



CITY COUNCIL REGULAR MEETING December 19th, 2017

Present Council

**Bill Williams
Andrea Combs
Sue Holliday
Brad Smith
Melissa Pettyjohn**

Public

Richard Schwartzer

**City Manager/Recorder Josh Walker
Minutes taken by Raamin Burrell**

Mayor Combs called the meeting to order at 6:02 pm.

Open Floor: Mayor Combs called for open floor items from the public. Raamin the Council's attention to the complaint sent in by Mr. Schwartzer and advised if he had anything to comment or discuss, now would be the time. The complaint filed was for excessive operation of a log splitter in a residential area. Councilor Pettyjohn asked about any conversations had before now and their outcome. City Manager Walker stated that he has spoken to Cory Nielsen and that he was amenable to moving his operation up to his father's property, but now it's back on his own property. The issue comes down to law enforcement or enforcement of commercial use in a residential zone. What is needed is quantifiable proof: dates, length of time splitting, etc., so that the City can take that information to the Sheriff. Mr. Schwartzer said that since the season is almost over now so it'd be easier to wait until the spring to do that. City Manager Walker said that even though many people are aware of what's going on, someone needs to document it. This would also allow the City to guesstimate the amount of wood being processed. He believes that people from the Forest Service have spoken with him, but the City has no details on that. Mr. Schwartzer said that he would estimate hundreds of loads going through Mr. Nielsen's property in a season. City Manager Walker said that he didn't doubt it, but there needs to be data supporting that. Councilor Holliday stated that as long as Mr. Nielsen has permits then he's legal to process that much wood. City Manager Walker agreed, however, if he's being paid for it, then it's a commercial logging operation that is running illegally in a residential zone.



Councilor Pettyjohn suggests sending Mr. Nielsen a written notice that another formal complaint has been filed and that the situation needs to change. Councilor Holliday suggested adding verbiage about excessive noise pollution within the City Limits. Mr. Schwartz confirmed that the log splitter seems to run non-stop all spring, summer, and fall.

Mayor Combs called attention to her submittal of her official letter of resignation. As of December 29th, 2017, she will no longer be a property owner within the City limits and as such can no longer serve on the Council. City Manager Walker informed the Council that in anticipation of this, notices requesting letter of interest for City Council have already been made and will be posted around town tomorrow. He reminded the Council that they have the option of appointing a new Mayor now or waiting until the position is filled. Councilor Williams, as the Council President, will lead all future meetings until a Mayor is appointed. The Council is encouraged to find willing applicants.

Approval of Minutes: Mayor Combs read the agenda item aloud. No corrections needed. Mayor Combs called for a motion to approve and sign the November meeting minutes.

-Councilor Holliday made the motion to accept the meeting minutes, Councilor Williams seconded it. All were in favor, motion passed and Minutes signed.

Public Hearing for New Fire Station: Mayor Combs read the Agenda item aloud and officially started the hearing at 6:15 pm. Mayor Combs read the background information for the proposed new fire station and called for comments. Mr. Schwartz signed in. He commented that a new station was proposed years ago, but never happened. In addition to what was in the proposal (Feasibility Study done by STRUX Engineering) he would add that showers and separate restrooms should be included for HazMat and cleaning purposes. City Manager Walker said that the Feasibility Study was merely a starting point. The final design and construction are still in the works. This study was done to satisfy USDA Grant requirements and to add to other grant applications.

Mayor Combs closed the public comment portion and referred to the Council for comment/questions. Mayor Combs asked about the initial idea of using the smaller lot next to City Hall for the fire station. City Manager Walker stated that in the feasibility study they determined that there wasn't a big enough turn radius or space for the required building needs. The proposed site next to the City Yard and the Feasibility Study meet all of the USDA requirements for grant funding. The Study is a current, not final, conceptual drawing that meets the square footage, floor



space, and construction cost estimates for the building. When it comes down to actually building on the site then the City will seek options to rearrange and add to the floor plan. Councilor Pettyjohn asked if we were shooting for this being entirely funded by grants? City Manager Walker stated that yes, that was the goal, and that we have several other grant funding opportunities lined up to apply for. The City can look at loans if it's determined that additional funding is needed and the City can easily justify the cost difference between the new station and the cost to heat and maintain the current one. Mayor Combs then closed the hearing at 6:22 pm.

City Manager Walker asked for a motion from the Council to approve the City staff pursuing further grant funding for the new Fire Station.

-Councilor Smith made the motion, Councilor Holliday seconded it. All were in favor of further pursuit of grant funding for this project.

Resolution 14-17: Declaring Certain Fire Engines as Surplus and Authorizing the Sale of Surplus Equipment by Sealed Bid: Mayor Combs read the agenda item aloud. City Manager Walker stated the reason for this resolution is that we have too many fire vehicles that are not able to be used properly or efficiently. This resolution would allow the City to dispose of this surplus equipment. City Manager Walker gave a brief history of the Seagrave Engine: The City of Seneca received it for free from the City of Monument when they were forced to dispose of certain equipment. We contacted the County Court as to whether there were any restrictions on our disposal of it since we received it under court order. As far as the County is concerned, it's ours to dispose of as we see fit. In addition, the City of Long Creek has shown an interest in attaining the Seagrave engine. Councilor Smith said we should just give it to them. Councilor Pettyjohn agreed and made a motion to give the Seagrave engine to Long Creek. City Manager Walker said he doesn't know what to do with the Van Pelt. It's an antique is really only good for parades. It is in need of some repairs in order to be fully functional, but it no longer fits our needs as it has been replaced. Also, it needs to be gone when the new fire Station is built. In light of this interest from Long Creek, the verbiage of the Resolution title was changed prior to the meeting and reads as follows:
RESOLUTION 14-17: Declaring Certain Fire Engines as Surplus and Authorizing the Disposal of Surplus Items. Mayor Combs read the new title aloud and called for a motion to approve and sign Resolution 14-17.

-Councilor Pettyjohn made the motion, Councilor Holliday seconded it. All were in favor, motion passed, Resolution 14-17 approved and signed.



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Mr. Schwartzer commented that they'd sent a guy to California to pick up a new siren for the City and he came back with the Van Pelt engine.

Broadband IGA Update: Mayor Combs read the Agenda item aloud. City Manager Walker stated that after much debate, Grant County has finally decided to sign an ordinance to join the Coalition, however, we did not anticipate the 90 days it takes for a County ordinance to go into effect. Once the IGA is updated, and amendment to the effective date of the Ordinance will be brought to the January Council meeting for signatures. City Manager of John Day Nick Green provided a status update to the State of Oregon that included the plans to move forward while waiting for the ordinance from the County to go into effect. This included hiring an advisory consultant for the engineering and technical plans, and also hiring an engineering firm to start cost assessments for what is needed. The City of John Day will pay for these services out of their budget, then be reimbursed. The new IGA Agreement will be available by the next meeting, with March 15th being the first date to have the Coalition meet to start on the process.

As a side note, the City received an email and phone calls from an organization called "CAN" (Connect Americans Now), along with a flyer to provide to the City Council. While reviewing the website, he found it doesn't have a supporting member list, which is interesting considering how much support they are claiming to have. City Manager Walker said he would do his due diligence and bring the information to the Council for review. They are asking for the City to join them in promoting lobbying to the government to have 3 white space channels (empty channels) reserved as open for broadband usage (wireless). While this would potentially provide another medium to provide a wireless internet service, the issue that they don't address is how to get the service to the wireless distribution points. This means that there has to be hard lines, preferably fiber optic, run from the provider (which none is named) to the wireless distribution points (TV transmission antennas). This process only allows for a 10 mile range from the distribution point, which would not work for Seneca, anyways. They also don't claim any sort of costs involved in providing this service once it's operational. What's interesting is that this process/organization was brought up at a County Court meeting as an alternative for the Broadband Coalition. After reviewing the limited information available, the question is their intent. While they state they are lobbying legislation to designate 3 channels for white space transmission, there's no confidence that that is their only intent nor the only agenda of this organization. The Council was in agreement not to participate with or support this organization.



Consider offer from Grayback for Sale of the City Owned Portion of the 2nd Street Vacation: Mayor Combs read the Agenda item aloud and confirmed the size of the lot in question. Of the potential response offers provided to the Council, Mayor Combs liked options 2 and 3 due to delineated fees and cost of services. Councilor Pettyjohn liked option 2 as it was a little more reasonable. Councilor Smith liked option 3. The Council decided to offer option 3, with the cited fees and costs of option 2 and see what Grayback says for a counter offer. Mayor Combs called for a motion to offer option 3 as a counter offer to Grayback Forestry.

-Councilor Smith made the motion to approve, Councilor Pettyjohn seconded it. All were in favor, motion passed, counter-offer option 3 letter printed and signed.

City Employee Staffing Update/Proposal: Mayor Combs read the agenda item aloud. City Manager Walker stated that his proposal of a last day in the office of City Manager as December 31, 2017, along with a recommendation of appointing Raamin Burrell to the position of City Manager. The highlights of the City Manager contract for Ms. Burrell are the hourly wage, the 6-month probationary period, and a base of 32 hours per work week. He would stay on as a Public Works Director/Project Manager which would cover all of the duties previously discussed with Council; water/wastewater certifications and project lead. He would accept a pay decrease, reduce work hours to 40 hours per month, and would report to the City Manager. He will also provide an employment agreement. Would like to open the discussion to the Council. Mayor Combs likes the proposals. She made a motion to appoint Raamin Burrell as the City Manager as of January 1st, 2018.

-Councilor Smith made the motion to approve, Councilor Holliday seconded it. All were in favor, motion passed.

Mayor Combs then made a motion to accept the proposed employment agreement for City Manager and the proposed position of Public Works Director/Project Manager.

-Councilor Pettyjohn made the motion to approve, Councilor Holliday seconded it. All were in favor, motion passed, City Manager Employment Agreement signed.

Update – Zoning Complaint: Mayor Combs read the agenda item aloud and reiterated the information and history of the subject and called attention to the



report provided by Mike Springer at Benchmark Surveying stating that the eaves of the new building are over the City right of way for E Street. City Manager Walker stated that the issue is that the new building is within the setbacks on both the north and east lot lines and is in violation of the variance that was applied for prior to beginning construction. Mayor Combs asked if this issue could be used as leverage to get the old shop torn down? Maybe suggest giving a pass if the old shop is torn down within 30 days? Councilor Holliday stated she didn't know about giving them a pass. The owners were in violation of city code when they removed the dwelling from the property with no notice to Council. The violation on the north side of the property that borders with a neighbor is up to the neighbor, seeing as how they have also built within the setback but the east side violation should be dealt with by Council. Councilor Pettyjohn added that if the neighbor is not fighting it, then it's whatever, but they're in violation of being within the City right of way and violating the variance they applied for. City manager Walker explained that the original site plan shows the building as being 5 feet from the property line, so, not only was their own site plan not followed, but they built within City property. As the fence line is on the actual property line, then distances could have been measured by that, however, in a court of law, even that wouldn't hold up due to it being the responsibility of the owner to verify lot lines and measurements before building. While this was not done with malicious intent on the part of the owner, it is still wrong and negligent on their part. Councilor Pettyjohn said that, at this point, there is nothing wrong with asking the owner to either remove or shorten the eaves and to remove the old shop building. Mayor Combs is requesting a letter be sent to the owner requiring the removal of the eaves in order to bring the building within the setbacks and removal of the old shop. Councilor Pettyjohn would like verbiage included in the letter that states the City's legal ability to ask that the building be torn down, but that the City is willing to work with the Owner by shortening or removing the eaves on the affected side. The City has already set a precedent in this type of matter by following through and tearing down a building in violation. All Councilors agree that to ask for a response, to Council, by the February Council Meeting (02/13/18). If no response or satisfactory conclusion is reached by March, then the City Council will assume the violation will stand on the part of the owner and take appropriate actions to correct it.

Bills Before Council/Banking Signatures: Mayor Combs read the agenda item aloud and called for a motion to sign the monthly bills.

-Councilor Holliday made the motion to approve and sign, Councilor Williams seconded. All in favor, bills signed.



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Mayor Combs adjourned the meeting at 7:25 p.m.

ACTING
COUNCIL
PRESIDENT
Mayor:
Attest: