



Mayor Vernon Mosser

Council Members:

Ila Skyberg, Council President
Corey Adams
Rita Baller
Allan Bramall
Laurie Toney

City Staff:

City Recorder, *Sue C Hollis*
Library: *Melissa Hansen & Denise Willms*
Office Coordinator: *Debra Bernard*
Office Specialist: *Amber Deibel*
Public Works Director: *Jeff Brown*

WILLAMINA CITY COUNCIL MEETING
Thursday, November 8, 2012
7:00 PM

Roll Call

Mayor Mosser called the meeting to order at 7:00 pm. A quorum was present.

Present:

Mayor Mosser
Councilor Skyberg
Councilor Adams
Councilor Baller
Councilor Bramall
Councilor Toney

Absent:

City Staff Present:

Sue Hollis, City Recorder
Jeff Brown, Public Works
Director
Denise Willms, Youth
Services Librarian

Others Present:

Scott Arany, *The Sun*
Linda Eyster, 651 E Main St
Sergeant Vandewettering,
Yamhill County Sheriff's
Office

I. Flag Salute

The Pledge of Allegiance was recited.

II. Public Hearing – Housing Rehabilitation Grant Closeout

Mayor Mosser opened the Public Hearing at 7:03 pm and noted that this hearing is being held as part of the Community Development Block Grant application process. The City is currently applying for approximately \$150,000 in Community Development Block Grant funds. He then turned the floor over to Sue Hollis, City Recorder, who read the following information into the record: The purpose of this hearing is twofold:

- 1) for the City Council to obtain citizen views and respond to questions and comments about community development and housing needs, especially the needs of low and moderate income persons as well as other needs in the community that might be assisted with a CDBG project; and
- 2) for the City Council to obtain citizen views and respond to questions and comments about the proposed project.

For 2012, it is anticipated Infrastructure Finance Authority will have \$11 million in CDBG funds to award on various projects.

Housing rehabilitation loans; community centers; libraries; downtown improvements projects and infrastructure projects are among some of the eligible programs under CDBG; these funds are predominately to benefit low to moderate income persons.

The City is applying for \$150,000 to update the Water Master Plan and associated planning work, which will benefit all residents. Of the total population of 2,025 persons, 59.8% or 1,211 persons, are assumed low to moderate income according to the census.

No displacements are proposed as part of this project. Hollis then turned the floor back to Mayor Mosser who asked for comments, questions, or suggestions from the City Council or members of the audience.

There being no members of the public who wished to testify and no questions or comments from the Council, Mayor Mosser closed the public hearing at 7:05 pm.

At this time, Councilor Laurie Toney arrived at the meeting.

1. **Memo, 11-01-12, from Renata Wakely, Mid-Willamette Valley Council of Governments, re "Water Facilities Plan Update."**

Information only. No discussion.

III. **Approval of Minutes**

1. **Minutes of Regular Session of October 11, 2012**

Councilor Bramall **moved** to approve the minutes of the Regular Session of September 13, 2012, as written.

Councilor Skyberg **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

IV. **Public Input**

1. **Doug McGillivray, Yamhill County Emergency Manager**

Doug McGillivray, Yamhill County Emergency Manager, introduced himself and his new assistant, Sue Lamb. Ms Lamb was hired in July and will take over his duties after he retires in 2013. He reported that FEMA will be conducting an Integrated Emergency Management Course from April 29-May 2, 2013. The scenario will be a large earthquake and they plan to involve the whole county.

This will help us to validate the Emergency Operations Plans that are being developed, including the one for Willamina. They would like for cities to be involved, at least at the Administration level, as well as Public Works and Fire Departments.

Sue Lamb then explained that FEMA personnel will first be here from January 21-23 for a Precourse Assessment. They will tour the county and observing the things the cities and the county have identified as a concern. They will integrate this into the course. The other two days will be meeting with stakeholders in the county (cities and the county) and with the actual participants. The purpose of the exercise is to train Emergency Operations Center staff on how to manage a large incident.

To get ready for this, the County will be doing a lot of training. He invited Jeff Brown, Public Works Director, and any of his staff to attend. He welcomed anyone from the City to participate. There is no cost for the training.

McGillivray indicated that the County will be contacting each City currently working on developing their Emergency Operations Plan about some issues related to the plans that need to be discussed.

Mayor Mosser asked if the training would be for everyone or just specific individuals. McGillivray responded that the City can send anyone they like. Mayor Mosser felt that the Public Works crew would be ideal candidates for the training because they are always present in the City.

V. Old Business

1. Second Reading and Adoption, Ordinance No. 646, An Ordinance Authorizing City to Refer Debts to Collection Agencies

Sue Hollis briefly outlined the process for adoption.

Councilor Adams **moved** that the seconding reading of Ordinance #646, An Ordinance Authorizing City to Refer Debts to Collection Agencies, be by title only.

Councilor Baller **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

Councilor Toney read into the record "Ordinance #646, An Ordinance Authorizing City to Refer Debts to Collection Agencies."

Councilor Skyberg **moved** to approve the second reading and adopt Ordinance #646, An Ordinance Authorizing City to Refer Debts to Collection Agencies.

Councilor Bramall **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

2. Request from Linda Eyster, 651 NE Main St

Ms Eyster was present and asked for a Council decision on maintaining the ditch on her property. Sue Hollis gave a brief background report. Following Ms Eyster's request at the last City Council meeting, Jeff Brown indicated some concerns and she also had concerns. Council directed staff to prepare a report on the concerns for discussion at tonight's meeting.

Hollis then called attention to the agenda memo and briefly reviewed its contents. She noted that this is a difficult situation in that the ditch is on private property and is not part of the City's storm drain system. Her concern was the liability to the City if we were to do the maintenance and Ms Eyster's house was subsequently damaged, there is a potential that the City could be sued because of how they did or did not maintain the ditch. She noted that the City Attorney has these same concerns and did not recommend we undertake this. He understands, however, that City Councils sometimes choose another direction. If they do decide to accept the maintenance, he strongly urges that a written contract be in place before any work is undertaken and that it is clear in the contract that the City is being held harmless for anything that might happen. He would want to review that document before the City Council adopts it.

Mayor Mosser asked what the assessed value of the property is currently. Ms Eyster did not remember. Ms Hollis asked how large the property was. Ms Eyster responded that it was $\frac{1}{4}$ acre.

Councilor Skyberg asked if there was a contract for the work done last year. Hollis responded that there was not. She asked if perhaps a church group could do this? Ms Eyster responded that it requires a Bobcat. Jeff Brown noted that the last time it was done we hired a local contractor. Discussion followed about the ditch and what it might take to clean it.

Councilor Baller felt that there was a lot of water that comes down off that hill at certain times of the year. If we could help this water to move along somehow she would like to see it. She understood that we cannot afford to fix the problem permanently.

Jeff Brown responded that there is a lot of maintenance that can be done by the homeowner to minimize the problem without the use of large equipment. Councilor Skyberg asked if there was any kind of half culvert that could be put in place that might discourage the weeds.

Ms Eyster said that she had removed grass and other vegetation, broken tiles and rocks with a pickaxe and shovel and now has terrific erosion because there are no root systems to hold the dirt in place. She is open to other ideas.

Discussion followed about the impact of the railroad crossing on water drainage.

Mayor Mosser asked Brown if we do this type of maintenance on any other private property. Brown responded that we do not. We do maintain a portion of the ditch that is on our property near the pond. Mayor Mosser felt that Council needed to follow the attorney's recommendation.

Councilor Adams asked if Ms Eyster has explored options to resolve this problem. She responded that she has thought about this all the time and has a 4x6' hole in her floor where she must bail water out to keep her house from flooding. She felt that the ditch was her problem, but the water was not her water. She stated that she was told that if she filled the ditch she would be cited. She emphasized that she did not have \$700 to hire a contractor, let alone \$60,000 to fix the problem. The soil needs to be removed 6-12 inches under the edge of the culvert to keep the water from flooding her home. She asked Council what would they do if it was their home.

Mayor Mosser asked for comments from the Council. Councilor Skyberg asked how much it cost for Mr Eisley to come in last year. Brown did not remember.

Councilor Adams asked who told her she would be cited. Ms Eyster responded that it was Sue Hollis. Hollis replied that she did not say that Ms Eyster would be cited. What she told Ms Eyster was that if she chose to fill the ditch and the water went onto other people's property, she might be liable for this under state law.

Mayor Mosser felt that Ms Eyster should develop a plan with her attorney and then the City could consider it.

Councilor Toney asked for clarification about what Ms Eyster was to do. Hollis responded that actually, Council needs to make a decision first about whether they want to take over maintenance of this ditch. If so, it will come with a cost for a contractor and essentially we would be spending tax dollars for the benefit of one taxpayer. We have received requests from other property owners to deal with similar issues. She used Jackson Street as an example.

Councilor Adams noted that this was a challenging situation and he had mixed feelings about how we should proceed. He asked for clarification on the length of the ditch. Council Bramall noted it was 189 feet according to the agenda memo.

Councilor Baller asked if we had any other ditches that run that amount of water that we have difficulty with. Brown responded that this one probably does take the most runoff. Baller noted that there was a lot of water coming down that hill. If it floods, nothing we do or don't do won't make it any better.

If we can help facilitate it in the more normal years and keep the sediments down, she felt it was a reasonable thing to do, but not without a hold harmless agreement.

Councilor Adams responded that he would love to help, but he knows the shape of City finances. If we spent \$1,000 on this, it would be \$1,000 we would be giving to a private property owner. Ms Eyster responded that she understood that. If she had known about this situation before she bought the property she would not have done so. It was so overgrown she was not able to see the problem.

Hollis noted that Council could also consider partnering with Ms Eyster to share the costs, with the proper agreements in place. That might be more tenable cost wise, but she did not know if Ms Eyster had the money to assist with that.

Councilor Skyberg asked if Hollis had heard of any grant resources for this type of work. Hollis responded that she did not. Discussion followed. She suggested that staff talk with ODOT about the issue and explore options. Ms Eyster noted that ODOT had told her that it was not their problem.

Hollis went on to state that the report in the agenda is not really a firm report because they don't know the actual amount of water that the permanent fix would need to handle without an additional study. Councilor Skyberg asked if the ditch on Oaken Hills was on private property. Brown responded that it was.

Hollis also suggested contacting the Yamhill Basin Council for funding options. It was the consensus of Council that staff do so.

Mayor Mosser indicated that he would like to know what it would take to solve the problem. Hollis responded that the only solution would be replacing the ditch.

Councilor Toney asked if someone appraises the property, are they not required to let you know about this sort of problem. Ms Eyster responded that they are, but there is a statute of limitations which she missed by three days.

Hollis summed up the discussion for staff to talk with ODOT and the Yamhill Basin Council and research the actual cost of the maintenance last year. She will also check with other cities about agreements with private property owners for maintenance of ditches on private property. She will report back at the next meeting.

Councilor Skyberg asked if Brown had pictures of times when the ditch floods over. He did not, however, Ms Eyster said that she did. Brown noted that most of the time when that area floods it is because of leaves blocking the grate. He tries to keep this clear. Ms Eyster felt that this was expending manpower on private property. Brown responded that the grate is in the highway right-of-way.

Ms Eyster thanked the City Council for its time.

3. **Review of Resolution # 11.12-012, Adopting a Code of Conduct for City of Willamina Appointed and Elected Officials**

Hollis noted that this was on the agenda tonight because Council had directed staff to bring it back for review in November to see if there were any issues and how it was working. Mayor Mosser asked if there were any comments from Council. There were none.

VI. **New Business**

1. **Unofficial Results of November 6, 2012 Election (Handout)**

Sue Hollis called attention to the handout Unofficial Results of the November 6, 2012 Election (attached hereto and made a part hereof) and briefly reviewed its contents. Cory Adams was elected Mayor; Councilors Baller and Skyberg were re-elected and a new Councilor, Gary Hill, was elected. She noted that there are 559 active voters in Yamhill County and 363 in Polk County.

She noted that there will be a vacancy on the Council when Councilor Adams is sworn in as Mayor.

2. **PGE Franchise Extension (Ordinance #648)**

Sue Hollis briefly reviewed the process to adopt an ordinance at one meeting. It was a complicated process.

Councilor Toney **moved** to approve adoption of Ordinance #648, An Ordinance of the City Council of Willamina Extending the Franchise Granted to Portland General Electric Company at one meeting.

Councilor Skyberg **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

Councilor Toney **moved** to conduct the first and second readings of Ordinance #648, An Ordinance of the City Council of Willamina Extending the Franchise Granted to Portland General Electric Company, by title only.

Councilor Bramall **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

Councilor Adams read Ordinance #648 into the record by title only on first reading.

Councilor Toney **moved** to approve the first reading of Ordinance #648, An Ordinance of the City Council of Willamina Extending the Franchise Granted to Portland General Electric Company.

Councilor Bramall **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

Councilor Skyberg read Ordinance #648 into the record by title only on second reading.

Councilor Adams **moved** approval of the second reading and adoption of Ordinance #648, An Ordinance of the City Council of Willamina Extending the Franchise Granted to Portland General Electric Company.

Councilor Baller **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

3. **Contribution from Friends of the Library for Children's/Youth Library Programs**

Denise Willms, Youth Services Librarian, reported that she was asked by the Friends of the Library for a wish list which she provided. Sue Hollis called attention to the agenda memo and asked Council to accept the donation and direct staff to prepare the appropriate resolution for adoption in December.

Councilor Bramall **moved** to accept the \$3,000 donation from the Friends of the Library and to direct staff to prepare the appropriate resolution for adoption in December.

Councilor Toney **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

4. **Drug Free Pledges from Elementary School Students (Information Only)**

Sue Hollis passed the pledges around along with copies of the presentation photos. No discussion.

5. **Invitation to Participate in LCDC Roundtable Discussion (Information Only)**

No discussion.

VII. Council Liaison Reports

- 1. **Chamber Liaison (None)**
- 2. **School Board Liaison (None)**
- 3. **YCOM (Councilor Baller)**

Councilor Baller reported that the Board had asked the YCOM Director to prepare a list of what needs to happen now. She did so in conjunction with the Adcock Company that has helped us in the past. They then established a Committee to oversee the results of this list when received.

- 4. **Strategic Planning Focus Group (Commissioner Ulrich)**

Councilor Baller reported that they are using the Albany Plan as a guideline. The plan will be placed on a website and will provide information on how to get involved on a project in which you might be interested. She briefly reviewed some of the projects under consideration. She noted that she had recently discovered a map of the downtown from years ago and it might be a good base map to show what has been accomplished to date. It was a short meeting and everyone received an assignment to write a paragraph or page of the Plan. Once assembled, it will be brought to Council for review and comment.

VIII. Council Committee Reports

- 1. **Finance Committee**

- a. **Minutes of Meeting of October 24, 2012**

Councilor Adams **moved** to approve the minutes of the Finance Committee meeting of October 24, 2012.

Councilor Toney **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

- b. **Report of Bills Paid – October 1 thru 31, 2012**

Councilor Toney **moved** to approve the Report of Bills from October 1 thru 31, 2012.

Councilor Bramall **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, and Toney voting aye; Councilor Skyberg abstaining.

c. **Consideration of Again Closing City Hall 1 Day a Week to Complete Audit Work**

1. **Ordinance #649, An Ordinance Temporarily Changing Office Hours at City Hall Until Further Notice, and Declaring an Emergency**

Sue Hollis gave a brief background on discussions at the Finance Committee meeting about closing City Hall on Wednesdays until the preparations for the audits have been completed. Being closed on Wednesdays did allow staff to focus solely on audits during that day and as a result, we have closed FY 2008/09. We are now working on FY 2009/10 which should go faster because both Debra Bernard and I were here for part of that year. Now that we are open again on Wednesdays, we are unable to devote any extended amount of time on this project. We can catch an hour or two here and there.

If Council decides to close City Hall on Wednesdays once again, it has two ways to do so: 1) by adoption of an ordinance or 2) by motion.

Councilor Adams **moved** to close City Hall on Wednesday until further notice to allow staff to dedicate time to preparing for audits.

Councilor Toney **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

Hollis reported that she had talked with a representative from Boldt, Carlisle & Smith and they are interested in preparing a quote for audit services.

2. **Public Works Committee**

a. **Minutes of Meeting of October 29, 2012**

Councilor Toney **moved** to approve the minutes of the Public Works Committee meeting of October 29, 2012, as written.

Councilor Bramall **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

b. **Request to Issue an RFQ for an Architectural Services**

Jeff Brown gave a report to Council on the discussions at the Public Works Committee on the condition and options for the old department store. The group came to agreement that they wished to go out for an RFQ for an architect to determine exactly what is needed to save or restore the building. Sue Hollis noted for the record that Naomi Kelley was very gracious, but was also very distressed about what has happened to the building. The Committee is asking for Council approval to prepare the RFQ and pay to advertise it so that we can get an idea about what the architect would charge. The cost to advertise this in the Daily Journal of Commerce would likely be between \$200-\$400. If we receive responses that are affordable and the money is available, this project could tell us if the building is salvageable and what needs to be done first to save it, such as the roof, etc. and the estimated costs. We could then use that report to seek funding for repairs.

Hollis corrected information related to insurance on the building. She had indicated to the Committee that it did not have property coverage but this is incorrect. Gary Hampton, the City's Insurance Agent, dropped by the office a few days ago and he confirmed that we do have it for the current year. After that it likely will be dropped. It will continue to have liability coverage.

Councilor Baller asked if there was money to run the ad. Hollis responded that there was money in the Museum Department for this.

Councilor Toney **moved** to direct staff to prepare and advertise an RFQ as outlined.

Councilor Skyberg **seconded**. Motion **carried** unanimously, with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

At this time, Councilor Skyberg left the meeting.

IX. Reports of City Officers

1. **City Recorder**

a. **Update on Railroad Ordinance/Lease (Verbal)**

Sue Hollis reported that the first reading of the railroad ordinance was planned for tonight, however, Tom Sponsler, City Attorney, wanted the railroad to get a copy before Council took that action. Unfortunately, she forgot about that, but has now provided a copy to them. It is hoped that we will have some comment from them by the December meeting.

b. City County Dinner, December 6, 2012 (Verbal)

Sue Hollis asked that anyone who is planning to attend let her know by November 27th so she can get a check to the City of McMinnville.

c. Housing Rehabilitation Program Historical Stats (Verbal/Information)

Sue Hollis called attention to the chart provided in the agenda packet that shows that from 1980 to September, 2012, over \$8.5 million has been put back into the county for housing rehabilitation.

2. Public Works**a. Monthly Report**

Jeff Brown discussed ongoing water leak repairs. Brief discussion followed. Brown notified Council that he will be taking off at least one week a month for the next couple of months to use up vacation time.

Councilor Toney asked why she had no water last week. Brown responded that the pump had gone down, but they were not sure why. Staff is looking into getting an alarm on the pump so that they will be notified as soon as it goes down instead of waiting for a citizen to call.

3. Library**a. Library Monthly Report**

No discussion.

b. Youth Services Library Update**1) Boogie Woogie Concert, March 9, 2013**

Denise Willms, Youth Services Librarian, reported on a planned Boogie Woogie Concert to be held at the West Valley Community Center Gym on March 9, 2013. Free tickets will be issued so that we can keep an accurate count. She has purchased red bandanas and sheriff's stars to give out to the kids. She is hoping for 60 kids. It will be advertised in the Sheridan Library as well. Posters will go up and The Sun will have an announcement. Channel 5 will have a notice as well. Councilor Toney suggested putting it on the School Reader Board. Willms noted that this is the first large event the Library has planned because we didn't have the space in the past. She will need to close the Library a little early on that Saturday to help out at the concert. The performers are going to write a boogie-woogie cowboy song just for the event.

Councilor Adams asked if she was keeping track of the panic button. Willms responded that she knows exactly where it is at all times! She asked that we have a "dry-run" so that staff knows exactly what happens when it is pushed. Jeff Brown will set up a test.

4. Sheriff's Office

a. Code Enforcement Report – September & October (handout)

Sue Hollis called attention to the handout report which was for October (attached hereto and made a part hereof). The September report was actually received last month.

b. Crime Summary – September & October

Sergeant Vandewettering reported that there will be a Veteran's Day Parade on November 11th at 12:00. Hollis noted that she thought it was 11:00 am. Vandewettering will verify the time. He apologized for missing the last meeting, but his daughter was having a baby.

Discussion occurred about some thefts of ATV's in both Polk and Yamhill Counties. They have recovered four of them, and have suspects but they are not yet in custody. He noted that the media was very helpful in trying efforts to locate the vehicles.

X. Adjourn

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Councilor Toney **moved** to adjourn.

Councilor Bramall **seconded**. Motion **carried** unanimously with Councilors Adams, Baller, Bramall, Skyberg and Toney voting aye.

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Meeting adjourned at:8:33 pm.



Vernon Mosser

Vernon Mosser, Mayor

Attest: *Sue Hollis*

Sue Hollis, City Recorder

Attachments