

HALSEY CITY COUNCIL MEETING

Halsey City Hall
773 W. 1st Street
Halsey, OR 97348
July 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 Sergeant Brad Kelley, Don Ware from The Times, Pam Sibernagel from the Oregon Cascades West Council of Governments, Woodrow Edwards, Corie Linn, and City employee Martha Chamberlain.

Approval of Minutes

Council President Doerfler made a motion to approve the minutes as amended from the meeting held on June 8, 2010. Councilor Parker 2nd and the motion carried unanimously.

Delegations

Mayor Cline turned the meeting over to **Pam Sibernagel** from Community and Economic Development with the CWCOG for a discussion on wetland issues and mitigation. Sibernagel began by stating that the Pepsico project that had been targeted for Albany had a wetlands study which expires after a three year time period. Sibernagel stated that since the project is not going to take place a whole new wetlands study will need to take place on this site for any future development. Sibernagel noted that they are working with the State and the Federal government in order to resolve some of the issues regarding wetlands. Sibernagel further noted that currently in Oregon it takes at least a year for developers to complete a wetlands inventory and most businesses do not want to wait that long as they want to be operating their business within six months. Sibernagel added that in learning more about wetland issues they are being told something different by the two government entities. Therefore, Sibernagel commented that businesses looking to come to Oregon and providing jobs are going elsewhere because this process takes too long in our State. Sibernagel indicated that for several months now there have been discussions regarding the development of a regional general permit. Sibernagel stated it has been proposed to take approximately twenty sites through this regional permitting process in various communities. Sibernagel added all wetlands in the area go into the same drainage basin and thus it makes sense to combine various properties in this study. Sibernagel stated they have received interest at the Federal level however the initial cost is somewhere between \$125,000 and \$150,000 for the first phase of this process. Sibernagel then added that eight separate agencies would have to buy off on the findings for the regional permit. Sibernagel indicated the reason for pursuing a regional permit is because each City does not have the expertise to do the work. Sibernagel indicated if the cities all work together to develop the permit by holding three or four meetings then the State has indicated they could help with some funding. Sibernagel noted the cost to move one acre of wetlands from an industrial site to a mitigation bank costs in excess of \$100,000. Sibernagel commented that she met with the Harrisburg Council and a discussion indicated that wetland credits would probably sell for approximately \$50,000 per acre and thus in developing a hundred acre site the cost would be prohibitive. Sibernagel explained that there are not enough developers in our area to fund a wetlands mitigation bank. Sibernagel commented that cities could develop their own mitigation banks and run them however the questions that would be raised would be who gets to develop, what are the costs, and what decisions does the City get to make. Sibernagel

asked for one appointed representative, one alternate representative, and one City staff person to help in the development of a preliminary business plan. Sibernagel commented it is anticipated there will be a need to hold three meetings which could last up to three hours each. Sibernagel suggested setting at least one meeting a month beginning in October, 2010 and to have a business plan in place by December, 2010. Sibernagel stated they missed out on some funding that was available last year due to a January deadline and want to avoid that issue next year. Sibernagel stated the representatives need to serve as a liaison and bring back information to the Council for discussion and for the Council to provide feedback for the meetings. Mayor Cline asked Sibernagel to provide more detail on how a property becomes part of a wetlands bank. Sibernagel responded that any property can become a wetlands bank by taking out various species and removing drain tiles for example. Sibernagel explained the property could be farmland or it could even be a recreational site. Mayor Cline asked why the City of Halsey would want to participate in the wetlands bank discussion. Sibernagel responded the reason was because all cities have goals and objectives for developing job opportunities. Sibernagel added that if the Pepsico development had happened it could have potentially impacted Halsey because of the fact that many people commute to and from work. Sibernagel suggested it would benefit both Linn and Benton counties if the cities would work together on this issue. Mayor Cline asked why the City would want to send representatives to the meetings when Halsey has so little to offer and why property owners are not involved in this process. Sibernagel responded again that, even if property is not developed in Halsey, jobs outside the City could result in growth due to the fact that lots and lots of people do not live in the communities where they work. Sibernagel commented that if development occurs in Lebanon for example it benefits the entire mid-valley. Sibernagel added that she will be including the property owners separately in discussions and some point in time everyone will come together for future discussions regarding the wetlands issue. Mayor Cline asked if the City Administrator had a copy of the site inventory with Sibernagel responding that was correct. Council President Doerfler commented that ODOT works with mitigation banks all the time when working with property owners involved in rights-of-way and may have to look at other sites for banks other than the actual property involved in the proposed improvement. Mayor Cline asked how it was that this process has involved eight separate agencies. Sibernagel responded that was actually eight separate agencies at the Federal level alone. Sibernagel stated that for example the Army Corp of Engineers is involved because they deal with anything that holds water not just water bodies. Council President Doerfler asked why the wetlands study is only good for three years with Sibernagel responding there could be changes in what is happening with an adjoining property during that period of time and thus the delineation process would have to start over. Sibernagel stated a regional permit would be good for a period of five years. Councilor Harless asked if the process would have to start over again after five years however Sibernagel responded it would be a quick "refresher" course only. After a brief discussion Mayor Cline offered to be the representative and asked for a Councilor volunteer as the alternative. Councilor Parker and Councilor Albertson responded they would consider becoming an alternate when they learned more about the meeting dates and times. Sibernagel commented the meetings would focus on sites of 10 acres or more however most businesses look at 1 to 3 acres therefore this was only the beginning of the process for wetlands mitigation. There were no other questions.

Mayor Cline asked **Sergeant Kelley** if there was any additional news regarding the burning toilet paper incident at the Park. Sergeant Kelley responded there was nothing new regarding that incident but added there have been similar problems at the restrooms in Harrisburg and Brownsville. Sergeant Kelley reported there have been increased issues regarding door to door sales. Councilor Doerfler asked what types of items people were selling with Sergeant Kelley responding most of the recent issues have been in relation to kids programs. Sergeant Kelley indicated residents are particularly alarmed when a salesperson comes to the door and asks if there are any children residing at the home. Mayor Cline asked if there were still a lot of problems at the apartments however Sergeant Kelley responded he thought things were a little slower at this location. Mayor Cline commented she had met the new manager of the apartments and he seemed to be cleaning up some of the problems that been a constant source of concern. Councilor Johnson indicated the new manager is fairly prompt when

responding to issues at this location. Councilor Mercier asked if the Sheriff's Department had been involved with the fire at the grain tower with Sergeant Kelley responding negatively as the fire did not appear to be caused by vandalism. Sergeant Kelley added that things were fairly quiet over the 4th of July in all of cities. A brief discussion ensued.

City Administrator Report

The City Administrator reported that Jerry Wolcott from the Oregon Department of Transportation had submitted the application for potential sidewalk improvements along Highway 99 and had located another possible source of funding for these improvements therefore he had submitted that application as well. The City Administrator commented she did not know why Wolcott has taken such an interest in Halsey but appreciated his efforts. There were no questions.

The City Administrator reported she has been in the process of closing the fiscal year and stated the overall fund balances are only approximately \$7000 lower from this time last year. The City Administrator commented there will be audit adjustments but is pleased with the financial status of the City. The City Administrator commented that the Sewer Fund and the Sewer Reserve Fund carryover balances are the lowest due to the lift station project therefore the City will need to work at building both of those funds back to a more comfortable level. There were no questions.

The City Administrator stated the camper/trailer had been removed near the corner of Highway 99 and Highway 228 by Zehr Construction and it had been loaded into a dumpster dropped by Sweet Home Sanitation. The City Administrator commented it was a process to get the camper removed but it was done at no cost to the property owner and without any potential liabilities for Zehr Construction or the City. There were no questions.

The City Administrator reported that Jerry Werner continues on light duty until July 28, 2010. The City Administrator commented most of the equipment that the City is allowed to purchase because of his light duty status has been bought and it is now a matter of submitting the proper paperwork for reimbursement. There were no questions.

The City Administrator had included a letter from SafeHaven Humane Society where a donation in memory of Theresa Aldrich had been sent. The City Administrator thanked the governing body again for their support of her request for this contribution to show support to Tom Aldrich with United Pipe & Supply who lost his wife suddenly. There were no questions.

The City Administrator reported the annual employee appreciation dinner will be held on January 7, 2011 this year due to the fact she will be gone when the original date in December, 2010 was set for this event. A brief discussion ensued.

Public Works Department

Mayor Cline asked if there were any questions regarding the public works department report with Council President Doerfler asking if the lagoons were in good shape after being granted special permission to discharge out of the normal discharge period. The City Administrator responded they were fine. Councilor Doerfler commented that the hot weather has probably helped in regard to evaporation as well. Mayor Cline asked how much the pump cost at the sewer lagoon with the City Administrator commenting she recalled it to be around \$1600.00. There were no other questions.

Planning Commission

Councilor Harless reported a meeting had been held on June 29, 2010 and it was agreed by the Commission to add mini storage uses to the commercial zone. Councilor Harless commented that the property owner had come to the meeting because he wanted to expand his business and learned that the current code would not allow him to do so. The City Administrator reported that mini storage facilities are not allowed in the commercial zone but are allowed in the industrial zone therefore the property owner either has to go through a lengthy process to change the zoning or request that the code be amended to allow mini storage facilities in the commercial zone. Council President Doerfler and Councilor Mercier asked how he intended to expand his business. The City Administrator responded

that he actually has an additional lot right next to the existing facility and stated he planned to expand in two or three phrases. There were no questions.

Councilor Harless stated there was also a discussion regarding proposed floodplain revisions even though it has been determined there are no properties in a floodplain within the city limits. Councilor Harless indicated there are a couple of properties on the west side of town that could potentially be annexed into the City sometime in the future therefore the Commission agreed to be proactive on updating the floodplain regulations even though it was not necessary to do so at this time. There were no questions.

Councilor Harless stated that three issues were on the agenda regarding proposed changes to the commercial zone which included restrictions placed on auction sale businesses, retail frozen food facilities, and the prohibition of adult type businesses. Councilor Harless indicated the only item of concern to the City was the last item however the City Planner stated adult business cannot be prohibited due to First Amendment issues. Mayor Cline commented it was stated that Oregon law is stricter on this issue than many states with Councilor Harless confirming that was what the City Planner had reported to the Commission. There were no questions.

Councilor Harless commented there was a brief update on the Halsey Mennonite Church School by the City Administrator in regard to the fact the developer will assist in putting in the parking lot at the Community Center/City Hall in turn for an offsetting reduction in the System Development Fees. There were no questions.

Park Committee

Councilor Mercier reported on the incident involving the toilet paper that was ignited at one of the restrooms at the Park however she added that she has not noticed as much garbage around the area. Councilor Mercier stated that some new equipment has been ordered for the Park in order to take advantage of a sale and has partially been paid for with the donation from Smith Seed. Mayor Cline stated that a phone poll taken in regard to this purchase had to be formally approved by the Council. Council President Doerfler made a motion to approve the results of the phone poll which was the approval to purchase new playground equipment. Councilor Parker 2nd and the motion carried unanimously. Mayor Cline asked if the City Administrator had told Councilor Mercier about the meeting they both had attended with the Lion's Club and it was stated that the members would be willing to help install the equipment. Mayor Cline commented that they are pre-covered by their own insurance which is an added benefit. Councilor Mercier responded she had not heard that but was pleased to receive that information. There were no questions.

Councilor Johnson stated he had not had any time to further research the potential cost for the construction of the train for the City Park however he still thought the materials could cost around \$1500 but thought in actuality it should be somewhere around \$850. Councilor Johnson indicated he had a few other places to check but thought that the prices at Jerry's could not be beat. Councilor Parker expressed a concern that Jerry's does not allow you to pick out your own lumber however Councilor Albertson and Councilor Johnson indicated they have done so in the past and did not think that would be a problem. A brief discussion ensued.

Finance Committee

Council President Doerfler stated some cities the size of Halsey or bigger are having financial struggles however he is pleased with the overall finances of the City. Council President Doerfler commented the City has been conservative with the number of individuals employed and by not adding people there has been no reason to deal with layoffs. There were no questions.

Street/Utility Committee

Council President Doerfler stated there are eight projects in the works that were discussed. Council President Doerfler said they included a transit facility in Albany, the Albany airport and the Newport airport, a new rail bridge at Harrisburg, and four railroad improvements two of which are in Albany, one in Lebanon, and one in Mill City. Council President Doerfler reported a new bridge had been

built at Spencer Creek in Newport however it has been learned the right-of-way surrounding it is unstable. Councilor Doerfler stated the right-of-way could be stabilized with rip rap however the locals do not support that type of fix. Councilor Doerfler reported also that the Pioneer Mountain project was targeted to be completed in 2009 but it is now set for sometime in 2012. Councilor Doerfler stated there are four bridges that are supposed to be built in order to complete that project but no one has determined how they should be built. A brief discussion ensued regarding these transportation issues.

Intergovernmental Committee

Councilor Doerfler reported the next meeting is scheduled for Thursday, July 15, 2010. There were not questions.

Old Business

Mayor Cline asked if there were any questions regarding the complaint log. Councilor Harless commented he liked reading the issue regarding a neighbor and a fence concern. Mayor Cline expressed a concern regarding the issue that a citizen stated the neighbor had 40 chickens and they come into her house. The City Administrator stated the source of the person filing the complaint needs to be considered indicating she is certain the neighbor does not have that many chickens. A brief discussion ensued.

The governing body identified four issues from the legislative objectives list to submit to the League of Oregon Cities after a brief discussion. They were (1) the 9-1-1 tax for pre-paid cell phones, (2) increase the funding allocation to Oregon's small cities for road and street development and maintenance from \$1 million to \$5 million without unfairly impacting larger cities' share of the State Highway Fund, (3) support establishing statewide product stewardship programs to ensure recycling or proper disposal of toxic products at the end of their lifecycle, and (4) recapitalize state municipal infrastructure funds to fully meet local demand on a sustained basis and fully leverage federal matching funds for water and wastewater infrastructure.

New Business

The City Administrator stated a City employee has asked to reserve the Park and wanted to know if they are required to pay the \$50 for the use. The City Administrator reported she has waived the fee for the church that sponsors the Easter egg hunt because it is an event for the entire community however normally the fee is charged to those requesting to reserve the Park. Councilor Albertson commented the City could lose money if someone wanted to rent the Park on the day the employee is requesting it if the employee were not required to pay. Councilor Parker stated that everyone should be treated the same. After a brief discussion it was the consensus of the Council that City employees are required to pay the \$50 deposit if they want to reserve the Park.

Woody Edwards, the owner of Woody's Tavern was in attendance and stated he was in the process of looking at some old family photos, scanning them, and putting them in frames and putting them up on the walls. Edwards inquired whether the City had some old photos that could be scanned and the Mayor offered to scan some of them and put them on a CD for him. Don Ware stated the Picture Gallery in Brownsville has photos that can be scanned and suggested Edwards contact Lisa Keizer for information. Mayor Cline asked about any photos from the Carey Estate with Ware reporting that a whole set of the Oregon Review had been donated to the Brownsville Library. Councilor Albertson stated they have not even started the inventory process but he has requested some items be donated to the City. A brief discussion ensued.

Ordinances and Resolutions

Mayor Cline requested that Resolution 2010-549 be read by title only with the consensus of the Council in agreement. Mayor Cline read Resolution 2010-549 by title only—A Resolution Updating City Hall Operating Fees, Fees in Connection with Land Use Requests, Water Services, Sewer Services, and Repealing Resolution 2009-541. (Water/Sewer rate increases, Election Fee, Budget

Document Fee, Water Master Plan Fee, and Stormwater Master Plan Fee) Council President Doerfler made a motion to approve Resolution 2010-549. Councilor Parker 2nd and the motion carried unanimously.

Adjournment

Council President Doerfler made a motion to adjourn the meeting at 8:45 p.m. Councilor Parker 2nd and the motion carried unanimously.

Marjean Cline, Mayor

Judy Cleeton, City Administrator