



SCIO CITY COUNCIL ELECTRONIC MEETING MINUTES  
MONDAY August 10, 2020

**COUNCIL PRESENT:** Mayor Chadd Weaver, Councilors Karen Eckhart, Joey Ferguson, Tom Gray, Tom Meyer, and Debbie Nuber were all present via video and John Whalen was present via phone.

**STAFF PRESENT:** City Manager Ginger Allen, Assistant City Attorney Jeffrey Clayson and Administrative Assistant Cathy Martin were present via video.

**AUDIENCE MEMBERS:** Sgt. Greg Klein, Linn County Sheriff's Office, present via phone. Chuck Read, Richard Androes, Mikayla Wendel, Ryan Wendel, Brenda Marsters, Matthew Ridge, Nadji Vogel, Harvey Shelton, Deah Shelton, May Garland, Roger Gaither, Kelsey Hallin, Nancy Hallin and Cindy Wendel.

**CALL TO ORDER:** Mayor Weaver called the Regular Session of the Scio City Council to order at 6:10 P.M., followed by the flag salute.

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

**APPROVAL OF CONSENT AGENDA:** Mayor Weaver asked for comments. There were none.

*Councilor Nuber moved, Councilor Whalen seconded, to approve the Consent Agenda as presented. A hand and verbal vote was taken. Motion passed 6/0*

**CORRESPONDENCE:** none

**PRESENTATIONS:**

- **Linn County Sheriff's Report – Presented by Sgt. Greg Klein, Linn County Sheriff** – Sgt. Greg Klein reviewed the monthly report for July 2020 (see attached). Klein stated that there were a number of thefts in Scio during the month of July that the Sheriff's Dept. is following up on. Nuber stated that a neighbor of hers had a shed broken into, but had not contacted the sheriff. Klein stated that they have Scio on focus patrol for thefts. Klein also stated that he would like to get information from her and contact the homeowner.

**REGULAR SESSION:**

1. **Resolution No. 20-08 Municipal Fees, Water & Sewer Rates, Fees, Charges - Presented by: Ginger Allen, City Manager** – Allen stated that when the resolution was approved last month, staff failed to change the rates on the water portion, which voted in a 7% annual increase over three years ago. Staff put in the rate increases for the residential customers, but failed to put in the increases for the commercial and large commercial users. In addition, staff charged too much on the overage charge for sewer fees and corrected that figure. Ms. Allen

stated that additional language was added to the Automatic Sewer Rate increase statement, describing the rate increase process over the next two years. Mayor Weaver asked if we overcharged customers last month. Ms. Allen stated that billings were corrected before they left the office. Allen read Resolution No. 20-08, "A Resolution Establishing Municipal Fees, Water and Sewer System Rates, Fees, Charges and Other Expenses under the Jurisdiction of the City of Scio" by title only.

*Councilor Whalen moved to approve Resolution No. 20-08, A Resolution Establishing Municipal Fees, Water and Sewer System Rates, Fees, Charges and Other Expenses under the Jurisdiction of the City of Scio, as read by title only, seconded by Councilor Nuber. A hand and verbal vote was taken and the motion passed with a vote of 6/0.*

**2. Ordinance No. 614, An Ordinance Amending the Scio Comprehensive Plan Map and Scio Zoning Map to Re-designate and Rezone a 0.92-acre Parcel in Block 8, Lots 1 Through 8, South Addition to Scio in Scio, Oregon – Presented by Dave Kinney, Planning Consultant**

Dave Kinney stated that this Ordinance will finalized the action to approve the comp plan amendment and zone change application by Iceland Construction so that they will be able to develop 4 duplex lots. During the council's deliberation and decision it was made clear, for the record, that only single-family residences or duplexes would be permitted. The developer would not be able to do any larger type multi-family or apartment type complex. That language is included in Section 2 of the draft ordinance, so that it is consistent with the council's intent. Kinney stated that the staff recommendation is that the council adopts the ordinance in two steps. The first step would be to do the first reading of ordinance and approve the modified findings that incorporate all of the public testimony and minutes from the July 13<sup>th</sup> meeting.

Gray asked for clarification on the Ordinance No. Kinney confirmed that it is Ordinance No. 614.

Weaver asked for clarification on public testimony. Allen stated that the public hearing for this matter was closed at the previous meeting.

Kinney stated that his proposal would be that the council makes a motion to approve the modified findings of fact for File 2020-04 and to do a first reading by title only of Ordinance No. 614.

*Councilor Eckhart moved to approve Ordinance No. 615 and the modified findings for File 2020-04, seconded by Councilor Meyer. A hand and verbal vote was taken and the motion passed with a vote of 6/0.*

Kinney stated that this item will be added to the August 24<sup>th</sup> council meeting agenda for a second reading and final enactment. If approved it would be signed by the mayor following that meeting.

## **PUBLIC HEARING:**

### **Vacation of City Owned Properties – Presented by Ginger Allen, City Manager**

Ginger Allen, City Manager, stated that she would be presiding over the public hearing to consider the vacation of 13 properties owned by the City of Scio. A map of the properties was included in the council packet, is on the city website and was sent to the adjacent property owners. Ms. Allen declared the public hearing open at 6:24 p.m. (6:28 – 17:43)

Ms. Allen reviewed the process for the public hearing. She stated that the city council will hear a staff presentation and discuss any questions regarding this process. Audience members will be given an opportunity to speak about the property. Following the discussion, the public hearing will be left open until 4:00 p.m. on Monday, August 24, 2020 to allow for additional public comment. Tonight the city council will hear staff's report, any oral testimony, and any correspondence that was received prior to the public hearing tonight. Ms. Allen asked if there were any questions or objections to this statement or these proceedings. Ms. Allen requested that anyone who testifies to state their name and address for the record and to state if they support or oppose the proposal. Ms. Allen asked if there were any objections.

Council members were asked to declare if they had any Conflicts of Interest, Exparte Contact or Bias regarding this matter. Councilor Eckhart stated that she was directly affected by the proposal as she is one of the property owners who would receive property through the alley vacation. Ms. Eckhart was excused from the council for this discussion and would participate in the hearing as a citizen.

Ms. Allen then presented the Staff Report. Ms. Allen began by stating that property #1 on the map needs to be struck from the record. It will not be vacated in this process. The reason is because over two years ago, the school district approached the city about acquiring that property, if and when we vacated it and they have use for it as public use.

Ms. Allen reported that for over two and half years city staff, along with the City Attorney, has intermittently worked on tonight's proposal. Ms. Allen apologized for the time lapse on the project. She stated that some of the time spent researching and working with Linn County was out of the city's control and of course COVID-19 restrictions, with the help of Councilor Ferguson and Assistant City Attorney Jeffrey Clayson we are finally approaching the finish line.

Staff is proposing to council that 12 strips of city owned property be vacated (or given back) to the adjacent property owners in shares directly in proportion to their property lines.

The reasons for vacating the properties are:

1. The properties are no longer of use by the city and do not play a role in future development.
2. It is important to place unused properties back onto the tax rolls and into the hands of parties that can use the land.
3. The city will no longer have legal liability on the property strips.

This proposal was also presented to and approved by the Scio Planning Commission.

Ms. Allen stated that to help understand the process some questions and answers have been prepared to help expedite tonight's process:

1. *Does the property owner have to pay anything for the property?* No, the property is not for sale, if vacated it is done so without any land costs.
2. *Who files the property transactions with Linn County?* If the vacation of properties is approved by City Council and because the city is the formal applicant for this process, the city will file the title transfers with Linn County and pay for the transfer fees.
3. *How much, if any will my taxes go up?* City Staff cannot answer that question; you will need to consult the Linn County Tax Assessors Office.
4. *How will the properties be divided?* All adjacent property owners will receive a letter following tonight's meeting asking them if they are interested in receiving their portion of the vacated property. They will have to sign a statement in favor or against the receipt of property. After everyone has responded on the property inquiries, the properties will be divided up as to how much of their property line connects to the property strip in question. If there is only one property owner, they will receive the entire strip of land, if there are two property owners on both sides of the property strip they will each get half of the width of the property and the length of their property proportionately to the property strip in question. That formula will be used for multiple property owners as well.
5. *If a strip of property is already being used by an adjacent property owner what happens?* What that means is that there are property owners who have already encroached upon these property strips and they have been using them as if it is their own property. Once we start this process, we will be sending them a letter asking them to clear off their property from the strip and they will be given 60 days to do so by certified letter. If they fail to remove their property and we are in the process of giving it back to other people then we will have to remove their property for them and they will be given a bill for the cost of that.

6. *What happens if an adjacent property owner does not want their portion of the property strip?* Ms. Allen asked Jeffery Clayson, Assistant City Attorney, to address this question.

Mr. Clayson stated that if a city chooses to vacate a property it is able to vacate the property even over opposition. If returning the property would have a negatively impact on land value the city would have to pay costs to the injured party, or whoever was affected by the city vacating the land. As far as a party saying that "I don't want it can you just give it to my neighbor". Mr. Clayson stated that this is something that he is currently researching to determine how this can be done. He further stated that if the city moves to vacate the property, the city has the option to do so even over opposition. The city would have to either, (1) pay damages to the party or (2) if a majority of the people affected by the vacation of the property objects to it, then that would be the only situation where the city would be unable to vacate the land. The objection would have to be in writing.

Mayor Weaver asked for clarification on the type of damages that the city might have to pay. Mr. Clayson stated that if there is something wrong with the property, where it decreases the value of someone's current property, then the city might be required to pay for the devaluing of the property.

Tom Gray asked if the properties would be resurveyed and who would pay the cost for that.

Ms. Allen stated that the properties have already been surveyed. The city approved paying the cost of surveying the property in the previous fiscal year and that was completed in April of this year.

Ms. Allen stated that this concluded the staff report.

Councilor Eckhart asked what happens in the case where there are utility right of ways. If someone working on that utility gets injured who is liable? Mr. Clayson stated that the easement would still be in place, so it depends on how the injury occurred. Typically, property owners are responsible for injuries occurring on their property. Ms. Allen stated that any company having utilities on the properties will have the right to access the easement and they have the responsibility of notifying property owners when they need to access the property to work on the utility lines.

Mikayla Wendel, NW Alder, asked what happens if there is an issue with a utility line and they have dig up the ground to fix it whose responsibility then. Ms. Allen stated that the practice for the City of Scio is that when the city has to dig up and repair utility lines that we replace it so that it is in the same or improved condition. She stated that this is usually the case for other utility companies as well.

Ms. Allen asked if there were any additional questions from anyone in the audience.

Nancy Hallin, NE Ash Street, asked what the timeframe was for completing the vacations.

Ms. Allen stated that letters will be mailed to all property owners requesting that they return them on or before August 24<sup>th</sup>. At the August 24<sup>th</sup> council meeting staff will report on the number of people who want to participate in the vacation of the properties. An ordinance will have to be adopted to approve the vacation, and then there is the filing process with Linn County, this will be minimum of 4 weeks.

Ms. Allen asked if Mrs. Hallin wanted to make a statement or if she wanted her to read the statement that she submitted earlier.

Nancy Hallin stated that her only question was if there were going to be costs involved and that was answered earlier.

Ms. Allen asked for any other questions from the council or audience members. There were none. Ms. Allen reviewed the next steps with the council. This Public Hearing will be left open until 4:00 p.m. on Monday, August 24, 2020 for additional public comment and will be presented to the Scio Council at the 6:00 p.m. council meeting.

The Public Hearing was closed at 6:45 p.m.

**CITY MANAGER REPORT: Presented by Ginger Allen** – Ms. Allen reported on city activities for the time period of July 8, 2020 – July 31, 2020 (see attached report). Allen asked if everyone had a chance to review the city managers report and then briefly went over the information outlined in the report. Plexi-glass panels were installed. City hall has been reopened for people to come in to make payments. We will be opening the library for appointments soon. General Election – need packets submitted on or before August 20<sup>th</sup>. Chip sealing has started – the company is working us in between local projects.

**CITY ATTORNEY’S REPORT: Presented by Jeffrey Clayson** – Attorney Clayson stated that they are still planning on setting up office hours at city hall.

**ITEMS FROM THE COUNCIL:**

Gray: No comments

Ferguson: Why was the decision made to not include interior design for the shop? Ms. Allen stated that staff decided that we could do this step ourselves as the architect was modifying plans from an existing building that the public works staff had seen in Molalla and that they already knew what changes to that design were desired.

Nuber: City-wide Garage Sales were held last weekend, and they went well. She further reported that she wanted to set up a Neighborhood Watch meeting via Zoom in the future. Mayor Weaver stated that it was important to get the initial meeting going. Ms. Nuber stated that this was important to get started again due to the recent theft activity.

Meyer: No comments

Eckhart: Asked if Nuber would let her know about the Neighborhood Watch meeting as she would like to be involved.

Whalen: Asked if there was anything more the city could do to keep kids safe.

Allen stated there had a couple of citizens from Thomas Creek Estates come to the office recently to speak about Basketball Hoops in the streets and the potential development of Thomas Creek Park:

1. Basketball Hoops – Allen recapped the June 8, 2020 discussion on this topic with council. What has happened since the June 8<sup>th</sup> meeting is that hoops have been placed facing each other and painted arches are on the street, similar to a basketball court spanning the width of the street. Kids from all over the development are going there and they are having pick-up games there. This was not the intent of the council. Mayor Weaver asked where this is located. Ms. Allen stated that it is on Filbert Street. They asked if the council could revisit this issue. Councilor Ferguson asked if we have had a citizen complaint. Ms. Allen stated that yes. Mayor Weaver stated that he was going to go down and look at it, so he would know what area was being discussed. He said he would also take pictures and forward them to any council member that would like them. Councilor Whalen stated that he lives there and would like to be part of the investigation. Mayor Weaver stated that he is not comfortable with a full court basketball in the road.
2. Thomas Creek Park Development –Allen asked the citizens who wanted to raise money for a basketball court to make a presentation to the council on what they envision for the future development of Thomas Creek Park. They were willing to organize fundraiser in order to put in a half-court at the park. They did look at the city budget and saw that there was money put into the budget for park improvements. Ms. Allen stated that these funds were put into the budget to complete the park improvements by the Scio Stop-n-Save Market, and if there are proceeds remaining, then council could direct any proceeds to Thomas Creek Park. One thing the city needs to do as recommended by an arborist is removing the Cottonwood Trees.

Nuber asked if the basketball hoops had been spray-painted or was chalk used. Allen stated that it looks like it was spray-painted. It has been there at least two weeks. Meyer asked Mayor Weaver to look at the dead end area of SW 3<sup>rd</sup> Avenue, west of Filbert; he asked if that area could be used by the kids for a basketball court instead. Allen stated that if the council wants to look at that option, one thing to keep in mind is

that vehicles have to have access to the lift-station at all times. Eckhart asked if the school grounds were still locked. Allen stated that they are not. Steve Martinelli, Superintendent Scio School District, had contacted her over 3 weeks ago when the Governor announced that Linn county moved into Phase 2 of Reopening (COVID) that they were able to open up the playground areas under the condition that they sanitize the equipment in the morning and in the evening before staff leaves for the day. Eckhart asked if they now have the option to go play there. Allen stated that they can play there. Weaver stated he would go down, look at it and take pictures.

**BUSINESS FROM THE PUBLIC:**

There was none.

Weaver thanked everyone for being here.

The meeting was adjourned at 7:05 p.m.

The next regular meeting is scheduled for August 24, 2020 at 6:00 p.m.

Cathy Martin  
Administrative Assistant