

## HALSEY CITY COUNCIL MEETING

Halsey City Hall  
773 W. 1<sup>st</sup> Street  
Halsey, OR 97348  
April 13, 2010  
7:00 P.M.

The City Council meeting was called to order at 7:00 p.m.

The City Administrator took Roll Call.

Present: Mayor Marjean Cline, Council President Wade Doerfler, Councilor Eric Harless, Councilor Joan Mercier, Councilor Kathy Parker, Councilor Eldon Albertson, and Councilor Lee Johnson.

Also in attendance were Captain Jeff Cone, Sergeant Brad Kelley, Jon Smith from The Times, and City employees, Karla Caudell and Martha Chamberlain.

### **Approval of Minutes**

Council President Doerfler made a motion to approve the minutes from the meeting held on March 9, 2010. Councilor Parker 2<sup>nd</sup> and the motion carried unanimously.

### **Delegation**

Mayor Cline acknowledged Captain Cone in attendance as Sergeant Kelley had not yet arrived and a brief discussion ensued regarding the railroad closure on Highway 228 and the problems incurred routing truck traffic through the City during that period of time. Mayor Cline then asked for a direction on how to remove the camper/trailer that is parked on private property along Highway 99 toward the north end of town. Mayor Cline stated the property owner had been notified however the City Administrator responded it was not certain which parcel the camper was sitting on and no one had received a letter regarding this issue. Captain Cone indicated the City should follow the abatement process through the Nuisance Ordinance. Captain Cone commented he did not know if the camper would be considered hazardous however Councilor Parker stated that the jacks underneath are no longer holding up part of the vehicle. The City Administrator responded that she would notify two property owners as it is uncertain which one the camper is sitting on and list it as a public safety concern. The City Administrator added the camper was probably dropped at its current location and in that case the owner may not be able to be identified. Captain Cone advised in the case of abandoned vehicles they should be notified according to the City's ordinance however towing should be followed under the State statute rather than the County statute. A brief discussion ensued.

### **City Administrator Report**

The City Administrator reminded everyone that their Statement of Economic Interest forms were due by April 15, 2010 and that the City would be happy to copy and put them in the mail for anyone needing to meet this deadline. There were no questions.

The City Administrator commented she had included a letter of support for a TGM grant submitted by Linn County in order to update their Transportation Plan. The City Administrator stated the City does not have a Transportation Plan of its own and it would be beneficial for the City to fall under the County plan until an individual plan could be developed. There were no questions.

The City Administrator advised the Council of a forum that will be held on Thursday, April 29, 2010 regarding industrial lands and wetland issues. The City Administrator commented there is one large industrial property in Halsey which can be developed however that may be in the distant future.

Council President Doerfler asked if it is the Powell property south of town with the City Administrator responding affirmatively. The City Administrator indicated cities are encouraged to notify Council

members as well as Planning Commission members of this event and they are welcome to attend. Mayor Cline commented she would attend with the City Administrator. There were no questions. The City Administrator included a letter from Peter DeFazio's office in the packets indicating he could not support the appropriations request submitted to him regarding funding for the Community Center/City Hall. The City Administrator indicated there had been no word from Senator Merkley or Senator Wyden's office and Mayor Cline commented there was nothing posted on either website at this time. There were no questions.

The City Administrator reported a meeting had been held with the County and the Railroad regarding the improvements to the H street crossing. The City Administrator stated the County was doing the City's portion of this project and had proposed some additional enhancements that had not been included in the original order. The City Administrator indicated the travel lanes would be 24' wide and concrete sidewalks would be constructed on the north and south sides of the crossing. The City Administrator stated the sidewalk on the south was added due to the fact that the Halsey Mennonite Church School project has been under construction since the original order was signed. There were no questions.

### **Public Works Department**

Council President Doerfler asked about the level of the lagoons with the City Administrator responding Andy had made a note that the discharging would end soon due to the fact that the stream level is low. Mayor Cline commented about the amount of recent rainfall and the impact on the stream with the City Administrator responding discharging can take place until the end of April, 2010. There were no other questions.

### **Planning Commission**

Councilor Harless stated a meeting was held on Monday, March 29, 2010. Councilor Harless reported the City's list of uses in the Commercial District is very generic therefore the Commission reviewed the list of uses in other cities such as Junction City, Harrisburg, and Jefferson. Councilor Harless indicated the review was suggested by Eric Adams, the City Planner, because he felt that if a business were to consider locating in Halsey and there is no provision in the Code indicating a particular use they may move onto another City where the uses are more easily identified. Councilor Johnson commented that he noticed the tenant had moved from the location where there had been previous discussions about a kennel or veterinary business with Councilor Harless commenting that issue seemed to spur the discussion to enhance the uses in the Commercial Zone. The City Administrator responded that was correct because Adams brought it to her attention that the existing Code does not allow for a veterinary business in any of the zones. Councilor Harless added there was a brief discussion regarding the Halsey Mennonite Church School and the City Administrator stated there were a couple of concerns regarding some street issues at Eastside Estates which she has researched. There were no questions.

### **Park Committee**

Councilor Mercier reported on how nice the park looks with Councilor Parker commenting that a number of adults are using it even during rainy weather. Mayor Cline added that she has seen lots of people enjoying the path and is very pleased with that addition. Councilor Mercier indicated she has become an actress and is filming a clip about the skatepark with Martha Chamberlain as the videographer. The City Administrator commented the Council of Governments asked the City to be the guinea pig for a small video presentation about a project enhancing the community. The City Administrator reported she talked with Karla Caudell and it was suggested the skatepark and improvements to the Halsey City Park would be a good item for this request. The City Administrator noted that other cities will be asked to contribute at a later date. There were no questions.

### **Finance Committee**

Council President Doerfler reported there are only 2 ½ months until the end of the fiscal year and asked the City Administrator if there were any funds where expenses should be curtailed with the City Administrator responding there were no concerns at this time. Council President Doerfler commented the City continues to accomplish a lot with the amount of money available. There were no questions.

### **Street/Utility Committee**

Council President Doerfler commented the primary topic of discussion was the ODOT Manager's Report. Council President Doerfler stated it was discovered that the supports for two of the bridges for the Pioneer Mountain Bypass are not staying in line and they will have to be torn down and redone. Council President Doerfler commented that one is located in a slide area which is of particular concern. Council President Doerfler stated this information only further delays the project and adds to the overall cost. Councilor Albertson asked for clarification on where this project is located with Council President Doerfler responding it is the Pioneer Mountain Bypass from Eddyville to Toledo. Council President Doerfler stated the reason for the problem has not been determined as to whether it is an engineering issue or a construction issue. A brief discussion ensued.

### **Intergovernmental Committee**

Council President Doerfler indicated a draft of the budget was presented with one issue being raised regarding the mileage rate paid for volunteers. Council President Doerfler stated he expressed a concern that this should even be an issue and ultimately the discussion was tabled. Council President Doerfler commented that money is tight in all areas of funding as revenue from cigarettes and alcohol is not a stable source of income. Council President Doerfler added that the social services area is being hit particularly hard and those are situations most often where people are no longer working and have no other resources for additional income. Councilor Johnson commented he frequents garage sales and has seen evidence of the struggles many people are facing. Mayor Cline stated that Senator Wyden has done a lot for retired people and asked if the Council of Governments has been in contact with him with Council President Doerfler responding they have on several occasions. There were no questions.

### **Old Business**

Mayor Cline commented on the fact that someone actually contacted the City with a positive comment but added the complaint log seemed to be longer than normal. The City Administrator stated she thought about making a note that the Council would not see the "Thank You" log very often on the agenda but decided against that; nonetheless it was nice to hear a word of appreciation. A brief discussion ensued.

The City Administrator added a discussion regarding the generator installed at the lift station to the agenda and the fact that it was supposed to have been 'whisper quiet' however it appeared that was overlooked by the City Engineer. The City Administrator reported that Devco Engineering had done a study on the sound level with the current generator in comparison to a whisper quiet generator and could not recall exactly the difference in the noise level. The City Administrator added the generator is tested every Tuesday and the City has not received any complaints from any of the residences to date. The City Administrator indicated letters had been sent to EC Electric, Norms Electric and Premier Electric asking for bids on installing a kit to make the existing equipment whisper quiet with the lowest bid being over \$7000.00 coming from EC Electric. The City Administrator commented that originally it appeared Devco Engineering would take responsibility for this oversight however at that cost she was unsure of what would transpire. Councilor Johnson asked about the difference in the level of decibels from the existing generator and the improvements however the City Administrator could not recall that number. Councilor Mercier asked how many houses were in the area with the City Administrator responding approximately six in the immediate vicinity. Mayor Cline suggested the issue may not be of concern unless there was somewhere around a 25% reduction in the sound level with Councilor Johnson in agreement. A brief discussion ensued with the City Administrator stating

she appreciated their input and would follow up with Devco Engineering regarding a potential solution to this issue.

### **New Business**

Mayor Cline asked if there were any questions regarding the OLCC license renewals for the Halsey Select Market and Woody's Bar & Grill and since there were none Council President Doerfler made a motion to accept the OLCC renewals for both entities. Councilor Parker 2<sup>nd</sup> and the motion carried unanimously.

Mayor Cline initiated a discussion on the enclosed Intergovernmental Agreement between the Central Linn School District and the City of Halsey to collect and remit a Construction Excise Tax. The City Administrator reported that someone from the school district had contacted her a couple of weeks earlier and asked if she recalled a discussion with Susan regarding this issue however she had no recollection of that discussion. The person said she was forwarding an intergovernmental agreement, which was done, however the City Administrator stated that agreement has been revised. The City Administrator stated the statute says the District must pass a resolution before an agreement can be signed and the City in turn will need to adopt a resolution in order to collect the fees. The City Administrator advised the Council of a Senate bill passed by the 2007 Legislature that allows school districts to direct local jurisdictions to collect an excise tax on their behalf. Council President Doerfler expressed a concern for adding some additional fees to new construction and it is just one more thing to drive up the cost of construction. Councilor Albertson questioned the fact that the tax could be instigated without the vote of the people and questioned why residential homes would have a \$1.00/square foot tax versus a \$.50/square foot tax on business as the City Administrator had stated earlier in the discussion. Mayor Cline suggested the difference was to encourage the growth of business in the community. Councilor Harless added that he was also surprised and concerned to learn of this tax and why it would not have been placed on a ballot for a vote by the public. Councilor Johnson asked if the money received would only benefit the School District with Mayor Cline responding that was correct and it could be only used for capital improvements. The City Administrator confirmed the tax is similar to the City's System Development Charges which can be appropriated only for certain things and could not be used to purchase computers for example. Mayor Cline added that it appeared that the City of Brownsville and the County would be required to sign similar agreements. A brief discussion ensued.

Mayor Cline asked the City Administrator to speak on the agenda item for the Halsey Municipal Court with the City Administrator responding that Judge Lemhouse had asked her during the April court session to consider having the Halsey court be handled through the judicial system. The City Administrator commented that Judge Lemhouse was going to check with the County Commissioners to determine if that arrangement would be acceptable to them and in terms of the City it would mean that the City would receive 50% of the revenue from fines and ordinance violations. Council President Doerfler asked if the cases would be held in Harrisburg with the City Administrator responding affirmatively. Mayor Cline stated that it does not appear that revenue from fines is particularly large and clarified that the person now handling the court would no longer do so with the City Administrator responding that was correct. Council President Doerfler commented he did not have an opinion either way and would be alright with either the decision to keep the court in Halsey or move it to Harrisburg. A brief discussion ensued.

Mayor Cline deferred a discussion of the agenda item for the 2011 Special City Allotment Grant to the City Administrator. The City Administrator commented the City received the 2010 Special City Allotment Grant for the overlay on West 1<sup>st</sup> Street therefore it may not be possible to receive the grant for 2011 however it does not hurt to turn in an application. The City Administrator stated the application is not due until July 1, 2010 therefore the Council should give some consideration to streets they would like to see improved. The City Administrator commented that West M, West N, and West 5<sup>th</sup> were submitted a couple of years ago however since there is minimal truck traffic in this area it is difficult for those streets to meet the criteria. The City Administrator stated other funding for streets had been available through the use of stimulus money therefore the Special City Allotment money may

be more readily available. The City Administrator requested the Council provide feedback on this item at the next regularly scheduled Council meeting. There were no questions.

Karla Caudell reported that Sweet Home Sanitation would like some help this time for the semi-annual clean-up and is requesting people come to the City shop between 8:15 a.m. and 8:30 a.m. Mayor Cline was surprised they were asking for help when they had indicated they did not need any help during the last couple of clean-ups. A brief discussion ensued.

Councilor Mercier initiated a discussion regarding the City Attorney and the fact that it has been difficult to get a response regarding some issues the City has been trying to resolve. Councilor Mercier asked how much the City Attorney is paid with the City Administrator responding \$75.00 per hour. Councilor Albertson suggested writing a letter to the City Attorney expressing the concerns with Councilor Parker in agreement and stating she would be willing to sign such a letter. Councilor Mercier asked about the procedure for hiring a new attorney with the City Administrator responding an RFP would have to be issued. Council President Doerfler stated that the current City Attorney should be contacted first prior to sending out an RFP. The consensus of the Council was to have the City Administrator send a letter to the City Attorney expressing their concerns.

The City Administrator provided an update on Jerry Werner regarding his workers' compensation status. The City Administrator reported the doctor report provided on April 5, 2010 indicated he could be released for sedentary work on April 19, 2010. The City Administrator stated the release states that he would need to have a desk job as he is not allowed to stand for any extended length of time. The City Administrator shared with Council there are reasons to bring someone back to light duty due to the fact that there is partial reimbursement for wages and money is available to buy equipment such as a computer, new tools, etc. The City Administrator stated that each of the public works employees have been brought back for light duty before however in this case Jerry is very limited on what he is released to do. Council President Doerfler commented that the situation puts the City in a tough spot because that type of job is not available thus it is difficult to bring a person back to work. Councilor Johnson stated from previous experience a job had to be created for this type of situation however Mayor Cline commented that the City is not required to bring him back at this point in time although the City is moving into a busy time of year. The City Administrator reported that she had spoken to the doctor's office to learn if Jerry could be released to mow and was informed he could try it but they expressed a bit of concern for the bouncing motion. Council President Doerfler indicated he thought it best to wait until a later time when the doctor releases him for additional duties. The consensus of the Council was they were in agreement with Council President Doerfler.

The City Administrator had provided information regarding her evaluation scheduled for May however she noted that last year the Council wanted all evaluations turned into the Mayor and compiled into one therefore she thought it best to give the materials to them at this meeting. The City Administrator stated she was open to suggestions however on how they would like the process to take place.

Councilor Parker stated she appreciated the job description that was included in the materials. It was the consensus of the Council that everyone return the evaluations back to the Mayor prior to the next meeting and then she would meet with the City Administrator for the evaluation. The Council was in agreement that an executive session was not necessary.

### **Adjournment**

Council President Doerfler made a motion to adjourn the meeting at 8:30 p.m. Councilor Parker 2<sup>nd</sup> and the motion carried unanimously.

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Marjean Cline, Mayor

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Judy Cleeton, City Administrator