128 S Main St.
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City of Condon
Regular Council Meeting Minutes
Wednesday, September 4, 2019
7:00 PM

1. CALL REGULAR MEETING TO ORDER

Mayor Jim Hassing called the meeting to order at 7 p.m.

2. ROLL CALL

Present: Mayor Jim Hassing; Councilors Dawn Parm, Michael Cronk, Jan Stinchfield, Tom Fatland and Donald Jamieson; Staff - City Administrator Kathryn Greiner, PW Superintendent Gibb Wilkins and Gilliam County Sheriff Gary Bettencourt; Absent: Councilor Brian Barnett

3. ADDITIONS TO AGENDA

None

4. PUBLIC COMMENT

4.1. The Council will hear discussion of unannounced matters from the floor and comments on the agenda items. Comments are limited to five (5) minutes.

None

5. CONSENT AGENDA

5.1. Approve Regular City Council Meeting Minutes of August 7, 2019

Councilor Fatland stated that there was not a councilor in the motion of the ODOT grant in the August 7 minutes. CA Greiner noted that it was councilor Jamieson and will correct the August 7 minutes.

A motion was made by Councilor Jamieson to approve the August 7, 2019 City council meeting with the correction. The motion was seconded by Councilor Fatland and approved unanimously.

5.2. Review Accounts Payable August 12, 2019

No comments

5.3. Review VISA Statements

Councilor Cronk asked why there was a late charge on the VISA, and CA Greiner stated that the bank applied the check to one VISA statement when there are two statements. The correction was made and the late charge was removed.

6. OLD BUSINESS

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6.1. Fiber Update - City/Gilliam County IGA

Councilor Fatland had concerns with the proposed Intergovernmental Agreement (IGA). Specifically the IGA would be forming a new independent board that would have control to make decisions without approval of the governing bodies. Councilors Jamieson and Stinchfield also voiced concerns. Gilliam County Judge Elizabeth Farrar stated that it was "tricky" to have the two separate governing bodies still independent when there are customers involved. She stated that it is a cleaner way to operate with one entity and alleviate the administration structure headaches. Councilor Fatland suggested that the structure be approved by the city council and county court. CA Greiner stated that to address some of Councilor Fatland's concerns, the IGA needed to spell out that Gilliam County would be responsible for the fiscal aspects of the IGA group, and the City of Condon would be responsible for the administrative duties - agendas, minutes, etc. CA Greiner added that the bylaws of entities rules would be drafted to be specific on what the duties would be to report back to the governing bodies. This may include the agendas, minutes and financials to be given to the governing bodies monthly to keep them abreast of the operations. Another concern of Council Fatland's was to adhere to public meeting law, for which CA Greiner stated that under state law ORS 190 for this is formed, it must adhere to all meeting laws.

There was a discussion that the appointed members could be several non-elected members and have community lay members making decisions for the entity. Judge Farrar stated that the entity needed to be "nimble" in its ability to sign leases with customers and not to wait for the monthly meetings of the governing bodies.

It was the recommendation of the council that the IGA put in that the bylaws or rules must be approved by both governing bodies. In addition to the original bylaws or rules, any changes must also be brought back to the governing bodies for approval.

CA Greiner suggested that since the IGA would not be completed in the next two weeks, that the council appoint the two members from the city to this committee and that the Condon Fiber Committee meet to begin the process of recommending how to proceed once the IGA is signed. The concern is that by waiting for another month without some of the groundwork done for this entity, the customers may need to know the dark fiber availability to continue with their projects. Consensus of the council was to have the city's committee meet next week to being discussing the entities business recommendations.

A motion was made by Councilor Fatland to appoint Councilors Stinchfield and Jamieson to the Fiber board in the IGA. The motion was seconded by Councilor Parm and approved unanimously.

6.2. Fairway Housing Project

CA Greiner asked if the housing discussion could be tabled for a month to wrap up the fiber project and Ward Street shop lease. Councilor Jamieson asked if we could send this to one of the city's committees to come back with ideas of how to proceed. CA Greiner suggested that since the city's Personnel Committee was rarely used, that committee be renamed the Housing Committee. Consensus of the council to rename the committee to housing with Mayor Hassing and Councilors Cronk and Barnett as members. A meeting will be called in October.

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6.3. Ward Street Shop Lease with Gilliam County Transportation

CA Greiner brought the Ward Street shop lease between the city and county back to the council which had been substantially changed by Gilliam County's legal counsel. CA Greiner noted that she did not expect the council to approve the lease as she had not received the revised lease until the day before the meeting and the councilors had received it earlier in the day. She did point out that the major differences were the insertion of a pay back of the remodel or construction costs by the city if the lease was broken, and the tightening of the termination clause language.

The payback was proposed if the city defaulted on the lease or the building was damaged. Although language was added for default and damage issues making the payback go into effect it still had the entire construction cost open to the possibility, even after the original five-year lease period. CA Greiner suggested that at the end of the five year lease, there would be no payback even if the rent credit did not cover the entire remodel project. Councilor Jamieson stated that he wanted zero payback, but Judge Farrar stated that if the City decided to lock them out of the shop after one month's use without a payback or some restrictions the lease would not be feasible.

In the original language of the lease, the termination was for either party to terminate the lease after the initial five year period with a 90-day notice. The new language made it more difficult to get out of the lease after the five year period with only damage or default an option.

Councilor Jamieson suggested that the City just do the remodeling and ask for a higher rent. Councilor Stinchfield said that there is nothing being gained now and this way the remodel will be completed.

Consensus of the council was to have the attorneys tighten up the default and damage language and address a less restrictive termination after the payback period.

6.4. Discuss Farming/Pivot Lease

PW Gibb Wilkins said that the staff recommendation, asked for at August 7 council meeting, was to put out the farming contract to a Request for Proposals. The decision was made on the issues of repairs costing more money and new regulations in the new DEQ permit for effluent water. The council was presented with a draft of the RFP and noted that the control of the pumps and pivot will remain the responsibility of the City. Councilor Stinchfield asked about the current least with John Johnson. PW Wilkins stated that the current lease would need to be terminated even if the council did not want to go out for an RFP due to the new DEQ requirements and a different crop allowed. Councilor Fatland noted that the RFP and new lease need to address reserve funds to replace the aging pivot and any equipment for the farming operation.

A motion was made by Councilor Fatland to terminate the farming lease with John Johnson due to changes in the lease. The motion was seconded by Councilor Jamieson and approved unanimously.

A motion was made by Councilor Fatland to go out for an RFP for the wastewater pivot farmland. The motion was seconded by Councilor Stinchfield and approved unanimously.

6.5. Discuss Golf Course Clubhouse

CA Greiner included the design of a new golf course clubhouse and recommended that the discussion be moved to the Park and Recreation Committee. Mayor Hassing assigned this to the committee for review.

7. NEW BUSINESS

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7.1. Waste Management Annual Report - Leah Shannon, WM

Alan Anderson, Senior District Manager and Leah Shannon, Environmental Manager of Waste Management presented their annual report to the city council. Anderson stated that the volumes at Columbia Ridge Landfill (CRL) is at 2.9 tons in July which is an approximate increase of 11.4% year to date. Chem Waste has increased tonnage by 20,000 tons which is about 29% increase from the previous year. Anderson stated that there had been an accident of a semi-truck rollover but safety had improved over the previous year. METRO visited WM in May with the attendance of the Gilliam County Commissioners and the full METRO board. The new 10-year contract begins in January 2020 with METRO with Walsh Trucking still providing transportation services to the site. WM has started a bus from Condon to the site in the last two months which joins the busses coming from Boardman and The Dalles for employees.

Anderson stated that WM has openings for welders, lab technicians, chemists, drivers and laborers and that they have several construction projects going on gas wells at the site. Construction or improvement projects also include a thaw bay (for trucks in the winter) and spray on hard shell of the gondolas. WM is discussing extending the grant funding the Condon and Arlington chamber of commences.

Councilor Jamieson asked if the tonnage is up due to new customers or more garbage. Anderson stated that is was a "little of both" as the population of areas served has increased. Shannon added that clean-up projects have contributed more waste to be transported in. Councilor Fatland asked if WM still focuses on supporting local vendors. Anderson stated that they do which includes Devin Oil for fuel and Bennett's Tire and Auto for tires and others in Gilliam County. Councilor Stinchfield asked if she could receive the newsletter that Anderson handed out and he will distribute it through email.

7.2. Review Ordinance for Economic Opportunity Analysis Grant

CA Greiner explained that that the Economic Opportunity Analysis Grant ordinance would have to be tabled until the November meeting as the Planning Commission has to review and approve it before the council.

7.3. Resolution 2020-02 - A Resolution Reiterating the Need of a Reserve Fund and the Intended Sources and Uses of Funds Accumulated Therein

This is an annual resolution that must be approved for reserve funds.

A motion was made by Councilor Fatland to approve Resolution 2020-02 - A Resolution Reiterating the Need of a Reserve Fund and the Intended Sources and Uses of Funds Accumulated Therein. The motion was seconded by Councilor Parm and approved unanimously.

8. STAFF REPORTS

8.1. Public Works - Public Works Superintendent Gibb Wilkins

PW Wilkins stated that 10.6 million gallons of water were pumped in August and that the crew has been repairing leaks on the irrigation at the golf course. The VFD pump at the wastewater head works has gone done and needs to be replaced, puncture vine has been sprayed in several areas of town and the crew continues to locate for the fiber companies on Cottonwood Road. The City has applied for an Oregon Department of Transportation grant for paving and if successful the paving will be by the day care. The crew is going to lay pipe on Court Street instead of the proposed Spring Street to coincide with the paving project. PW Wilkins said that the transfer station and recycle depot were reviewed by DEQ staff with no issues and noted that the staff is doing an excellent job.

8.2. Police - Gilliam County Sheriff Gary Bettencourt

Sheriff Bettencourt stated that there was a lot of visitors and activity during fair week but no issues. He is working on a complaint of vehicles on North A Street and has drafted a letter to start the abatement of vehicles at Keith Shaw's property on Cottonwood. Traffic enforcement in the city, specifically near the park has been funded through an ODOT grant for traffic safety.

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8.3. Administration - City Administrator Kathryn Greiner

CA Greiner said that staff was going to bring a draft of the fee schedule to make changes and will be available in October so the new fiber rates could be incorporated. She attended a USDA telecommunication workshop in Madras last week and although there were not funding options available at this time through them for the city's projects, it was beneficial to hear telemedicine and distance education information that may be helpful to the city's strategic plan. CA Greiner asked Judge Farrar to give an update on the building codes issues in Condon and Gilliam County.

Judge Farrar stated that Gilliam County had reached a tentative agreement with Wasco, Sherman and Wheeler counties regarding the remaining building code reserves from the defunct Mid Columbia Council or Governments. The approximately $3.9 million reserves would be split 80% to Wasco County, 10% each to Sherman and Gilliam counties and the if Wheeler County is able to collect the requested 3% if will come from Wasco County's portion. Gilliam County is in discussion with the City of Boardman that provides building code services to Morrow County to try and maintain satisfactory levels of service.

9. COUNCIL INFORMATION

9.1. DEQ Annual Transfer Station Review

10. NEXT REGULAR MEETING DATE

10.1. Next Regular Condon City Council meeting is Wednesday, October 2, 2019, 7 p.m.

11. ADJOURN REGULAR MEETING

Mayor Hassing adjourned the meeting at 8:12 p.m.

_____Date _____
Jim Hassing, Mayor

ATTEST: _____ Date _____
Kathryn Greiner City Administrator