

CITY OF ELGIN  
COUNCIL MINUTES FOR MARCH 10, 2015

COUNCILORS PRESENT -

Name:	Present:	Name:	Present:
Mayor Alan Duffy	Yes	Councilor Brent Linville	Yes
Councilor Michelle Miles	Yes	Councilor Kathy Warren	Yes
Councilor Teresa Shaffer	Yes	Councilor Jeremy Richards	Yes
Councilor Rocky Burgess	Excused	Student Councilor Lena Johnson	Yes

Call to Order

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

Roll Call

Mayor Duffy requested roll call. Councilor Miles; Councilor Shaffer; Councilor Linville; Councilor Warren; Councilor Richards and Student Councilor Johnson all responded present.

Approve Minutes

Councilor Linville moved to approve the minutes from February 24, 2015. Councilor Warren as Second. The vote was unanimous for approval. Motion Carried.

**Supervisor Reports**

Law Enforcement: Union County Sheriff Department

Deputy Pointer presented the Law Enforcement report. There were 520.5 hours for law enforcement and 14.5 hours for Animal Control. Submitted reports are at the end of the meeting minutes. Councilor Warren asked if the 30 warnings were for speeding and why are there so many warnings and so few citations. Deputy Pointer responded drivers are pulled over for reasons other than speeding. Councilor Miles stated when she spoke with Sheriff Rasmussen, he stated it is preferable to talk with people to get them to comply than to issue citations. Mayor Duffy asked about the status of the recent car prowler case. Deputy Pointer responded that an arrest has been made in the case. Mayor Duffy wanted to recognize the efforts of Deputy Heath and his appreciation of the work being done in and for the City of Elgin by the Sheriff's Department. Councilor Warren added the entire Council commends the deputies for their work.

Public Works

This report will be included in the report given by Administration.

Library

The Oregon Readers Choice program is coming to an end; the voting takes place this week. The voting booth for the Public Library was decorated by students at Stella Mayfield Elementary.

The next Library Policy up for review is the Bulletin Board Policy. The first draft was provided to the Council for review. This policy will be forwarded to both legal counsel and the City's insurance provider for review.

The Library Board would like Council approval to appoint Maureen Smolkowski to the Library Board.

Carol Buckley has resigned from the Advisory Board, citing family obligations that prevent her from giving the time needed to be an active member of the Board.

Councilor Warren moved to appoint Maureen Smolkowski to the Library Board. Councilor Linville as Second. The vote was unanimous for approval. Motion Carried.

Councilor Linville moved to accept the resignation of Carol Buckley from the Library Board. Councilor Warren as Second. The vote was unanimous for approval. Motion Carried.

Councilor Shaffer mentioned there is a new family in town that may be interested in getting involved with the Library.

Mayor Duffy stated the Council will help with the Summer Reading Program. Ms. Chandler added Kevin Silvernail has already agreed to one program and possibly two. One program will include the Ambulance Service and the second the Fire Department. Ms. Chandler added that by participating in the College Savings Plan promotion, the Library gets a performer at no cost to the Library and this year's performer is a juggler. Mayor Duffy stated he has spoken with the Sheriff's Department and they are on board as well and would like to do the bike helmet program. It was also shared that an additional program is being put together that will include an obstacle course for the children. The submitted report is at the end of the meeting minutes.

#### Ambulance

It was noted that Administrator Eckstein has volunteered and been approved to be a driver with the Ambulance Service. Mayor Duffy stated they are still looking for driver's that would be available during weekdays. The submitted report is at the end of the meeting minutes.

#### Administration

Administrator Eckstein presented his report. Janitorial service has started at City Hall. Seasonal help has been hired for Public Works. The interest shown for the RV Park help has been sparse and once they find out it is an unpaid job, they are no longer interested. Still no interest has been shown for the Summer Reading Program Coordinator position. A settlement hearing for the Foster Case is set for March 11, 2015 at the County Courthouse. The Safe Routes to School Project is completed and payment has been received. The amount of the check was \$10,100 and Mayor Duffy stated the amount should be \$10,500. Administrator Eckstein will make contact and find out about the discrepancy. All the expenses from Public Works will be covered. City Hall has been painted. The cost of the painting was included in the budget. Due to furnace issues, it took an additional day to complete the job. As the job was done by bid the extra time needed to finish the job did not increase the cost. Most Councilors are registered to attend the New Councilor Training to be held on March 18<sup>th</sup> in Island City. Public Works is working on two grants through ODOT TGM Program Services.

Administrator Eckstein asked for input about purchasing computer tablets for Councilors and getting all their meeting materials digitally as it would cut down on the cost of paper and staff time to produce meeting packets and documents. He added that hard copies will still be provided upon request.

Mayor Duffy questioned if there was a possibility to get City email addresses for Councilors? Lessa Adams responded the City is currently at the limit for email addresses, but for a small additional yearly cost more addresses can be added. Richard Mackie asked if internet would be needed to use the tablets and Mayor Duffy responded they would be wireless devices. Richard Mackie stated that a paper trail is needed for all City documents. Administrator Eckstein responded by saying hard copies are maintained. Mayor Duffy added he signs off on all hard copies of Council Meeting packets. Councilor Shaffer asked if the cost of these tablets will fit in the current budget. Administrator Eckstein stated yes funds are available in the IT budget. Councilor Warren asked where they will be purchased from. Administrator Eckstein stated costs are being researched and the source with the best price is being sought. Councilor Shaffer moved to purchase tablets for Councilors. Councilor Warren as second. Councilor Linville asked about the cost of the additional email addresses. Ms. Adams stated it will cost \$15 a year to add additional email addresses. The motion was amended to include the cost of the additional email addresses.

Roll Call Vote: Councilor Warren – Aye, Councilor Linville -- Aye, Councilor Shaffer – Aye, Councilor Richards -- Aye, Councilor Miles – Aye; Mayor Duffy – Aye. Motion Carried.

Public Works Supervisor Dan Larman attended a week long course on Supervisor Managing Techniques. Tyler Crook has all his applicator licenses up to date and is scheduled to attend training to learn how to set up a DEQ approved lab and techniques to run the lab.

A new Waste Water TP lift station pump has been chosen and Council approval is needed to make the purchase. Councilor Linville moved to authorize the purchase of the pump. Councilor Richards as Second. Mayor Duffy did some research on this topic and agrees with the choice of this pump. Councilor Linville stated the City doesn't have to choose top of the line, but does need to choose high quality products. Mayor Duffy then called for a Roll Call vote.

Roll Call Vote: Councilor Warren – Aye, Councilor Linville -- Aye, Councilor Shaffer – Aye, Councilor Richards -- Aye, Councilor Miles – Aye; Mayor Duffy – Aye. Motion Carried.

Administrator Eckstein asked for any questions regarding the financial reports. Mayor Duffy responded that his question he referred to the Administration committee and the answer is being researched. Mayor Duffy had asked for an itemized statement from Summit Builders.

The budget is completed and a copy has been sent out.

#### Open Complaint Update

Mayor Duffy has addressed both complaint #12-14-2 and #2-15-1. Councilor Warren asked about the complaint regarding burning garbage. A letter has been sent to the property owner.

#### Committee Reports

##### Economic Development – Mayor Duffy

A Union County Economic Development Corporation meeting has been set up.

Councilor Miles reported the Rockwall Grange is involved in several community events and are hurting for members. Cindy Chandler is the contact person for anyone interested in membership. Several groups are seeking volunteers and members.

#### Administration

Bills have been reviewed and recommend they get paid.

#### Public Safety

Councilor Shaffer stated she had met with deputies. The deputies are doing a great job; the car thief has been caught.

Mayor Duffy reported that the process for towing vehicles has been reviewed and changed. Previously, if a call is made into dispatch regarding a vehicle being towed and it wasn't entered the City could be liable. Dispatch is run by the City of La Grande and not the Sheriff's office. A form is being created that would contain all the necessary information needed by Dispatch and the tow company. When a vehicle is deemed eligible for towing, the form is filled out and the vehicle is posted. Dispatch is notified about the vehicle and the form will be faxed to Dispatch. A copy of the form is also given to the tow company so they have information on the registered owner of the vehicle. Once the vehicle is picked up, the tow company takes over.

Committee members attended the Ambulance meeting and they are still waiting for another piece of equipment to try out. There is a delay in getting it as the manufacturer is working on filling backorders first. Several members of the Ambulance crew are going to Las Vegas for the EMT Conference. There were questions regarding the Ambulance Service budget. Administrator Eckstein stated monies spent out of the vehicle reserve fund will be transferred back with approval of the budget committee. Councilor Miles stated they are concerned if anything happens to the current ambulance because the City would be without one as transfers have not been made to the EMS Reserve Fund to cover the purchase of a new ambulance. Administrator Eckstein stated the EMS Reserve Fund will have a \$100,000 on July 1 with Budget Committee approval.

#### Public Works

Councilor Linville reported a sewer pump was swapped out in 45 minutes. Work is getting done now that there is a full crew; there has been a big turnaround. Councilor Shafer asked how long the seasonal worker usually works. Councilor Warren stated they usually work until September. Councilor Linville added it is usually 4 or 5 months. Councilor Shaffer questioned why the current seasonal employee was hired for a longer time period. Councilor Warren stated the Council gave permission to advertise for the Public Works 2 position. At that time gave permission to hire a seasonal worker. Administrator Eckstein stated the seasonal worker will have to go longer to catch up with the back log of projects. Mayor Duffy stated the budget does allow for the additional hours. He went on to say the Councilors should have been made aware; it was an oversight. Administrator Eckstein stated it was a breakdown of communication on his part and apologized. Richard Mackie asked if background checks were conducted before the worker was hired. Administrator Eckstein confirmed the background check has been done on the seasonal employee. Mayor Duffy stated the hiring policy requires background checks be done on each new hire. A few Councilors knew about the hiring of the seasonal employee but

not the entire council. It has been discussed between the Mayor and the City Administrator and will be taken care of.

#### Student Councilor

Spring sports have started and there is a new track coach. FBLA is once again sponsoring Donkey Basketball. The High School participated in the Drive Four your School fund raiser at Legacy Ford.

#### Opera House

Councilor Shaffer reported the current production of Chitty Chitty Bang Bang opened last weekend and was wonderful. Kate Bottger added that one of the main characters in the play was dropped and broke her arm. Caitlyn O'Brien is coming back to Elgin to fill that role. Student performances are planned for Thursday for Elgin and Imbler students and a preschool from La Grande at a reduced ticket price of \$5 a seat. Ms. Bottger continued saying a tour took place of the downstairs and green room. Some spare furniture was removed in the green room.

Nancy Van Sickle from OTEC worked with Gary Bottger from KIE to retrofit some lighting to LED bulbs. This will provide a refund that will pay for the purchase. This will be started after the current production.

#### Chamber

Councilor Miles and Administrator Eckstein attended the last Chamber Meeting. There is a gentleman affiliated with the RV trailer factories in La Grande who is a member of an RV club. The club is in the process of setting up a walking tour of Elgin for the Thursday after Riverfest that includes historic buildings.

A grant has been submitted for banners saying "Home of the Huskies" and designer garbage cans for downtown. The Chamber is asking for the City to approve to have them emptied. A member of the Chamber, who is a student at Eastern Oregon University, is doing her senior project on creating Elgin as a destination point. She is working on producing rack cards or a newspaper about Elgin.

#### Lions Club

A conference was held in Pendleton last weekend.

#### Women's Service Club

The ladies are coloring Easter Eggs for the Annual Easter Egg Hunt.

#### **Old Business**

##### Opera House Lease

Kate Bottger started the discussion by saying the lease looked good so she sent it out to the Opera House Board and feedback was received. There are several points of concern to Board members.

Paragraph 2e: The wording seems to be a bit harsh. As it reads, leaving doors or windows open would be in violation of the lease. In the summer, windows have been left open for

ventilation. This could be a moot point now that the HVAC has been installed. Ms Bottger would like to look at changing the wording. Councilor Linville stated the upstairs windows are not a concern. The concern lies in doors left open late at night. The concern is the property and potential vandalism; it's the garage door, basement door, etc. being left open. Richard Mackie made the comment that 4 times in 2-3 months a call needed to be made about doors being left open; people need to be more responsible. Ms. Bottger responded that there were 4 calls in one year and a small period of time in the winter. Mayor Duffy called for a point of order and reminded everyone to please address the Council.

Paragraph 2h: This area is not considered a ticket booth but the ticket office.

Paragraph 4d: LED sign out front. There are no policies on who can advertise on this sign. Ms. Bottger recommended what is allowed to be advertised be at the discretion of the City Council or the Opera House Board. Councilor Linville offered to learn to do the sign programming. Mayor Duffy stated the advertisements should be for community events only. Councilor Linville asked if there is a deadline to get something advertised and how much time it takes to do the programming for a new advertisement. Ms. Bottger will find out how much time is needed to get the programming done for a new advertisement. Mayor Duffy recommended requests come through City Hall. Ms. Bottger suggested communication can be done via email.

Paragraph 8c and 8d: The Opera House Board feels the wording 'at all times' is a bit harsh. They do their best to keep the grounds kept up. Everyone is a volunteer. Councilor Linville stated he had talked with Terry Hale before; it was asked if it was possible to put some kind of privacy fence behind the building to hide some of the set building debris. Mayor Duffy stated the lease wording is 'at all times unless directly in use'. If you are working on a production, there will be some debris. The lease addresses between or after a production. Mayor Duffy stated he did not want a fence up that will become just an additional storage area. Ms. Bottger stated a fence could be in the way.

Paragraph 10a: Would like to change the phrase pertaining to the caretaker and an immediate response. Mayor Duffy clarified that being able to immediately reach a caretaker includes being able to leave a message for a return call.

Ms. Bottger stated the current Council has been generous. The lease is for a 5 year term and what is ok with the current Council may not be ok with future Councils. Ms. Bottger added that a list of items purchased still needed to be turned in to the City. She asked for clarification on the process to add new items to the inventory list. Councilor Linville stated the list can be amended as necessary.

The Opera House Board meets again on Monday and these items will be discussed again.

Councilor Miles stated Nick Pallis is going to start working on clearing out the shed.

#### Service Truck Purchased/Trade Ins

Administrator Eckstein stated the truck has been ordered and is in the process of having the back part/box installed. Legacy took the old Dodge as trade-in giving \$1000 towards the new truck and the old service truck was sold for \$650. Councilor Richards stated the new box is

being built in Bend and the first stage is expected to be done by the 1<sup>st</sup> of April and will then be 4 weeks out from that to have it completed. Richard Mackie asked if the vehicles should have been put up for public auction. Councilor Linville stated it hasn't been done before. Administrator Eckstein will check into it.

#### Solid Waste Transfer Station Upgrades

Administrator Eckstein stated quotes are still coming in for scales. Two quotes were delivered yesterday. Another one came in this morning from the company that works with Boise Cascade, B & K Salvage and the City of La Grande scales. The quote included installation and calibration of the scales and came in at \$50,000. The lower quote in the \$20,000 range does not include installation but the price does include a 15% discount. More quotes should be coming in and Public Works staff is still looking into lease options. Councilor Linville recommended to wait to make a decision so Councilors can look at all quotes and weigh all the options as this is an investment for the City. Councilor Shaffer asked how long it would take to recoup the money spent on the scales. Councilor Linville stated 2-3 years. Councilor Warren stated the City loses \$20,000 plus a year. Dick Miller asked what the City will charge customers. Mayor Duffy responded he is still working with the garbage company to determine the fees that would need to be charged to cover expenses. All the numbers need to be collected before a fee is determined. At that point the Council can determine if this whole project is cost-effective. Mayor Duffy has a call into WastePro to get a detailed bill so the Council can determine how and what the City is being charged. The actual tonnage hauled out of Elgin is unknown. Richard Mackie asked what the city will charge by weight. Mayor Duffy restated he is not able to answer that question as he is still waiting to get all the pertinent numbers collected. Councilor Linville stated he would like to have the people who use the transfer site pay to use it. The topic has been tabled till the next meeting.

#### Calico Lease Agreement

Administrator Eckstein stated this was covered in his report.

#### Card Room License

Councilor Miles stated according to the ORS the City can give approval to have card tables. It also says the business itself cannot profit from card tables. As it reads, any purchases of food or drink while at the table would be a violation. Councilor Warren stated the money that is won at the table cannot go to the proprietor. Councilor Miles stated the City has no way to regulate gaming tables and the Sheriff will not either. Councilor Warren stated for these reasons she has opposed granting a gaming license. Councilor Miles read a portion of ORS 167.121 pertaining to local authorizations. It was determined that the 'house' is the game and not the business where the game takes place. Administrator Eckstein stated according to the City Ordinance, a person can purchase a license, but the Council can then revoke it.

Mayor Duffy then read Section 5.040.010 and 5.040.020 of the City Ordinance. Discussion followed regarding the language used in the Ordinance. It was agreed that the Ordinance is outdated and needs to be updated.

Mayor Duffy stated the Ordinance is outdated and there may be legal questions regarding the words "person of questionable moral character". According to the Ordinance the only way to deny the license is to deem the person of questionable moral character, the Councilors are not

willing to make that judgment. Any changes to the Ordinance would have to be done by way of Resolution. Councilor Linville state the only options are to either revise the Ordinance or ban gaming tables outright. Mayor Duffy recommended tabling the issue till the next meeting. Administrator Eckstein asked for clarification if a gaming license is requested. Mayor Duffy responded the license can be issued, but to advise them the Ordinance is being looked at to be changed.

Risa Hallgarth addressed the Council and asked how many Ordinances the City has. Mayor Duffy responded there are 17 chapters with multiple ordinances in each chapter. Ms. Hallgarth then asked how many of the ordinances are currently being enforced. Mayor Duffy stated he cannot give an exact number. Ms. Hallgarth stated then it would not matter how many ordinances are changed or updated if they will not be enforced.

#### Planning Commission/Terms

Mayor Duffy tabled this topic as members are still be contacted for training.

#### New Business

##### Enterprise Zones (1:31:26)

Shelley Burgess, County Administrator, and John Howard, County Commissioner, were present to speak concerning the Grande Ronde Enterprise Zone. An Enterprise Zone is a tool to attract business investment into our communities. Eligible businesses receive a tax incentive of a 3 year delay in the taxation of the new investment in the property. Eligible businesses must meet some criteria, one of them being they must be located in an Enterprise Zone. The rules for becoming a qualified business are set out in statutes of the State of Oregon. The types of businesses that are eligible include manufacturing, assembly, fabricating, and processing. There are employment criteria that must be met as well. It is a local decision to apply for Enterprise Zone incentives.

The Grande Ronde Enterprise Zone is the current Zone in Union County. In 2009 an application was submitted to the State as a component of Economic Development and was co-sponsored by Union County as the lead agency, Elgin, Island City, North Powder, Union and La Grande. The current application expires in June 2020. There is a request to submit to amend the boundaries which takes the consent or approval by all co-sponsors. The amendment request came from the City of La Grande to remove an 80 acre parcel and add a 522 acre parcel.

The 80 acre parcel was anticipated to be rezoned industrial. During the process of expanding the Urban Growth Boundary the property was found to not be suitable for development as it lies in a flood plain. The 522 acre parcel is already zoned industrial. It already includes developed properties. All areas currently zoned industrial are included in the Enterprise Zone. Ms. Burgess requested a resolution be passed to accept the amendment to the Enterprise Zone.

Councilor Linville asked if the City of Elgin wanted to change the parcel located in Elgin, must the City get permission from all co-sponsors. The answer was yes, as the application was submitted jointly. Ms. Burgess stated there are a limited number of Enterprise Zones granted in the State. There are restrictions on how closely Enterprise Zones can be to each other. With the size of Union County it would not be feasible to have more than one in Union County. When the application was submitted they worked to include all the industrial land available in the County so they would not have to request amendments. Mayor Duffy asked about a timeline on

the amendment approval. Ms Councilor Burgess stated there is not a specific deadline, but there is a business very interested in property going into the Enterprise Zone.

Councilor Linville made the comment that if the City added industrial land it could take years to get it added to the Enterprise Zone. Mayor Duffy stated a sample resolution has been provided. Ms. Burgess stated the language included in the sample resolution is required to satisfy state requirements. With approval of the Council, Mayor Duffy called to have a resolution prepared for the next meeting. Commissioner Howard commented that by approving the changes to the Enterprise Zone, businesses are getting the right message.

#### Policy Manual – Travel Expenses

Administrator Eckstein stated some employees are not always able to pay for meals and then be reimbursed after returning from training or conferences. It has been asked to allow some meal allowance be paid prior to travel. Mayor Duffy agreed sometimes it is a concern when at a week-long training.

Richard Mackie questioned employees being reimbursed for alcohol. Mayor Duffy stated the policy clearly states alcoholic beverages will not be reimbursed. Councilor Miles also noted the policy states reimbursement will not be made without a detailed receipt. It was the consensus of the Council to allow, upon request, a portion of the meal allowance be paid prior to leaving for training or conferences.

#### Parking Lot – North 8<sup>th</sup>

Administrator Eckstein recused himself from discussion as he owns a business adjacent to the proposed parking lot. A proposal has been submitted to develop a parking lot between The Brunswick and Subway. The lot is owned by the County. No formal request has been made yet. This would be a City parking lot. A grant has been submitted to cover the expense. Councilor Linville also noted a possible conflict; he would see no loss or gain from the proposed parking lot. Councilor Miles agreed there is a need for a parking lot but can see issues with the project. She went on to explain that Grant money must go through the City; Administrator Eckstein doesn't want anything to do with it due to ethics, and questioned who is going to manage the grant. Councilor Warren stated he doesn't want to be involved with any decision making, but he can still be the grant administrator. Councilor Miles stated according to the ethics board he would be potentially profiting, so who would take care of the money. Councilor Warren suggested the City Administrative Assistant. Councilor Miles stated the Administrative Assistant can't sign checks. Councilor Linville stated there could be a stipulation with grant to hire a temporary position for just grant administration.

Mayor Duffy asked the Council if this is a feasible project and the consensus was yes.

Mayor Duffy went on to say there are many details that would need to be worked out.

Councilor Warren stated the lot looks bad in summer with high grass; it is not attractive.

Mayor Duffy added the parking lot would provide a parking space for the Community connection bus which serves the purpose of public transportation. Councilor Linville stated the current pick up spot is the train depot.

Richard Mackie questioned if the parking lot would increase property values. If so, then would there be a conflict for Councilor Linville.

Theresa Chandler asked about ODOT allowing a driveway into the parking lot from Hwy 82/8th Street. Mayor Duffy responded those are some details to be worked out with other property owners. Councilor Warren stated the project was worth pursuing. Mayor Duffy reminded that a grant request has been made.

Councilor Linville recused himself at this point.

Councilor Richards made a motion to move forward with the project. Councilor Warren as Second. The vote was unanimous for approval. Motion Carried.

**Good of the Order**

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

**Citizens to Speak**

Risa Hallgarth asked what the intentions are with the open burning on 3<sup>rd</sup> Street.

Councilor Shaffer moved to adjourn. Councilor Linville as Second. The vote was unanimous for approval. Motion Carried.

Meeting Adjourned

Minutes respectfully submitted;

Theresa Chandler, Library Director

APPROVED 3-24-15