



SCIO CITY COUNCIL MEETING MINUTES  
MONDAY February 11, 2019

**COUNCIL PRESENT:** Councilors Karen Eckhart, Joey Ferguson, Tom Gray, Tom Meyer, Debbie Nuber, Dennis Thomas and Mayor Chadd Weaver.

**STAFF PRESENT:** City Manager Ginger Allen, City Attorney Tre' Kennedy and Administrative Assistant Cathy Martin.

**CALL TO ORDER:** Mayor Weaver called the Regular Session of the Scio City Council to order at 6:00 P.M. at Scio City Hall, followed with the flag salute.

**ROLL CALL:** Roll call was taken with all Councilors present.

**SWEARING IN OF NEW COUNCILORS:**

1. Ms. Allen administered the Oath of Office to Tom Gray and Dennis Thomas.

**APPROVAL OF CONSENT AGENDA:** There were no questions.

***Councilor Nuber moved, Councilor Meyer seconded, to approve the Consent Agenda as Presented. Motion passed 6/0***

**CORRESPONDENCE:**

1. A letter of gratitude was received from the Scio FFA Alumni, thanking the council for the generous contribution.

**PRESENTATIONS:**

1. Linn County Sheriff's Report – Sgt. Greg Klein reported on the January 2019 – there were 5 traffic citations issued, 4 traffic warnings, 2 crashes investigated, 3 adults were arrested (one for a burglary at a business on N Main, one for domestic violence/harassment, and the driver of a semi that was stopped for violation), 55 total complaints were investigated, 4 hours were dedicated to traffic enforcement, with 99 hours spent in Scio. Allen thanked Sgt. Klein and deputies for all of the hard work on a pending case. Gray asked if the truck driver was local or out of town. Klein stated that he would look it up and get back to him.
2. Service Awards to Pacific Power – Presented by Mayor Chadd Weaver and Ginger Allen, City Manager. Alan Meyer, Celeste Kruger, Van Schoenborn, Zach Zinda were presented with awards. Pacific Power representative Alan Meyer accepted the City Partnership Award, receiving thanks the partnership between Pacific Power and the city and helping with the Christmas Decorations. Van Schoenborn and Zach Zinda were thanked for assisting the city with the Christmas Decoration project; they installed the new brackets, placed new

electrical hook-ups on the poles, and put up and took down the Christmas decorations for the city.

### **REGULAR SESSION:**

- 1) Public Event Application – Scio Youth Club – Presented by: Ginger Allen, City Manager** – Ms. Allen informed council that the Scio Youth Club has submitted all of the required information for a permit for their annual fundraiser. This is the second year of the “5 year master permit”. Allen recommended that council approve the permit and waive fees due to their non-profit status.

***Councilor Ferguson moved, Councilor Nuber seconded the motion to accept the application for the permit as presented and waive the fee. The motion passed 6/0***

- 2) Resolution No. 19-01 to Appropriate Unexpected Funds – Presented by: Ginger Allen, City Manager** – Ms. Allen stated that the city received a refund from the IRS as they finally determined that the city had overpaid taxes. This was for an expense in a previous fiscal year and will be distributed back into each of the funds that it originated from. Additionally, the city received a library grant, in July that was unanticipated in the amount \$3000 which was for children’s literature, the funds had to be spent by August. The resolution appropriates the unexpected income.

***Councilor Ferguson moved, Councilor Nuber seconded the motion to adopt Resolution No. 19-01 as presented and to read the resolution by Title Only. The motion passed 6/0.***

***Allen read Resolution No. 19-01, A Resolution Appropriating Unanticipated Revenue to the General, Road, Sewer and Water Funds of the City of Scio.***

- 3) Review of the 2018- Five Year TMDL Matrix – Presented by: Ginger Allen, City Manager** – Ms. Allen stated that this is the amended item that was added to the agenda. City works with the Oregon Department of Environmental Quality (DEQ) to make sure that the city does not exceed a certain amount of pollutants discharged by the city into Thomas Creek. The city has put measures in place ensuring compliance with DEQ. This matrix chart was approved by DEQ in February 2018. We failed to bring it before the council last year. We recently received a reminder from DEQ that the city needed to provide documentation of the Council approval the Matrix. Ferguson asked what TMDL stood for. Allen stated that it stood for Total Maximum Daily Load. It is a calculation of the maximum amount of pollution that is allowed.

***Councilor Nuber moved, Councilor Thomas seconded the motion to approve the Five Year TMDL Matrix. The motion passed 6/0.***

**4) Republic Services Franchise Agreement – Presented by: Tre’ Kennedy, City Attorney** – Mr. Kennedy spoke to the council regarding Franchise Agreements. Franchises generally are to allow companies to use the right-of-ways and areas owned by the city for the installation of fiber, power lines, sometimes private sewer companies and roads. So Republic Services uses the roadway to pick up garbage. The Franchise companies pay a fee to the city for the right to use the public right-of-way. Some of these agreements are exclusive, giving one company the rights to do a certain thing. They are historically long term to give them the incentive to install the infrastructure. In each case the city is getting some money back for allowing them the use of the right of way. Generally these are for ten years, with provisions that give some leeway. In regards to the Republic Services Franchise, it is a ten year automatically renewing franchise. We are coming up on a renewal in March for an additional ten years. Council can vote by roll call giving the authority for staff to give a ten year notice. The city can look into options with respect to garbage franchises during this next ten years. Mayor Weaver asked about options. Kennedy stated that the city will talk about options in a different setting. The city can give notice at this time but the current franchise will still go on for the next 10 years. Kennedy said that there are things the city may want to discuss such as the automatic rate increase.

***Councilor Ferguson moved, Councilor Meyer seconded the motion to give Republic Service notice under the franchise agreement. The motion passed 6/0.***

#### **PUBLIC HEARINGS:**

#### **Ordinance No. 611 – Transportation Chapter of the Scio Comprehensive Plan – Presented by: Dave Kinney, Planning Consultant**

Mayor Weaver opened the public hearing at 6:28 pm. He stated that this was the time that was set aside to allow and hear any person wishing to comment on Chapter 12 – Transportation Chapter of the Scio Comprehensive Plan, Ordinance No. 611. Weaver asked if there was anyone who wished to speak regarding Chapter 12 of the Scio Comprehensive Plan. There were none.

Weaver closed the Public Hearing.

Dave Kinney then presented the Staff Report. Kinney stated that the completion of the Transportation chapter had been put on hold based on the advice received from Dan Fricke, Oregon Department of Transportation (ODOT), until Linn County completed their Transportation System Plan, so that the city could use the county’s document instead of spending money on developing its own plan. Chapter 12 focuses on the roads within the City of Scio (existing road network, local collectors, crash data, existing pedestrian and sidewalk network). Planning Commission came up with a list of priority projects which are included in the chapter. This will give the city the opportunity to apply for future grants from ODOT. The chapter includes maps, goals and policies, coordinating improvements with Linn County, ODOT. Big projects focus along Highway 226, have

ODOT upgrade urban standards. The city has the ability as new development occurs to have development adhere to standards as well. Ferguson asked if it is mandatory. Kinney stated that this document does give the city the leeway to apply the requirements at the time of development or have the property owner sign an agreement to complete the improvements at a later date as part of a larger street improvement project. Comprehensive Plan is the policy document and the Zoning Code and Public Improvements Standards are used to implement the policy.

Staff recommends that the council adopt Chapter 12 and approve Ordinance No. 611. Ferguson asked if there are goals that make it a priority to upgrade sidewalks to schools. Kinney said that there are "Safe Routes to Schools" provisions. In order to apply for these types of grant funds the city will have to interview school kids to find out how they travel to and from school. Basic document will allow city to apply for grants. Eckhart asked if the homeowners are charged for these improvements. Allen stated that homeowners can be charged, usually when a city decides to put in sidewalks the cost rolls out to the property owners. Gray asked if there would be grants to do this. Allen stated that the city can apply for grants, but we never knows if it will get them. These projects are usually piecemeal. You pick the spot that is the worst and fan out from there. The city would have to make a plan. There are many different ways to proceed with street improvements.

***Councilor Meyer moved, Councilor Ferguson seconded the motion to approve accept Ordinance No. 611, Chapter 12 Transportation of the Scio Comprehensive Plan. The motion passed 4/0.***

Ferguson thanked the planning commission for all of the work to complete the update of the Comprehensive Plan.

**Public Hearing: Ordinance No. 612 – Flood Hazard Amendment – Presented by: Dave Kinney, Planning Consultant –**

Mayor Weaver opened the public hearing at 6:38 pm.

Mr. Kinney presented the opening statements. He reported that Celinda Adair, DLCD, completed a site visit and that brought attention to the need to amend the Flood Hazard Ordinance. It was noted the city was not properly enforcing the submittal of Elevation Certificates as required by FEMA. The city was not requiring the certificate at the time that the stem-wall was erected. This ordinance fixes the error in the floodplain ordinance. The proposed amendment also gives City Manager ability to delegate. Current ordinance any approval of a flood permit, is quasi-judicial hearing action. This has not been happening, as flood permits are administrative, there is no discretion so this provision is being eliminated. One other change – was the requirement for the HVAC systems to be elevated 1 foot above the BFE. This is essentially a clean-up ordinance to fix discrepancies.

Weaver asked if there were any audience members who wished to speak regarding the Flood Hazard Amendment.

Wolfgang Borchard, SE Birch Street, stated he would like the city to put something in the ordinance that says that people cannot raise property above neighbors' property. He did not understand why permits are done the way they are. He then spoke regarding the fill that was placed on the property currently owned by Oregon State Bridge Company along Peter's Ditch.

Kennedy stated that for the purpose of this public hearing that his testimony be that of a proponent or an opponent. Borchard stated opponent.

Kinney then stated that one addition in the ordinance was that the requirement that the city's "Balance Cut & Fill Ordinance" provisions must be complied with.

Weaver asked if there were any additional testimony. There was none.

Weaver closed public hearing at 6:48 pm.

***Councilor Meyer moved, Councilor Thomas seconded the motion to approve Ordinance No. 612, An Ordinance Amending Ordinance 579 The Scio Flood Hazard Ordinance. The motion passed 6/0.***

Kinney stated that staff will complete the Comprehensive Plan & Flood Hazard Ordinances and will be placing those on the city website.

**CITY MANAGER REPORT: Presented by Ginger Allen** – Ms. Allen reported on the following topics:

City Hall Facilities Needs Assessment RFP – Ms. Allen stated that the process was overshot. In speaking with the companies that were solicited she received some free engineering advice. Based on the advice the City hired a commercial building inspector. The report and the invoice have been received. It does not get into the nuts and bolts, but gives an overview. She will give a presentation in March as to the results.

Sanitation Services - a meeting with Pacific Sanitation has been scheduled.

Public Works Equipment Needs – currently working with the public works staff regarding equipment needs. The city will be looking into purchasing a Vac-truck next fiscal year.

Christmas Decorations – Still on the bridge, the city is at the mercy of SMTA, day they were scheduled to be taken down, weather did not permit it.

Reserve Fund Transfers to Oregon Treasury Pool – Update – found out that the particular fund Columbia Bank was promoting did not meet the requirements for City Municipal investments. City will stay with the Local Government Investment Pool. She will be completing the transfer of funds.

Ferguson asked how often the vac-truck would be used. Allen if we had it, there are many times that we would be able to use it. Kinney added by stating that catch basins should be cleaned every year, sanitary sewer catch basins should be done once a year or on an every other year cycle. Storm drains on a three year cycle. The current jetter does not allow what is needed. Easier to handle, more efficient, as one person would be able to use the truck instead of two.

**CITY ATTORNEY REPORT: Presented by Tre' Kennedy** – Kennedy did not have anything to add

**Business from the Council:**

Thomas – None

Nuber – None

Meyer – None

Ferguson – Asked if there had been any discussion about adding street lights with Pacific Power. Allen stated the requirement to add additional lights, the city must identify where and why. If property is dark that is not city property, then the property owner must apply. She asked about the tennis courts by Centennial Elementary. Allen stated that the School District owns the property. Thanked Mr. Borchard for coming to the city council and voicing his concerns. Kennedy stated that he could respond to the inquiry generally, the City looked at it, had reports from engineers and applied the law at the time. Generally the opinion the report said that it was break-even. Cannot respond to what you see, this requires experts. Nuber stated that everyone downstream is concerned. Mr. Borchard stated that it didn't make sense then and still doesn't make sense.

Gray – None

Eckhart – Thanks for all your hard work.

Weaver – None

Allen thanked one of the gentlemen in the audience for coming to the council meetings. John Whalen stated that he moved to the city over a year ago and wanted to get involved.

Kennedy stated that he had old documents/emails regarding the Oregon State Bridge Construction fill issue and will forward those to City Manager Allen.

**Business from the Public:** none

There was no further business and the meeting was adjourned at 7:11 p.m.

The next regular meeting is scheduled for March 11, 2019 at 6:00 p.m.

Cathy Martin,  
Administrative Assistant