

CITY OF ELGIN
COUNCIL MINUTES FOR JANUARY 14, 2014

COUNCILORS PRESENT -

Name:	Present:	Name:	Present:
Mayor Brent Linville	Yes	Councilor Michelle Miles	Yes
Councilor Chris Boylen	Yes	Councilor Dick Miller	Yes
Councilor James Brainerd	Yes	Councilor Kathy Warren	Yes
Councilor Allan Duffy	Yes	Student Councilor Janel Chandler	Yes

Call to Order

The meeting was called to order at 7:00 PM by Mayor Brent Linville with the salute to the flag.

Roll Call

Mayor Linville requested roll call. Councilor Miles; Councilor Brainerd; Councilor Miller; Councilor Boylen; Councilor Duffy; Councilor Warren; Councilor Chandler all responded present.

Approval of Minutes

Councilor Warren moved to accept the minutes of the October 23, 2013 Special Session. Councilor Miles as Second. The vote was unanimous for approval. Motion Carried.

Councilor Warren moved to accept the minutes of the October 23, 2013 Work Session. Councilor Duffy as Second. The vote was unanimous for approval. Motion Carried.

Revise Agenda

Mayor Linville asked to revise the agenda by moving Resolution 1303 Safe Routes to first on the agenda and to include Resolution 1307 and the Summer Reading Program contract to New Business. Councilor Duffy moved to approve the agenda revisions. Councilor Miller as Second. The vote was unanimous for approval. Motion Carried.

Resolution 1303 – Resolution Exercising The Power of Eminent Domain Exhibit D Right of Way Services

Councilor Duffy opened the discussion asking if the School District was in favor of this project why is there a need for this resolution. Leslie Hasse, Right of Way agent for ODOT Region 5 responded that the City has hired ODOT to do the project and is in the acquisition phase of project whereby the City needs to acquire property to build the project. The City needs temporary easement from Stella Mayfield Elementary School for sidewalks and the infrastructure to be built. This Resolution is required presumption of any project that is Federally funded. The right of way is necessary for the project and has to be in place in order to have the property needed for the project. This Resolution also extends to both the property owners and the City protections under the law. Anytime a government agency is taking property for a public project they must offer just compensation to land the owner and this is done through the right of way process. Project leaders have done a good job of working with affected landowners and it is the understanding they are willing to donate the property and as such will not be using threat of eminent domain, but needs to be in place to receive federal funding. Diane Greif was present and affirmed the School District is willing to donate the needed property for the project.

Councilor Miller questioned the ownership of the parcel of land between the School and 10th Street. The Headstart School occupies this parcel and the property is owned by the School District and is leased by Headstart.

Mike Barry, local agency liaison, stated the Resolution allows ODOT to follow federal law regarding property. Councilor Duffy questioned if the school district does not want to donate the property, does the state or City purchase it. Mr. Barry responded saying the Project would purchase property; and would be a reimbursable expense. Councilor Duffy questioned a portion of the contract where it states the City agrees to pay and reimburse to the state a maximum of \$10,000. Mr. Barry stated these funds come out of grant funds and is in the budget. Councilor Warren moved to approve Resolution 1303 (2103). Councilor Brainerd moved to Second. Councilor Duffy raised a point of order stating the resolution needs to be read. Councilor Warren read the Resolution by title. Councilor Duffy still has reservations regarding the eminent domain. Grief stated the school has no concerns regarding the easement and right of way.

Roll Call Vote: Councilor Miles – Aye; Councilor Brainerd – Aye, Councilor Miller – Aye, Mayor Linville – Aye; Councilor Boylen – Aye; Councilor Duffy – Nay; Councilor Warren – Aye. Motion Passed.

Supervisor Reports (16:40)

The Mayor called for the Supervisors reports.

Union County Sheriff's Office: Troy Pointer

Deputy Pointer presented the Law Enforcement report. The submitted reports are at the end of the meeting minutes.

Public Works: Dan Larman

Submitted report at the end of meeting minutes.

Library: Theresa Chandler

Submitted report at the end of meeting minutes.

Ambulance: Jennifer Roulet

On run #15 year to date. Submitted report at the end of meeting minutes.

Municipal Court

Submitted report at the end of meeting minutes. Councilor Duffy asked if warrants are being issued for FTAs. Lessa responded they have a month to pay or a warrant will be issued.

Administrator/Recorder: Laird Allen (20:17)

The Ballot measure that changes the Administrator position to be appointed by the City Council was posted in The Observer last Friday and there will be an announcement on Elgin TV letting people know a copy of the ballot is available to view at City hall. The complaint from Mr. Abernathy has been resolved. The overpayment to Terry Richards has also been resolved. A letter was sent and the payment of monies was received in full on December 30th. The Animal Control contract with the Union County Sheriff's office is pending. Need to forward a copy of

minutes approved tonight. The Administrator/Recorder background check has been received and needs Council approval that it is acceptable. Councilor Duffy moved to accept background check. Councilor Warren as Second. The vote was unanimous for approval. Motion Carried.

Budget Committee Vacancies have been posted. Budget requests for the 2014-2015 fiscal year have been submitted by the Library and Public Works and waiting for response from other departments. Budget Meetings can be scheduled to begin the first part of March.

IRS sent a request for information related to a 2010 filing disparity. There was a \$19,000 discrepancy between the w2 and w3 forms. City Administrator Allen was able to validate all numbers to be correct except totals, which were off by \$4,000. A timely response was not received and the City was fined \$1,998 which has been paid with all documentation and a cover letter asking for assistance in a resolution; now waiting for a response. The issue is from the 2010 4th quarter tax filings.

A Summary of funds transferred to resolve issues with Opera House Fund from May of 2012 is attached. No questions were raised on the financial reports. Budgets are balanced through the end of December. Submitted report at the end of meeting minutes.

Committee Reports

The Mayor then called for committee reports.

Administration

Councilor Boylen reviewed the bills. Small issues were resolved. Terrie Richards name was taken off the credit card and Laird Allen's name was put on.

Public Works

Councilor Warren met with Public Works Supervisor. Everything is going good. Discussed budget issues/items for FY 2014-2015; ie. Insulation of ceiling of Public Works shop.

Public Safety

Councilor Duffy stated there is an ongoing conversation with Sheriff's Deputies. The Animal Control contract goes into effect at midnight January 14, 2014. An issue with the Blue Mountain Humane society has been resolved regarding dog licenses. There was a request from Deputies for First Aid kits for vehicles as they are most often first responders to ambulance calls. Kevin Silvernail offered to put together First Aid kits for our Deputies. Defibrillators are being updated and will be put in Deputy's vehicles.

Councilor Warren asked what the hours will be for the Animal Control officers. Councilor Duffy responded, according to the contract, 10 hours 1st three months, and then 5 hours per month. All animal control issues have been turned over to the Animal Control officers.

Student Councilor

Next week is winter homecoming which includes a Dance and service projects.

Friends of the Opera House

Teresa Shaffer was present and stated new officers have been selected for the Board, Kate Bottger is the Board President. Working on Oklahoma and the next show is 13 which consist of a cast with teens. The Board is working with EDGE to spend the remaining grant funds.

City Administrator Allen raised concern about the power source for the Opera House sign. Mayor Linville stated there was a problem with quality of power to the sign. As a temporary fix the sign was just plugged in as the ground was too frozen to fix the problem.

Councilor Boylen asked for clarification that others can use the sign for ads when the Opera House is not advertising for an upcoming play. Ms. Shaffer stated Terry Hale is the contact person for the signage.

Chamber of Commerce

Gregory Chamberlain was present and shared three upcoming events in the City. There will be a Chili – Stew - Chowder Cook-Off at the Stampede Hall to benefit Fountain Park Restoration. This will take place on Saturday from 2p – 6p. The Elgin EDGE Community Roundtable will take place on February 4th at the Community Center at 7 pm. Refreshments provided. The Chamber Banquet is planned for March and the theme this year is First Responders. Tickets are 25\$.

Councilor Miles asked if the Council would like to sponsor a table at the Chamber Banquet. There is no cost to sponsor a table. The only to sponsor a table cost comes from the gifts/swag and decorating the table.

Mayor Linville asked Councilor Duffy to attend the Elgin EDGE Roundtable in his place. Councilor Duffy agreed to attend representing the City Council.

Old Business

Public Works Cooperative Agreement

This agreement provides access to FEMA through the relationship with Union County. Councilor Duffy moved to have the mayor sign the Cooperative Agreement. Councilor Miller as Second. The vote was unanimous for approval. Motion Carried.

New Business

Correction to Clerical Error wages – Resolution 1302 (2013)

The Resolution was read in full by Mayor Linville. Councilor Duffy moved to adopt resolution 1302 (2013). Councilor Miles as Second.

Roll Call Vote: Councilor Miles – Aye; Councilor Brainard – Aye, Councilor Miller – Aye, Mayor Linville – Aye; Councilor Boylen – Aye; Councilor Duffy – Aye; Councilor Warren – Aye. Motion Carried.

Resolution 1305 (2014)– A Resolution of the City Council Setting Wage Levels to Meet State Minimum Wage

Mayor Linville read the resolution in full. Councilor Duffy moved to adopt resolution 1305 (2014). Councilor Warren as Second.

Roll Call Vote: Councilor Miles – Aye; Councilor Brainerd – Aye, Councilor Miller – Aye, Mayor Linville – Aye; Councilor Boylen – Aye; Councilor Duffy – Aye; Councilor Warren – Aye. Motion Carried.

Resolution 1306 (2014) A Resolution of the City Council Setting Authorization for Mayor to Sign Sale of Land Contract With WC Construction.

The resolution was read in full by Mayor Linville. Councilor Duffy moved to adopt the Resolution. Councilor Miller as Second.

Roll Call Vote: Councilor Miles – Aye; Councilor Brainerd – Aye, Councilor Miller – Aye, Mayor Linville – Aye; Councilor Boylen – Aye; Councilor Duffy – Aye; Councilor Warren – Aye. Motion Carried.

Citizen Request

Mayor Linville has declared a conflict of interest in this matter and has left the room. Councilor Duffy, Council President will preside over the meeting at this time. A letter was submitted by Brock Eckstein concerning short term parking in front of his business. There is concern regarding lack of parking, especially during play productions and weekend nights. Mr. Eckstein would like to restrict parking to 15 minutes in front of the Subway Restaurant. Councilor Miles stated she contacted ODOT. Since the business is located on a state highway, the City cannot install a sign without approval. A proposal would need to be submitted. Once approved the City would be responsible for all costs for installation of the sign. Mr. Eckstein is willing to follow the process to get signs installed. Councilor Duffy asked if it would not be easier to put limited time parking on side of building as it is not state highway. There are no designated parking spaces for the building. Parking signs could not be enforced as it would be a municipal issue and not covered by County Sheriff. Councilor Boylen raised concern if limited parking signs are given for one business what about other businesses downtown? Councilor Warren suggested Mr. Eckstein work with the property owner and see about posting a sign on the side of building. By consensus, no action was taken by the Council. The Mayor rejoined the Meeting.

Resolution 1307 (2014) – A Resolution of the City Council Setting the Bid Authorized for Foreclosure Sale of Lot 7 Within the Industrial Park.

Lot 7 of the Industrial Park goes to auction on February 5th. Notice from the City attorney was received stating how to proceed to protect the City's interest. The property will be sold at a public auction and the City should file a bid with the trustee that would cover the costs associated with the property. Councilor Duffy asked for clarification: the City owned the property, the City had a loan/contract on the property which was not paid, now the City has to buy the property back? City Administrator Allen responded stating the City receives the proceeds from the foreclosure. The bid submitted for \$45,000 will be returned to the City. If a bid comes in higher, the City still gets their costs covered. It's a public auction on a foreclosure, anyone can bid/ pay cash. City Administrator Allen explained the foreclosure auction process. Mayor Linville asked if the process will take care of liens against the property. City Administrator Allen responded yes, except property taxes. According to the attorney, the City must submit a minimum bid to protect the City's investment. Councilor Boylen believed the foreclosure process would give the property back to the City; it would not involve an auction. Legal advice was to go through the foreclosure process to retain the property. The City wants the property

back. Councilors are not comfortable with the possibility that someone else could outbid the City in a public auction. Councilor Duffy requested the City attorney be present at the next meeting to answer questions. City Administrator Allen will schedule a Special Meeting to address this further.

Summer Reading Program Coordinator Contract

In order to protect the City, the Contract for Services was revised for the Summer Reading Program Coordinator position. Councilor Miller raised the concern that the Coordinator can collect unemployment. The Coordinator is not an employee but a contractor. Councilor Warren do they get a 1099 at the end of the year? The position is paid \$500 and therefore not required to generate 1099. City attorney agreed the contract was the best way to handle this situation. It was the consensus of the Council to table the contract to the next meeting.

Good of the Order

Councilor Boylen moved to pay the bills. Councilor Miles as Second. The vote was unanimous for approval. Motion Carried.

Citizens to speak

John asked if the Water and sewer are considered public funds, is there any reason he could not get the list of people who are getting special discounts for water/sewer. The Council responded that the amounts paid can be shared as they are public record, but the City would not release individual names as a means to protect their privacy. The City can respond to a specific need/person, but will absolutely not share all the names. John protested saying if they are Public funds, he has a right to know who is benefiting from discounts on water/sewer rates. The amounts paid are public. The numbers are public record. The Names are not public record. The funds are transparent, you can see the money that comes in and the money that goes out, but the individual has a right to privacy.

Betty Knapp asked for the Councilors to use microphones as some Councilors are hard to hear. Mayor Linville stated the Council is looking into getting a sound system for the Council Meetings.

Mayor Linville reminded everyone there are two positions open for the Budget Committee. There is a signup sheet located at the back of the room.

Councilor Warren moved to adjourn. Councilor Miller as Second. The vote was unanimous for approval. Motion Carried.

Meeting Adjourned

Minutes respectfully submitted;

Lessa Adams, Clerk/Administrative Assistant