

Council: Mayor Andrea Rogers, Kathy Fitzpatrick, Peny Wallace, Steve McKibben, Arlene Burns, and Emily Reed

Staff: City Attorney Dan Kearns, City engineer John Grim, City Water Operator Matthew Koerner, City Municipal Judge Steve Seymour, and City Recorder Jean Hadley

Absent: None      Excused: None

#### CALL TO ORDER

Meeting was called to order by Mayor Rogers at 7:13 p.m. and roll call was taken.

Mayor Rogers asked Marc Berry if he was willing to serve as Councilor due to the four write-in votes received which the law assumes to fill three vacancies and it only takes one write in vote to be elected. Berry read his response to resign, stating no interest in the position.

Oaths of Office: Mayor Andrea Rogers, Councilors Arlene Burns & Emily Reed

Municipal Court Judge Steve Seymour was recognized and shared some thoughts on public service. Seymour then asked Andrea Rogers to step forward as the newly elected Mayor, for a third term, and administered the Oath of Office. Seymour then asked Arlene Burns and Emily Reed to step forward to take the Oath of Office for the Council positions of which they have been elected. Each newly elected official took their positions.

ADDITIONS OR CORRECTIONS – None

BUSINESS FROM THE AUDIENCE – Tim Mortenson spoke his thanks for all the work done by the City council and his appreciation of the position. Mayor Rogers thanked Mortenson for his service.

#### CONSENT AGENDA

- 1) Approval of Minutes, December 12, 2012
- 2) Review/Approve Bills

**A motion was made by Councilor Wallace to approve the consent agenda. Councilor McKibben seconded. City Attorney Kearns said the new Councilors must abstain from this vote because they were not in attendance at the meeting where the minutes occurred. There was no discussion. Four approved. Two abstained. Motion passed.**

#### BUSINESS

Mayor Rogers changed the order of business and brought item #4 forward and asked for a motion to officially declare a vacancy and direct the City Recorder to advertise the vacancy until January 14, 2013.

**A motion was made by Councilor McKibben to declare a vacancy on the City Council and direct the Recorder to advertise the position in a timely manner. Councilor Fitzpatrick seconded. There was no discussion. Motion passed unanimously.**

PUBLIC HEARING: (2.05.010 code amendment regarding Mayor vote) Zoning Code amendment

Mayor Rogers suspended the regular Council meeting to enter into a Public Hearing at 7:29pm. City Attorney Kearns explained the rules of procedure and the reasons for creating consistency between the Charter and the Municipal Code for the Mayor to have full voting rights in all matters. Kearns explained the reason for the Emergency Clause which will make this law effective immediately. City Recorder Hadley announced that the notice had been posted more than four days at City Hall and the Council had

the ordinance before them for more than four days. Mayor Rogers requested a motion to pass Ordinance 162 by title only.

**A motion was made by Councilor Fitzpatrick to read Ordinance 162 for the first time by title only. Councilor McKibben seconded. There was no discussion. Motion passed unanimously. Mayor Rogers read Ordinance 162 by title only.**

**A motion was made by Councilor Wallace to read Ordinance 162 for the second time by title only and adopt the reading. Councilor Fitzpatrick seconded. There was no discussion. Motion passed unanimously. Mayor Rogers read Ordinance 162 by title only and announced that Ordinance 162 has passed its first and second reading by title only and will become law immediately.**

The Public Hearing was closed at 7:35pm and the regular Council meeting was reconvened.

1) Attorney update

a. Water tank agreement. City Attorney Kearns gave a brief history of the project for the new members of Council. City Engineer John Grim provided a MEMO for the Council explaining the new Tank No. 4 – Proposed Cost Sharing Agreement. Kearns and Grim spoke about funding mechanisms being presented to the parties involved; Mosier Bluffs, Mosier Heights, and the City. Both Kearns and Grim said any agreement will come before Council and Kearns suggested moving forward. Grim and Kearns related the estimated cost figures for the city portion of the new tank and explained the situation about the proposed tank lot and the current lot where the old tank is located. Councilor Reed asked what the worst case scenario would be and Kearns said it would be extremely complicated and any party that holds title to the property, or interest to the property, will not do anything inconsistent with the public water reservoir on the tank site. Kearns spoke about the bank interest, associated with Mosier Bluffs financial position, and in order to issue building permits the bank is asking what the City needs and/or wants in order to start issuing building permits. Kearns told the bank the City wants the agreement signed, an escrow account established and funded, and the contract to construct the tank signed. Kearns suggested the City then allows building permits to be applied for. Grim spoke about the relationship between Mosier Bluffs, the bank associated with Mosier Bluffs, Mosier Heights, and the City. The City would not accept dedication of the tank unless the bank lifts any lien it may have; if the lien is not lifted it would violate the terms of the agreement. **Staff proposed approval of key provisions listed on the MEMO document in a proposed 3-party agreement in order to finalize negotiations and move forward with tank construction in 2013. Kearns asked Council if they had any objection to any of the deal points presented. There were no objections.**

b. Povey, Kearns summarized the history of this subject. Kearns reported that the Notice of Decision is ready, the billings from Staff are presented, and once the Povey's pay the bill the Notice will be presented to them. Kearns advised Council to not get into any LID or a reimbursement district which is meant for public improvements. Kearns said this is a landowner versus landowner situation and recommended the City should not get involved.

c. Fire District termination of lease response, Kearns recommended strongly that the City and the Mosier Fire District improve communications. Hadley mentioned a meeting between the two entities in order to open up communication with questions and answers from each side.

d. beetle kill letter, Kearns suggested more explicit language explaining clearly what is expected from each landowner with a firm time deadline. Council consensus was to allow the Attorney to revise the letter before it is mailed out.

e. recreational immunity, Kearns suggested not jeopardizing the immunity due to charging too much for parking fees for Rock Creek Park; he suggested adjusting the fees and doing a complete review of insurance. Kearns said he needed to speak with Courtney insurance in order to understand the City insurance coverage.

f. credit card policy, Kearns said Municipal credit cards pose risks for leakage of funds and Kearns said the policy presented is too complicated for the City and he would like to revise it to be more specific for the needs of the City. Reimbursement works very well and leaves a better paper trail.

Mayor Rogers suspended the regular meeting to enter into Executive Session.

- 2) EXECUTIVE SESSION: legal counsel under ORS 192.660(2)(h)
- 3) City Engineer; see earlier notes under Water tank agreement
- 4) Declare Council vacancy, advertise vacancy, collect applications by 1/14(see first order of business)

Executive Session was closed and there were no decisions made during the session. The Regular Council meeting was reconvened.

Rogers asked for nominations for Council President. **A motion was made by Councilor Wallace to nominate Kathy Fitzpatrick as Council President . Councilor McKibben seconded. Fitzpatrick accepted the nomination. There was no further discussion. Motion passed unanimously.**

#### COMMITTEE REPORTS

- 1. Cemetery committee
- 2. Park committee
- 3. Public Art committee

#### CORRESPONDENCE

Meeting adjourned at 10:03 p.m.

Approved this 16th day of January, 2013

Attest:

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Andrea Rogers, Mayor

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Jean M. Hadley, City Recorder