

Council: Mayor Andrea Rogers, Peny Wallace, Kathy Fitzpatrick, and Steve McKibben.
Staff: City Planner Dotty DeVaney and City Recorder Jean Hadley
Absent: None Excused: Tim Mortenson,

CALL TO ORDER

Meeting called to order by Mayor Rogers at 7:09p.m. announced quorum present and roll call was taken.

ADDITIONS OR CORRECTIONS – Hadley mentioned three documents presented to Council that evening; a complete list of bills, a MEMO from the Water Operator about current issues, and a MEMO regarding the State St. Cemetery Markers and Safety Committee action.

BUSINESS FROM THE AUDIENCE – None

CONSENT AGENDA

1. Approval of Minutes September 5, 2012
2. Review/Approve Bills
3. Resolution 2012-06 Dissolution of the cemetery fund and transfer assets and liabilities to GF
4. Resolution 2012-07 Establish a plan and schedule to correct 2010-2011 audit deficiencies

A motion was made by Councilor McKibben to approve the consent agenda including the new list of bills. Councilor Wallace seconded. There was no discussion. Motion passed unanimously.

BUSINESS

Mayor Rogers changed the order of business to accommodate Penny and Gloria Kennedy who were in attendance to discuss the State Street Cemetery markers agenda item. Jan Leiniger arrived after the conversation started.

3. State Street Cemetery marker update – Safety Committee action

Hadley reported her conversation with the City Attorney about the actions of the Safety committee. The Safety Committee decided to lay the dangerously leaning markers on the ground that posed a threat and hazard to the public, the markers, and the City maintenance workers, as noted on a Memo dated July 8, 2012 from Bruce Howard. The City Attorney suggested inviting the public to a Council meeting who have an interest in the Cemetery markers and allow them to speak and explain what they don't like about what the city's Safety Committee did, and have the Council ratify the actions of the safety committee, sufficient to impart discretionary immunity on the City in the event anything goes wrong at the cemetery. The interested parties were present and voiced their discontent with the actions of the staff. Kennedy said the family did not have enough time to respond to an email asking for next of kin. Councilor Wallace asked for clarification of the hazard related to the marker the Kennedy's were addressing. Gloria Kennedy said her concern is that the marker is lying on uneven ground and hoped the integrity of the marker is not compromised. The Kennedy's admitted to going to the cemetery very often through the years. The Kennedy's asked what the City has for a plan to get the markers up and repaired. Mayor Rogers said she was confident the action of the safety committee was to protect both the public and the marker. Councilor McKibben said the safety motivation was because a 4 year old child had been killed by a marker, not in our cemetery, and the action taken may have been in haste but to the benefit of everyone; the markers are safer on the ground. Councilor Fitzpatrick disagreed and said the markers should have been handled only by knowledgeable professionals who know how to handle them. Fitzpatrick reminded Council of the action plan decided by the Council to find the next of kin and take action according to the report from the Oregon Commission on Historic Cemeteries. Fitzpatrick said the City owes the families an apology. Fitzpatrick said Bruce Howard had been notified of the situation and will be available very soon. McKibben wanted to make a statement of safety and err on the side of caution and that judgment and common sense says to take a due diligence course of action if it poses a

safety concern. Mayor Rogers said there should be an apology for actions in haste but the actions were made in good faith and to do no harm to the markers or the public. Rogers did not feel the Council acted inappropriately. Fitzpatrick disagreed with Rogers due to the fact that Council did not talk about taking the markers down and will not accept the responsibility. Rogers asked Fitzpatrick what she suggests. Fitzpatrick said to contact Bruce Howard and Sally Donovan as soon as possible to make an assessment and a timeline to repair the monuments. There was conversation about moving the monuments to the City shed for their safety and to deter theft. Hadley said there will be conversation with Bruce Howard about what can be done as immediately as possible.

A motion was made by Councilor Wallace to move ahead on restoring safely the headstones that are waiting repair as decided by the professional Bruce Howard; the markers of Jennie Watt, Chatfield, Anne B. Davis, Eveline/Samuel Evans, and Zibble. Councilor McKibben seconded. There was no discussion. Motion passed unanimously.

1. Railroad property update

Mayor Rogers turned the meeting over to City Planner Dotty DeVaney who provided three handouts; a color map and a black and white map of the area being considered for purchase and a document with the history of the property. Mark Cherniak and Jan Leininger, who have been involved in this, were present. A cost of appraisal of the property was included in the packet for Council. DeVaney explained and reviewed the document that gave a history/story of the sale and purchase process throughout the years. DeVaney commented that the environmental Phase I assessment was done and the property was clean, after a survey it showed 4.06 acres which is more property than first thought, an initial appraisal was completed, and Oregon Solutions is involved. DeVaney wanted Council to be aware of the facts as they were in order to be up to speed on the process and to make decisions according to the facts. DeVaney mentioned hiring a financial advisor, checking on possible grants, and researching "Rails to Trails". DeVaney asked Council if they were interested in receiving updates on a quarterly basis or as information comes available and DeVaney feels it is necessary to keep Council informed. DeVaney asked Council if she should pursue public acquisition standards and continue with gathering evaluations of what is needed to draft a purchase offer letter. DeVaney asked Council if the steps needed to move forward with a formalized offer and a story line behind it should be continued. Wallace said she supports the continuation of this and the timing is right. McKibben agreed.

Unanimous consensus of Council was to receive a report from DeVaney when/if information about the UPRR property purchase changes and/or decisions need to be made.

2. Water Operator report

Hadley mentioned the new handout MEMO from the Water Operator who was unable to attend the meeting. It was suggested to call him if there are any questions they had that did not get answered in his MEMO. Fitzpatrick asked about the part of the MEMO suggesting a purchase of a metal container. Hadley explained that it is for the flammables being housed in the maintenance shed which was purchased after a year's wait for a used one.

COMMITTEE REPORTS

1. Cemetery committee – No new report. Markers are still waiting for purchase.

2. Park committee – Fitzpatrick said Mike Igo called her and said that the new trail has the possibility of eroding and the City should plant grass seed. Fitzpatrick said the trail was done by a professional and asked Council for an opinion. McKibben said he did not see the need to purchase any grass seed, the soil will settle and should be kept the way it is for other amenities such as steps or markers. Rogers mentioned the HUB and the phone call she received regarding the removal of the underground storage tanks. The area was being cleared that day.

3. Public Art committee – No report

CORRESPONDENCE – Hadley passed out two copies of the traffic control report that was sent to the City after a review of the City signs, streets, and visibility issues which were done by people from Portland State University. Fitzpatrick took one and Wallace took one.

Hadley reported about the new computer that was purchased for the City office.

Hadley said there was money deposited from the sale of Parking passes.

Hadley commented on the visit she and Rogers made to Maupin for the League of Oregon Cities small cities network meeting. Rogers gave a short report of who attended and how many projects other small cities had going.

Hadley reported that Fitzpatrick will be attending the League of Oregon Cities conference in Salem in the following week.

Meeting adjourned at 9:03 p.m.

Approved this 17th day of October, 2012

Attest:

Andrea Rogers, Mayor

Jean M. Hadley, City Recorder