

**MINUTES
DRAIN CITY COUNCIL MEETING
REGULAR MEETING
MONDAY, NOVEMBER 9, 2020**

I. OPENING OF COUNCIL MEETING

A. Call to Order – Pledge of Allegiance

The meeting was called to order at 7:00 p.m., by Mayor Cobb. Everyone rose and said the Pledge of Allegiance to the flag led by Mayor Cobb.

Present:

Justin Cobb, Mayor
Tim Addison, Council President
Marilyn Jones, Councilor
Jo Barker, Councilor
Steve Dahl, City Administrator

Absent:

Leighsa Swearingen

B. Welcome and Opening Remarks

C. Recognition of Visitors/Requests

Visitors: Larry & Valarie Johns, Miriam Sisson, Anne Campbell, Rusty Savage, Krystal Jacks, Dana Brown-Avis, Lois Inmann, Candy Vickery.

Added to agenda: Request from Crystal Jacks for an OLCC license approval.

Sgt. Hansen with the Douglas County Sheriff's Dept. presented the monthly statistics. There was a DUI, a recovered stolen car. Burglary on Date St. There has been an increase in vehicle break ins, the sheriff's office continues to work with the city regarding the homeless individual that continues to stay in the restrooms at the Civic Center and Anna Drain Park. The individual and others have been sited. The bathrooms will be locked for the time being.

Miriam Sisson with the Library District-in October the library announced the winners of their art contest, winners in elementary, young adult & adult categories. The Friends of the Library will be selling swags to promote Drain & literacy, this will be on Black Friday. The library continues to do curbside service. The library has seen a reduction in numbers with the time change and colder weather with the curbside service. The library received a Cares Grant that will allow the library to purchase lap tops to lend out to patrons. Councilor Barker inquired about how the checkout will be done and whether the laptops would go home with patrons. Miriam commented that laptops are intended to go home with patrons not just be used at the library. The checkout will require a minimum age of 18 and will be a limited amount of time.

II. COMMUNICATIONS AND COMMENDATIONS

A. PLANNING COMMISSION

No meeting in October.

Minutes from July 1, 2020 pending approval.

The next meeting of the Planning Commission is scheduled for Monday, November 2, 2020 at 7:00 p.m. The meeting will be held in the Community Hall Room of the Drain Civic Center, 205 W. A Avenue.

B. CEMETERY COMMITTEE

October 20, 2020

The minutes of the regular meeting on August 18, 2020 were approved.

A. Signs for the north cemetery (rules, no admittance after sunset)

Administrator Dahl showed the committee a mockup of the North Cemetery sign, noting the change from hours to dusk until dawn.

B. Update on the mower

Administrator Dahl also gave an update on the mower and how it is now working.

C. Items from the committee

Administrator Dahl answered questions the committee had about different happening in town.

The next meeting of the Drain Cemetery Committee is scheduled for Tuesday, December 15, 2020 at 9:30 a.m. in the Community Hall Room of the Drain Civic Center.

C. CIVIC CENTER

October 19, 2020

The minutes of Civic Center Advisory meeting on June 15, 2020 were approved.

1. Alcohol policy

The committee discussed the pros and cons of changing the alcohol policy for the Civic Center. They decided to allow, with approval from the Council, wine, beer, champaign, hard ciders and hard sodas for functions allowed in the Civic Center. The event organizers must have a State Licensed server for these functions. They also recommended an increase in the required insurance policy to \$3,000,000. The vote was in favor to send this on to the council.

The next topic that came up with the HVAC system in the library. Audience members were adamant about getting the HVAC system fixed suggesting that not getting it fixed was putting them and the Civic Center in jeopardy. They asked that the Civic Center Committee approve a motion to have the Civic Center reviewed by a certified building engineer. The committee made the motion and it was approved.

The next meeting of the Drain Civic Center Committee is scheduled for Monday, December 14, 2020 at 5:30 p.m. in the Community Hall Room of the Drain Civic Center.

III. BUSINESS ITEMS

Consent Agenda:

1. Minutes – Regular Meeting, September 14, 2020, no meeting October 12, 2020.
2. Payment of the Bills Check #'s 267-270 & 32601-32720 in the amount of \$492,725.53 & Payroll Check #'s 9916-9953 in the total amount of \$67,306.78.

Mayor Cobb inquired about a payment to Mars Construction & when the city hall project will be complete. Mayor Cobb inquired if the city was holding back the last payment. Administrator Dahl confirmed the payment was being held until completion. Councilor Barker inquired about trim at the customer window in the entrance, this will be completed when new plexiglass is installed.

Councilor Barker made a motion to approve business items as read. Councilor Jones seconded. The motion passed unanimously.

IV. PUBLIC HEARING

None

V. ACTION ITEMS

A. Resolution No. R2021-03 signature update for Banner Bank

When there are changes in the Council. Banner Bank requests that a resolution be passed stating the names of the approved signers on the accounts. Therefore, to be able to have access to these accounts the City must do the following things:

1. City of Drain Council needs to sign a resolution stating each account held with Banner Bank and who will be removed as signers on that account.
2. The resolution needs to then state each account held with Banner Bank and who will be added as signers to the account.
3. Once the resolution is signed Grace will email it to Banner Bank
4. Each new signer will need to complete and email form KYC Customer Due Diligence for Individuals to Carrie Maynard at Banner Bank.
5. Once Carrie Maynard has all the forms for new signers, she will prepare the account documents and new signature card, and email Grace when the records are completed and ready to be signed.
6. The last step will require each new signer to travel to Banner Bank, located in Sutherlin, with their identification and physically sign the new signature cards.

By approving this resolution, the Council begins the first step in changing the signature cards for Banner Bank.

Councilor Barker inquired about needing the add CCD Executive Director Theresa Haga to the resolution.

Councilor Barker made a motion to approve Resolution No. R2021-03 signature update for Banner Bank as amended to include CCD Executive Director, Theresa Haga. Councilor Addison seconded. The motion passed unanimously.

B. Audit contract

Under Oregon Law the City of Drain is required to get a yearly audit of our financials. Pauly, Rogers, and Co. have been the City Auditors for the last ten years. Each year we

have a contract with them to complete the audit. The cost of the audit should be around \$24,900 and will be split through all the different sections of the budget, General, Electric, Water, and Waste Water.

We have discussed the auditors the issue of the audit being completed so late last year and will be working with the auditors to have the audit completed earlier.

Because of the cancelation of the October meeting. I have signed the audit forms for this year and this is a formality.

Councilor Barker made a motion to approve the audit contract. Councilor Addison seconded. The motion passed unanimously.

C. Resolution No. R2021-04 change in overtime in personnel manual

During the labor negotiations the union asked that they be allowed to choose between overtime and compensatory time off when they have to work overtime. Currently they are required to take paid overtime when there are “budgeted funds”:

Pursuant to ORS 279.340 to 279.342, when “budgeted funds” are available, the City shall pay overtime rates (1.5X) for all hours over eight (8) in one day or 40 in one week. When “budgeted funds” are not available, the City and the employee agree, effective with the adoption of these policies, that compensation will be converted to time off work at the rate of 1.5 hours for each overtime hour worked.

What the staff would like to do would be able to choose time off versus required paid overtime. The change in the paragraph would be as follows:

Pursuant to ORS653.268 the staff at their choosing may have the City pay overtime rates (1.5x) for all hours over eight (8) in one day or forty (40) in one week or may receive time off work at the rate of (1.5x) hours for each overtime hour worked. When “budgeted funds” for overtime have been spent all overtime will be compensated by time off work.

Currently, this is the process that the City has been using for the non-union employees. Changing the employment manual will reflect what the procedure actually is, along with giving the flexibility to the unionized employees.

It will also save the City some direct costs because staff may choose to receive paid time off versus overtime pay.

Councilor Barker had concerns about the change in verbiage and the reference page that was included in packet information. Mayor Cobb commented that the handbook copy provided by him to Councilor Barker could have been an older copy. Administrator Dahl commented that the resolution wasn't referring to page #'s but referring to sections for reference. Councilor Barker is concerned with the change in wording not being verbatim.

Administrator Dahl disagreed with Councilor Barker. Councilor Barker stated what she would like to see amended.

Councilor Barker motioned to adopt Resolution No. 2021-04 change in overtime in personnel manual as amended to include ORS653.269. Councilor Addison seconded. The motion passed unanimously.

D. Office personnel request.

Office manager requested on behalf of office personnel that accrued vacation time beyond the 40 hours that are allowed to carry forward be paid out. This will be paid at straight time. The request was due to office staff being separated, short staffed and not able to cover time off.

Councilor Addison moved to approve the vacation pay out request for office personnel. Councilor Jones seconded. The motion passed unanimously.

E. Madubike request: living in an RV on personal property

The City sent a letter to Kathleen Madubike on September 25, 2020 informing her that she appeared to be in violation of section 7.305 of the City of Drain public improvement code and sections 9.126 and 9.510 of the development codes.

I received a call on September 28, 2020 informing me that she did not agree with the ordinance and would like to discuss this with the City Council. I asked her to send a letter to the Council, which I have included in the packet and would put her on the agenda for the October 12th meeting.

Mayor Cobb commented that the public safety & health needs to be inspected. Administrator Dahl commented that he does not recall any.

Council discussed amongst themselves. Council members discussed a hardship in response to the Madubike request.

Councilor Addison approved a 6 month hardship to allow Madubike to continue living in an RV on personal property for 6 months. Councilor Barker seconded. The motion passed unanimously.

F. Resolution No. R2021-05-Quit Claim Deed Anna Drain Park

The City of Drain and Douglas County have had an agreement for many years that while Douglas County owned Anna Drain Park, the City of Drain maintained the park. In this agreement there is no concrete definition for maintenance. However, there was a statement in the agreement that if nothing was budgeted for the park the County has no obligation to do any work in the park.

Since the Douglas Parks Department is now run off of fees and gets minimal tax revenue from the County, there has been no money earmarked for Anna Drain Park. This has cause conflict between the Douglas County Parks Department and the City of Drain in regards to replacing a broken drinking fountain, clean up after the winter storm, and the condition of the playground equipment. A solution to this issue was to have the City of Drain take over ownership of Anna Drain Park.

It was not in the City's best interest to take over Anna Drain Park until it was shown that there were no environmental issues on the site. Douglas County had a Brownfields Phase 1 survey done on Anna Drain Park and it was concluded that there were no (provided the full report in September)

By taking over the Park the City will have the ability to develop the park based on the suggestions in the Parks Masterplan.

Mayor Cobb stated he believes that the city shouldn't take over the park and his recommendation would be that Parks & Rec. take over the park. Councilor Barker commented that park would complement the pool. Mayor Cobb inquired about liability with the park having the playground equipment. Administrator Dahl stated no increase in insurance is expected. Councilor Jones was asking if we are getting the developed portion and an undeveloped portion. Council discussed the park and the recent Parks Masterplan that was created.

Councilor Jones approved the Resolution No. 2021-04 authorizing the mayor to sign a quit claim deed accepting ownership of Anna Drain Park from Douglas County. Councilor Barker seconded. The motion passed three in favor and one opposed.

G. MOU with North Douglas Fire and EMS

The City of Drain had a handshake deal to put a temporary City Hall on Fire District Property. The Fire District Board asked that an understanding between the City and Fire District be drafted to spell out in greater detail the agreement between the two parties. In short, the Fire District allows the City to put a temporary City Hall on Fire District Property. The City holds the Fire District harmless for any claims or damages to City Property. The City will remove the building at the end of the use or allow the District to purchase the building. The agreement is for five years with an automatic extension for another five years. The City can give notice of revocation upon 60 days, the District for two years. The District reserves the right to access any portion of the Property with 24 hours' notice.

The attached map shows the approximate location of the building and where the parking for City Hall is approved.

Council discussed the use of the ODOT property by the fire district and including it in the current MOU.

Councilor Addison motioned to approve the MOU with North Douglas County Fire and EMS. Councilor Jones seconded. The motion passed unanimously.

H. Liquor License request: Crystal Jacks

Request for event at 331 N. First St., indoors & outdoors, Saturday November 21, 3-7 p.m. fundraiser to raise funds tacos for turkeys. The proceeds of the event will go to help families affected by the fires. Crystal contacted the fire dept. for help to assist these families. Council Barker inquired the application if it is nonprofit, since an EIN was provided. Crystal stated it would be thru her nonprofit. Councilor Jones suggested obtaining a temporary permit to sell food through the environmental health dept. Mayor Cobb inquired if the state Covid-19 rules will be followed. Mayor Cobb inquired about her association with the motorcycle club. Councilor Barker inquired about room for social distancing. Supervision will be provided for minors.

Councilor Addison acknowledged the liquor license request. Councilor Jones seconded. The motion passed unanimously.

VI. DISCUSSION ITEMS

Cost of temporary City Hall

Administrator Dahl presented an itemized list for the costs of the new temporary city hall. Mayor Cobb stated that he has someone that will be installing the security cameras. Councilor Barker brought up a punch list of items that still need to be addressed and inquired if these items are still outstanding. Administrator Dahl stated that the items are outstanding and will need to be paid for.

Mayor Cobb stated that a plan has been discussed for the destruction of the old city hall in 2021 and new construction in possibly 2022.

Quarterly accounting

Administrator Dahl stated the general fund is short \$60,456.00. Councilor Barker brought up 4th qtr. The city has received last payment of the parks grant and the fema reimbursement \$12, 017.00 & \$7,678.00, there has also been an increase in our sin taxes with alcohol and special distributions 15% & 17% above expectations. The majority of property taxes will be coming in within the next few months. The electric fund is over expenditures by \$ 62,780 even though sales have been 3% below average due to the mild weather. Bad debt receipt is up over 25% above expectations for non-payment. Line construction and current replacement is currently high but staff has purchased poles and equipment for the year so this will balance out over the next couple quarters. OS Engineering is working on the master plan and their bills will be paid over the next couple of months. The water utility currently shows \$55,449.00 revenue over expenses, electricity & lab testing shows no payment for this year, these costs have been applied to incorrect gl #'s and is currently being researched. Also, the city will have payments of \$118, 759.00 in loans payments in the second quarter. System construction replacement line is at 82% of use, we have purchased and installed pumps. Sales of water is 5% over expectations. Wastewater utility fund, sales are on target the sales slightly over goal, the sales of timber were put in the misc. revenue line and the costs of logging was placed in contract services as well as some costs for the new temporary city hall. There will be an increased cost for timber as we follow the rules for forest management there is also another timber payment to be made a little over 40,000.00. The payment for the wastewater treatment plant will be due in second quarter \$224,000.00.

Reserve Fund for Whipple Library

Councilor Barker requested to use reserve funds for HVAC and some building repairs. There is \$109,220.00 in reserves, the most recent quote for HVAC is around \$90,000.00 to replace all three units. Councilor Barker has done calculations and feels the civic center has been overcharged on electric & water of approximately \$3,000.00. Councilor Barker stated other concerns regarding the civic center/library and how they are designated in the general fund/budget. Councilor Barker has concerns about the lease agreement with the library.

Accounting for Civic Center

Councilor Barker inquired about the MOU between the city and the library, Administrator Dahl explained that there were some changes that the library wanted to make to the agreement. Miriam Sisson commented that the MOU with the changes were being brought before their board for approval and it would then be presented to council to for vote.

Mayor Cobb inquired about the Civic Center outside restrooms and when they were opened again. Administrator Dahl commented that they were opened and remained open as of a couple years ago. There was discussion regarding current vandalism issues. The Anna Drain restrooms are locked at end of maintenance work day. It was recommended by visitor that the restrooms remain open until dark. This does not work with the work day of city employees. At the time being during the winter months that the restrooms are opened and closed on maintenance work day schedule. Candy Vickery asked about an enforceable ordinance, unfortunately the Ninth Circuit Court has made this a difficult matter to resolve. Councilor Barker brought up Lisa at the prior church location next to the Civic Center to help with this individual, Lisa would like to provide shelter for those in similar situations and veterans. Drain does not have a homeless facility. Mayor Cobb commented that it would be better to discourage Lisa to get involved and that the city does not want to encourage this as an area for the homeless. The Civic Center outside restrooms will be opened & closed with maintenance work day schedule.

VII. INFORMATIONAL ITEMS

The Contractor for ODOT has started putting in the flashing crosswalk. They are a little behind schedule. Staff has needed to go over there a couple of time to help figure out what pipe was needed and what wasn't. In other words, we found more pipes underground than we expected. We are also going to have them replace the fire hydrant near US Bank while they are there.

We had some young girls write obscene comments on the Civic Center steps in chalk on Sunday October 4. Danny was able to clean it off and it was reported to the police who were shown video of the incident.

The logging has been completed at the sludge site. So has the compiling of the debris. Later this winter it will be burned and in February they will replant the area. They will leave a road around the property open so that we can spread sludge when needed.

Council asked about having citizens go up there and cut firewood. That is not available because to get up there you need to drive on private roads that are locked and it not practical to allow citizens up there unsupervised.

We have received many business licenses. The local businesses have until December 1st to get them in.

Valarie Johns commented that business license application was very in depth. Mayor Cobb directed her to Councilor Barker.

ADJOURNMENT

It was moved and seconded to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 8:42 p.m.

Justin Cobb, Mayor

ATTEST:

Steve Dahl, City Administrator