You have a two (\$2,000) or three (\$3,000) thousand dollars yearly maintenance fee for the program. But I would have to verify that with BIAS. Councilor Miller stated that he would like to talk with these people. Terrie Richards stated we can set up a meeting with Chad or by phone just know that it will cost the city money for him to come here. Councilor Miller states from the Paychecks side of it to the other side of the accounts I make a motion we set up a meeting and have Chad come here with Councilor Duffy as second. The vote was unanimous for approval, motion carried.

#### Correspondence

Polly Parsons, Policy & Procedure for Complaint form.  
Bob Briggs, Complaint

#### Good of the Order

Councilor Boylen moved to approve the bills as presented, with Councilor Abernethy as second. The vote was unanimous for approval, motion carried.

#### Citizens to Speak

Jon Holmes was present to say he is looking for wisdom. He gave a couple of books to the JR-Hi and High School about surviving school shootings and the other is on gangs. It tells you how to detect gang signs and various other signs about gangs. I am concerned about the drugs in our town and the schools. I'm looking to see how to get a plan in the schools to protect the kids and teachers to where they are educated about school shootings and gangs. Deputy Pointer stated that there has already been meeting with all the schools in the county. Councilor Duffy stated that the emergency plan is kept between the emergency responders and staff. It's not something that is made public. The Sheriff's department has met with our school staff and has set plans in place. If you feel this is important, since they are a separate entity, you need to share this information with them. Jon Holmes stated he has already done that but wanted to share with you so we could share it with them.

Councilor Duffy moved to adjourn, with Councilor Warren as second. The vote was unanimous for approval, motion carried.

Minutes respectfully submitted;  
Terrie Richards, Recorder/Administrator

TR/vmw