



CITY COUNCIL MEETING

June 8, 2020 - Teleconference

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor James Kingsbury called the meeting to order at 7:00 PM.

ROLLCALL:

Present: Mayor James Kingsbury, Councilor Michael Taylor, Councilor Jim Crowther, Schumacher, and Councilor Greg Atkin.

Absent: Councilor Brian Schumacher(excused)

Staff Present: Myrna Harding, Finance/Office Manager; Alan Frost, Public Works Director; Milan Castillo, City Attorney, Tom Barber, Sheriff; Lisa Brosnan, City Planner; Carrie Connely, Land Use Attorney. There were 9 residents in the audience by phone.

ADDITIONS OR MODIFICATIONS TO THE AGENDA

– Move Consent Agenda Item 7-B to New Business Agenda Item 8-E

PRESENTATIONS/COMMENTS FROM THE PUBLIC –

Resident Deloris Morris asked the council to consider the reservation fees to rent a Sublimity park to be reviewed and to have a higher fee for non-residents to accommodate the cleaning and upkeep of the park that the citizens pay our staff. Mayor Kingsbury has asked park commissioner Crowther to look into it.

PUBLIC HEARING- ORS 221.770 TO CONSIDER PROPOSED USE OF THE CITY OF SUBLIMITY REVENUE SHARING FUNDS AND APPROVAL OF FISCAL YEAR 2020-2021 BUDGET

- A. **Resolution 2021-1:** A Resolution of the City of Sublimity Determining the Eligibility to Receive State Shared Revenues

Mayor Kingsbury opened the public hearing and asked for comments from the public. No comments were made. Mayor Kingsbury closed the public hearing.

MOTION: Councilor Crowther moved to approve Resolution 2021-1. Seconded by Councilor Taylor. Roll Call vote: Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0.

- B. **Resolution 2021-2:** A Resolution Declaring the City's Election to Receive State Shared Revenues

Mayor Kingsbury opened the public hearing and asked for comments from the public. No comments were made. Mayor Kingsbury closed the public hearing.

MOTION: Councilor Crowther moved to approve Resolution 2021-2. Seconded by Councilor Taylor. Roll Call vote: Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0.

PUBLIC HEARING – ADOPTING THE BUDGET, IMPOSING AND CATEGORIZING THE TAX AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2020-2021

- A. **Resolution 2021-3:** A Resolution Adopting the Budget, Imposing and Categorizing the Tax and Making Appropriations for Fiscal year 2020-2021

Mayor Kingsbury opened the public and asked for comments from the public.

-Mayor thanked staff and Budget liaison Councilor Atkin for their work on the Budget and stated that the Budget is available online and at City Hall for the Public to review. Having no comments, the Mayor closed the Public Hearing.

MOTION: Councilor Atkin moved to adopt Resolution 2021-3, A resolution to adopt the Budget for the fiscal year 2020-2021, levy taxes and set appropriations in the total amount of \$9,643,120, levy taxes of 0.735 per one thousand assessed value for the permanent rate tax. Seconded by Councilor Crowther. Roll call vote: Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0.

CONSENT AGENDA:

- A. Meeting Minutes – May 11, 2020
- B. Cert Trailer was moved to Action Item
- C. MWVCOG Land Use Agreement
 - Mayor asked councilor Taylor the Planning commission Liaison if he had any questions. It was agreed that the city could work effectively with the MWVCOG.
- D. MWVCOG Attorney Agreement
- E. Grove, Mueller & Swank Auditor Agreement
 - Mayor asked staff about the new contract amount and comment was made on the great job they did for the city last fiscal year.
- F. Marion County Police Service Agreement

MOTION: Councilor Atkin moved to approve the consent agenda. Seconded by Councilor Taylor. Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0.

NEW BUSINESS / ACTION ITEMS

- A. RV 20-01 Reconsideration - Powell vs City of Sublimity; LUBA no 2020-035
 - Mayor let the audience know that this is a land use matter, that the council is reconsidering a closed record and it is not open to the public for comments. The Mayor introduced city land use attorney Carrie Connelly for Local Government Law Group as the city's attorney, and Lisa Brosnan from MWVCOG as the city's planner. Lisa presented the staff report. Mayor asked for any questions or comments. Mayor asked Lisa about the site plan that was submitted, and Carrie clarified that the site plan submitted initially would be the site plan used for the reconsideration.
 - Mayor asked council if they had any questions.
 - Councilor Taylor asked what would happen if after the council approves with the conditions, and the conditions are not met, what happens at that point? Carrie responded stating that the city could enforce a violation of the approval against the applicant.
 - mayor stated that he would have a concern for the safety of staff enforcing any violation and commented to Sheriff Barber that he would like him to assist.
 - Mayor asked about the letter from a medical professional but noted the letter is not signed. Carrie responded saying that they letter was accepted at the initial hearing and not challenged at that time, so it stays in the record. Mayor stated that the applicant was not present at the first hearing and asked if they were present today. Carries said it would not be relevant.
 - Mayor asked if Council had any other questions. No other questions were asked. Mayor asked for a Motion.

Motion made by council member Atkin to approve as presented in the staff report and approve the request for occupancy of a recreational vehicle in the R-1 zone for a period of one year. Second made by Council member Taylor. Mayor asked for any other discussion. Hearing none Mayor called for a vote. Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0.

B. Easement Agreement- City of Sublimity/Michael Alley

-Mayor made the comment that the city's responsibility for the attorney fees would be \$791.25. Mayor asked city attorney, Milan Castillo if he had anything to add and asked council if they had any questions? With no comments or questions the Mayor asked for a motion. Motion is made by Councilor Atkin and seconded by Councilor Crowther. Mayor asked for any other discussion. Council member Crowther asked a question about the payment being mentioned in the document. Attorney Castillo stated that the payment should be included in the motion. Mayor asked to have motion amended to include the \$791.25 to be made to the attorney for the Alleys. Councilor Atkin repeated the Motion to amend with the payment to the Alleys attorney. Jim Crowther seconded.

-Mayor called for a vote on the first motion to amend. Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0.

- Mayor asked for a vote on the motion as amended to approve with the payment to the Alleys attorney. Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0

C. Utility Notices - Shut Off's and Late fee's

-Mayor asked staff for comments on the Utility Memo

-Finance Manager Myrna Harding gave a report on the ongoing issue of no contact. No shutoffs or late fees have been applied and just wanted clarification as to when to restart the late fees and shut the water off at the homes of residents that are not complying and making contact with staff. Staff also asked for clarification from city attorney Castillo on ORS 433.441. Attorney commented on the ORS and current city procedures and it was clarified that the Governors order would be over by July first and the City's declaration was over on May 1st. So once the 90 days was over on the Governors order the city should resume the normal Utility shutoff policy.

-Motion made by Jim Crowther second by Greg Atkin to resume water shut off and late fee policy as of July 1, 2020.

Mayor asked for a vote on the motion. Ayes: Crowther, Taylor, Atkin, Kingsbury. Motion carries 4-0

D. Disposition of old Public works building.

-Mayor discussed the reason behind the discussion being that he was approached by someone that was interested in renting the old PW building. Mayor opens it up for discussion.

-Jim Crowther thinks it would be a good idea to rent it out. See what would need to be done first and open it up to the public. Does not think it would be a good idea to sell it.

-Staff stated that anyone who rents would have to follow the same steps to opening a business as any business within the city. How to split utilities etc.

- Mayor discusses whether to rent or sell? Jim C states not to sell but to rent for now. Greg Atkin would like to see the city rent it for a long-term lease. MT agrees with not selling. Look into the cost to city first. Mayor agrees with renting. Mayor asked a council to step up to review the options and JC offered to take that project on. Mayor would like to see it stay on continuing business.

E. Cert Trailer Storage Agreement - IGA

Mayor asked Councilor Atkin to review the agreement from Marion County to review with council. Agreement would allow the CERT team to store the trailer on the City PW property for access. Mayor has a question regarding the Conex boxes. Greg stated the Conex boxes don't belong to the county so they can't be included in the IGA. Alan Frost asked when the city became the owner as we were not aware of the ownership. Jim Crowther did not feel the city should be the owners and that he doesn't feel the city should be allowing people access to the property after hours. Mayor asked if we owned the items in the box, do we need to have an agreement for those and should it be insured. Greg stated that adding them the umbrella policy would not be much. He said the only time the county or CERT would access would be for CERT team removal of equipment. Mayor asked for explanation on how the Conex boxes became available to the CERT on City property. He said he does not recall a city council meeting where it was discussed at an open public meeting and how was it they were able to just bring the boxes on the city property and was it approved. Alan Frost commented that this was the first that he has heard that we own the boxes and the request came upon in a round about way and that he understood that he

should allow them to put the first box on the property and then one turned into two. Mayor wonders if he indirectly approved the placement without running it by council. Milan believes research needs to be done as there is nothing in writing stating the city owns the boxes. Mayor requested that this is put on hold until further research is completed. Council agreed.

STAFF REPORTS

A. Tom Barber, Police.

Sheriff Barber gave his staff report and reviewed the silent alarm report. Discussed speeding on Church St and Starr St. and that he has Sublimity on the list to get the speed trailer. Greg commented on the Safe Routes to School and that a blinking light was being installed at school crossing. Alan Frost stated that the County is still working on the study, but they are also now considering a four way stop at Starr and Pine. Sherriff will keep working on getting data from the trailer to help slow traffic. Greg also reminded council that the City did budget for their own trailer as of July 1, 2020.

B. Milan Castillo, City Attorney- Nothing to report.

C. Alan Frost, Public Works – Water master plan update has been scheduled. Information will be out to council in advance for review. Greyson has approved plans just waiting for them to proceed. Mayor asked about the time frame and was updated on the schedule. Alan Frost stated that it will probably end up at PC for an extension. Bella Terra phase 2 submitted plans, just waiting on Plan review fees. Back to water master plan, considerable water leak loss this month and we are looking into giving engineer up to date information. Plans, grants TCM grants have been pushed back due to COVID. PW staff are all doing great. Jim Crowther asked about the Mag Meter and location, Mag meter will be placed at well one. Alan explained how the Mag Meter will work. Next one will be Well 3. Mayor asked who does the mag meter work. Alan stated that Cascade water works will help with the project.

D. Myrna Harding, Finance/Office Manager – Update on the Greyson estates, subdivision was approved as of Aug 1. Need to submit a request for an extension. Office is running normally as possible. Lots of calls about parks. Discussed reopening City Hall. Update on the temp employee, decision was made not to hire with the COVID situation and timing. File room is completed and will work on shelving next. Video equipment is due to be started tomorrow. No report on Xpress and will start doing that report quarterly. Budget for file room came in over budget but the size was extended to double the size. Still had the funds to cover.

CONTINUING BUSINESS:

- A. **Codifying City Ordinance:** This will be a priority after the COVID-19 crises is over and once Katie is back.
- B. **Street Inventory:** Will be encompassed with the grant.
- C. **Street Extension:** Mayor reported that a special meeting will be held regarding the Melrose street extension.
- D. **Transportation Plan:** Will be encompassed with the grant.
- E. **Fluoride Treatment:** Jim C is working on that.

INFORMATION ITEMS

Mayor asked if anyone has any question, none offered.

- A. June Revenue Statement
- B. Expenditures – June 2020
- C. March Water Reports – Discussion was heard regarding consumption/usage difference.
- D. Ordinance Notifications

COMMITTEE REPORTS:

Mayor Kingsbury: Continues to talk with the Mayor of Stayton regarding the sewer. Mayor made note of the enclosed Indian Affairs document. Playgrounds will probably be opening in Phase 2. Mayor asked if he is giving out enough information. Greg says to wait to see if we get approved. Jim would like to know if council hears they need more information.

Michael Taylor: Local schools, today was the last official day. District was able to give out chrome books to all students and have not heard about the plan for fall yet. Discussion was heard on the school's options. Mayor thanked mike for the video project.

Jim Crowther: Park meeting was canceled and reschedule for July

Greg Atkin: mask project update. 9400 masks were delivered. Sublimity COVID numbers are low. Marion Estates are mostly all cleared. Hoping that sublimity keeps up with the handwashing to keep up the good work. Will discuss at the next meeting the plan for the left-over funds. Grant was received for 8k to cover the cost along with local donations. Mayor stated that he has had residents' comment on how appreciative of the Mask project. Compliments Greg on the project and volunteers for helping to keep our number low due to the mask project.

Brian Schumacher: Absent

Comments from the Public: Deloris Morris just wanted to apologize.

Adjournment: Mayor asked for a motion to adjourn.

MOTION: Councilor Crowther moved to adjourn the meeting. Seconded by Councilor Taylor. Ayes: Crowther, Atkin, Taylor, Kingsbury. Motion carries 4-0. Meeting adjourned at 9:04 PM.

Minutes prepared by
Interim City Recorder Myrna Harding