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## **REGULAR CITY COUNCIL MEETING**

August 11, 2015, 7:00 pm at City Hall, 100 W Halsey St., Halsey, OR

**Meeting called to order at 7:02 pm**

### **ROLL CALL**

Present: Mayor Marjean Cline, City Council President Rella Johnson, Councilor Ken Lorensen, Councilor Jennifer Johnson, Councilor Lee Skinner, Councilor Eric Harless, Councilor Jerry Gillson, City Administrator Ronda Fischer

Absent: TJ Gillson

Staff Present: Assistant City Recorder Hilary Norton, Municipal Clerk Martha Chamberlain, Public Works Andy Ridinger

Guests: Kimberly Gorman, Sal & Leda Sepulveda, Don Ware, Sgt. Klein, Reta Stutz, Alex Alvarez, Robyn Winters

### **APPROVAL OF MINUTES**

There were no corrections.

Minutes from **Tuesday July 14, 2015**

Move to: approve the minutes from Tuesday July 14, 2015

Motion by: Councilor Lorensen, seconded by Councilor Gillson

Vote:

Ayes: Unanimous

Motion Carries

### **FINANCIAL REPORTS AND APPROVAL OF JOURNAL ENTRIES**

There were no questions or comments.

Move to: approve the financial reports and the journal entries as submitted.

Motion by: Councilor Lorensen, seconded by Councilor Rella Johnson

Vote:

Ayes: Unanimous

Motion Carries

## **AGENDA ADJUSTMENTS**

Under Committee Reports: addition of #2 – Transportation Committee

## **DELEGATIONS**

### Linn County Sheriff's Office

Sgt. Klein reported that in July, there were two traffic citations and three warnings issued in Halsey. Citations were for moving violations and speeding. A total of eleven complaints were taken in July, and there was one traffic accident. 83 hours were worked in Halsey: the contract is for 72 hours.

Sgt. Klein stated that Deputy DA Wijers of Linn County has offered to come and speak to the Council about the marijuana initiative that was passed in July. Mayor Cline asked if he could come prior to the next City Council meeting at 6:00 pm on September 8<sup>th</sup>. Sgt. Klein will find out.

## **CITIZEN COMMENTS (Non-Agenda Items)**

There were no Citizen Comments.

## **REPORTS TO COUNCIL**

### City Administrator Ronda Fischer

The Audit for 2014-15 went well.

The roof of City Hall has been de-mossed.

The Summer's End BBQ will be on Friday, August 21<sup>st</sup> from 3:00 to 6:00 pm.

The Grand Opening of the Library will be on Tuesday, August 25<sup>th</sup> from 6:00 – 8:00 pm.

Alyrica wants to move forward with bringing fiber optic service to Halsey. The attorney is currently negotiating a franchise agreement. Once that is done, the proposed contract will be brought to the Council for approval.

### Public Works – Andy Ridinger

Public works has noticed some leaks around the base of the reservoir tank. Last year, a company was brought in to clean it. They also made videos of the inside of the tank and found some corrosion. They used a special epoxy to make some repairs. Public works staff has been monitoring the situation and have seen more puddles. Andy is researching companies that can make repairs, how they would do it and what the cost would be. He is also gathering information on what it would take to get a transducer to monitor the old well.

## COMMITTEE REPORTS

### Library Advisory Committee – Reta Stutz

As Councilor Rella Johnson was unable to attend the LAC meeting, Chairperson Reta Stutz gave the report. The Library Advisory Committee presented their proposed Library Policies and Procedures to the City Council to approve in their role as the Library Board. They are still researching and developing an internet policy. They are also working on planning the Grand Opening.

Mayor Cline asked that they change “City Manager” to “City Administrator” in the policies because that is the correct job title. A question was raised about the ALA “Freedom to Read” statement, and if it was legally required for the Halsey City Library to adopt it. There was some discussion about what standards to apply when selecting materials, and what the policy will be for dealing with materials that some may find objectionable. Councilor Harless also noted that the date on the document needed to be corrected.

Move to: approve the Policies & Procedures Manual of the Halsey City Library with corrections

Motion by: Councilor Lorensen, seconded by Councilor Rella Johnson

Vote:

Ayes: Unanimous

Motion Carries

### Transportation Committee – Councilor Ken Lorensen

Councilor Lorensen attended the CWACTION meeting on July 23<sup>rd</sup>. He brought back reports about many projects in the region. For Halsey, we now have the money to begin the engineering portion of the project of redoing Hwy 99 from the Hwy 228 intersection to the railroad tracks at the south end of town. Transportation funding is cyclical, and funding for the next three years is down, but the engineering will take a while to complete, and we should have a shovel-ready project when the cycle changes and there are more funds available. CWACTION also discussed highway safety and some of the methods they are using to try to reach their goal of 0 deaths on State of Oregon highways by 2035.

## OLD BUSINESS

### Nuisance Abatement Notice

Administrator Fischer noted that the Nuisance Abatement Notice concerns the property at 95 W 1<sup>st</sup> Street. The tenants had chosen to appeal to the City Council, but were unable to attend the meeting in July and were granted an extension to come to the City Council meeting in August.

Mr. Alvarez addressed the Council. He described the challenges of maintaining the property when he works full time. He stated that this problem came up last year and that by the end of the summer, they had the property cleaned up and looking good. He stated that some of the things outside under tarps are there because they have a roof leak. He stated that because of the Nuisance Abatement Notice, he has now received a termination notice from his landlord, giving him 60 days to move. He stated that he and Ms. Winters were working on cleaning up the yard, but that they stopped working when they got the notice to move and started packing instead. He presented pictures of other properties in the Halsey

area that he felt were worse than his own and stated that he felt that he had been singled out, and that they were being harassed. He stated that he has a constitutional right to own property.

Mayor Cline stated that the Nuisance Ordinance does not infringe on his constitutional rights. She asked if the vehicles had been removed from the City's right of way. Mr. Alvarez stated that they had been. She noted the presence of junk and debris in the back yard and along the side of the house.

Mr. Alvarez stated that no one else can decide what is junk. Councilor Lorensen explained that "junk" is defined in the ordinance. Mr. Alvarez has the right to own it, but his neighbors have the right to not look at it. It needs to be stored behind a fence, in a garage, or otherwise out of sight. He also explained that if there is a complaint about an ordinance violation, the City has an obligation to respond to it within the time frame described by the ordinance.

Councilor Jennifer Johnson asked if the Council could agree that Mr. Alvarez would fix the situation on the right of way, and that he could then have additional time and work with the City on what to fix to move forward. City Administrator Fischer noted that last year, she and Mayor Tharp spoke with Mr. Alvarez and made a gentleman's agreement that he would clean up his property over the summer and then it didn't happen.

Councilor Gillson stated that Mr. Alvarez was not harassed by the City staff. He stated that the letter had to be sent, for Mr. Alvarez' protection as well as the City, so that he has in writing what the violation is. He encouraged Mr. Alvarez to work with the City Administrator to resolve the situation. He stated that Mr. Alvarez had already had more time than he should have been given.

There was some discussion. The Council granted Mr. Alvarez 30 days from the date of the meeting to clean up his property. Councilor Lorensen recommended that he contact the City Administrator when he thinks the property is ready, so that she can look at it with him.

## **NEW BUSINESS**

### McMillen Permit COH 15-05 Sewer Connection

Councilor Lorensen noted that this issue has been in question for a while – he asked if this is an agreement that Randy McMillen is satisfied with. Administrator Fischer stated that the City Engineer, Mr. McMillan's engineer and Mr. McMillen are all in agreement on this solution.

## **RESOLUTIONS AND ORDINANCES**

ORD 2015-405 - An Ordinance Regulating the Parking of Trucks, Campers, Trailers, and Boats Within the City of Halsey, Linn County, Oregon and Repealing Ordinance no. 377. (First reading)

This Ordinance would allow someone to stay in a trailer or RV on private property for up to 14 days within the City of Halsey. Item number 3 has been added under Section 1.051 to allow for an individual to come to the City Council to request approval for a period longer than 14 days in the event of a hardship. A provision regarding maintaining lane widths as per the Halsey Development Code has also been added to the proposed Ordinance.

Councilor Jennifer Johnson presented the City of Eugene’s policy for “Permitted Overnight Sleeping (Camping)” She stated that providing certain conditions are met, the City of Eugene doesn’t have any time restrictions for RV stays. She spoke with them, and the policy has been in place for many years and they haven’t had any problems.

Administrator Fischer also presented a list of other nearby cities and their RV policies for comparison.

Councilor Lorensen stated that he does think it appropriate to have a time frame that allows guests, but he doesn’t think that long term RV occupancy is a good idea. He had concerns about the correct disposal of RV sewage and about the impact on nearby properties if someone moves one or more RVs onto their property as permanent residences. Mayor Cline stated that she felt the 14 days was reasonable, that it is what other cities allow and what Halsey used to allow. She also noted that currently, RV Occupancy is not allowed at all.

Administrator Fischer stated that the Halsey Development Code does not allow RV occupancy. If the Council wishes to consider not regulating RV usage at all, the Halsey Development Code would need to be changed to allow it.

There was some discussion.

Mayor Cline took a poll of the Councilors about whether they wanted to consider the Ordinance with the 14 day allowance.

Yes: Councilor Gillson, Councilor Rella Johnson, Councilor Lorensen, Councilor Harless, Councilor Skinner

No: Councilor Jennifer Johnson

Mayor Cline requested and received permission to read the Ordinance by title only. She did the first reading of the Ordinance by title only.

ORD 2015-408 – An Ordinance Prescribing Initiative and Referendum Procedures; Providing Penalty; and Amending Ordinance 267, Section 10. (3).

Ordinance 2015-408 amends Ordinance 267 to allow 175 words to summarize a measure.

Mayor Cline requested and received permission to read the Ordinance by title only. She read the Ordinance by title only.

## **ADJOURNMENT**

Meeting adjourned at 9:03 pm.

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Mayor Marjean Cline

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Assistant City Recorder Hilary Norton