

**MINUTES OF A REGULAR MEETING OF  
THE CITY OF ANGELS CITY COUNCIL  
Tuesday, March 20, 2018**

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**Council Members Present:** Amanda Folendorf, Linda Hermann, Scott Behiel, Veronica Metildi, Joseph Oliveira  
**Council Members Absent:** None  
**Staff Present:** Melissa Eads - City Administrator  
Robin Baral - Chruchwell White, LLP  
Susan Wenger - Deputy City Clerk  
Todd Fordahl - Police Chief  
Milton Sargent - Interim Finance Officer  
David Hanham - Dir. of Planning & Building  
David Myers - City Engineer  
Nathan Pry - Fire Marshall

**REGULAR MEETING WAS CALLED TO ORDER AT 5:00 P.M. BY MAYOR FOLENDORF**

**1. ROLL CALL**

**2. PUBLIC COMMENT**

None

**3. ADJOURN TO CLOSED SESSION**

**a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one potential case).

**b. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one potential case).

**4. ADJOURNMENT OF CLOSED SESSION**

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**6:00 p.m. REGULAR MEETING**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**1. ROLL CALL**

**2. REPORT OUT OF CLOSED SESSION**

**a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one potential case).

**ACTION:** Direction was given to staff to form a committee to study and report to Council regarding risk and liability regarding fire operations. Council Member Oliveira and Council Member Behiel were assigned to the committee.

**b. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one potential case).

**ACTION:** Direction was given to staff.

**3. APPROVAL OF THE AGENDA**

**ACTION:** Motion by Vice Mayor Hermann, second by Council Member Metildi, and passed 5-0 to approve the agenda as presented.

**4. PUBLIC COMMENT**

None

**5. CONSENT AGENDA**

Council Member Behiel pulled Item a. from the consent agenda for clarification. He would like the \$65,000 amount included in the description of the Action taken.

**ACTION:** Motion by Council Member Behiel, second by Council Member Oliveira, and passed 5-0, to approve consent agenda as amended.

a. Approve the Minutes of Regular Meeting of March 6, 2018.

**6. PUBLIC HEARING**

Hearing on Order of Abatement for 1191 South Main Street - Lode Hotel

Attorney Robin Baral provided an overview of the hearing standard.

David Hanham, Planning and Building Director, presented information regarding the current state of the property and the City's past attempts to rectify the issues on the property.

Tim Ashlock, Property Owner, provided background on the purchase of the Lode Hotel property and his attempts to obtain permits to begin restoration of the property.

David Hanham asked the property owner to indicate whether any building permit applications were submitted since 2010 and if he could provide a list of any improvements made to the building since 2010.

Tim Ashlock responded that no permits had been applied for because he said City staff told him no permits would be issued under any circumstances in the future. He was asked if any improvements had been made since 2010. He has not made any improvements since 2010.

Council Member Oliveira asked if there were any current permits open. David Hanham responded that there was not.

Steven Flaigg, Building Inspector, indicated that there was a permit pulled in 2009 for structural repairs. Work was done to stabilize the structure and the permitted work was finalized.

Council Member Oliveira asked Mr. Ashlock if he had actively pursued the sale of the property in recent years.

Mr. Ashlock told the Council he had spoken with many real estate agents and was considering listing the property in the Spring, but that it will take a special kind of buyer that loves old architecture and is well capitalized.

Council Member Oliveira noted that the staff report indicates that persons had made access to the building. David Hanham reported that they had not observed anyone in the structure, but in the past there was evidence that people had entered the structure.

Council Member Metildi asked Mr. Ashlock why the Fire Marshall has not been permitted access to the building. Steve Flaigg responded that the Fire Marshall was permitted to inspect approximately 18 months ago.

Nathan Pry, Fire Marshall, told the Council that during that inspection he immediately noticed the condition of the electrical and significant 'fire loading', an accumulation of combustible materials.

Consequently the Fire Department had PG&E pull the meters that supplied electricity to the structure.

Council Member Behiel told the Fire Marshall that Mr. Ashlock said the electrical was fine which was in conflict with the Fire Marshall's assessment.

The Fire Marshall reported that upon inspection he found a number of open electrical outlets, exposed electrical wiring, wiring that was not in conduit and wiring that was not in a sufficient state to have electricity running through it. At the time of inspection there was water in the building with the energized electrical equipment.

Council Member Metildi asked Mr. Ashlock if he had documentation that someone from the City told him that if he cleaned out the inside and improved something he may get a building permit.

Mr. Ashlock did not have documentation.

Vice Mayor Hermann asked what the reasoning behind denying smaller permits might be.

Steven Flaigg clarified that there had not been any applications for permits since 2009 and no permits had been denied.

Council Member Behiel asked Mr. Ashlock if he responded to the November 9, 2017 letter?

Mr. Ashlock said that he responded to every letter he received.

Mayor Folendorf asked Mr. Ashlock if he had ever lodged a complaint with the City for being told by staff that he would never get a permit. Mr. Ashlock said he did not. Mayor Folendorf asked Mr. Ashlock if he had requested an extension of the 2009 permit to complete the second and third phases of restoration. Mr. Ashlock responded that he did not.

David Hanham indicated that there had been no action, either from the City or Mr. Ashlock since 2009 with the exception of the replacement of a window that fell out, and that repair was not permitted.

Council Member Behiel asked Mr. Ashlock if he had done anything to show a good faith attempt since receiving the notice of public hearing. Mr. Ashlock told the Council he cleaned up some debris from a tree that came down.

Council Member Oliveira asked Mr. Ashlock if he would debate anything in the notice. Mr. Ashlock said he did have a trailer with building material and paint in it that increased in size over time from neighbors putting debris in it. Also, conditions aren't the same and he takes issue with the drainage. He has installed sand to mitigate that concern.

David Hanham did not have a closing statement.

Mr. Ashlock did not have a closing statement.

#### **PUBLIC COMMENT**

Michael Darby, downtown business owner, encouraged that Council to work with Mr. Ashlock to fix the front of the building so it looks good and to get some creative things going.

Debbie Ponte who served as Mayor in 2002, told the Council that not much has changed since 2002. The building is still an eyesore, a public safety issue, a nuisance, and it's rat infested. There have been promises after promises after promises and not much has been happening. She encouraged the Council to follow staff's recommendation and pursue the abatement order.

#### **COUNCIL DELIBERATION**

Mayor Folendorf asked Mr. Ashlock if he would consider pursuing a bond in the amount of \$150,000 with a threshold of six months to make all necessary repairs. Mr. Ashlock declined.

**ACTION:** Motion by Council Member Oliveira, second by Council Member Metildi, and passed 5-0 to adopt Resolution 18-14. A resolution finding that nuisances exist and ordering abatement of the nuisances at 1191 S. Main Street (APN 062-004-007) - Lode Hotel

## 7. REGULAR AGENDA

a. Approval of Resolution 18-12. A Resolution Approving the Name Change of Angel Oaks Drive and Greenhorn Creek Drive to Angel Oaks/Greenhorn Creek Drive - David Hanham, Director of Planning and Building.

**PUBLIC COMMENT:** Debbie Ponte, Destination Angels Camp, told the Council that DAC supports the name change, believing it to be helpful to tourists.

**ACTION:** Motion by Council Member Metildi, second by Vice Mayor Hermann, and passed 5-0 approving Resolution 18-12. A resolution approving the name change of Angel Oaks Drive and Greenhorn Creek Drive to Angel Oaks/Greenhorn Creek Drive.

b. Approval of Resolution 18-13. A Resolution Approving a Contract Between the City of Angels and Drake Haglan & Associates in the Amount of \$198,357.32 for the Completion of Preliminary Engineering (PE) for the Murphys Grade Road Sidewalk Project- David Hanham, Director of Planning & Building

David Hanham pulled the agenda item due to procurement requirements that must be met prior to the award of the contract.

**ACTION:** NONE

c. Authorization to Approve a Contract in the Amount of \$22,610.00 Between the City of Angels and Augustine Planning Associates for Interim Planning Staff Duties for the Months of April Through June, 2018 - David Hanham, Director of Planning & Building

**ACTION:** Motion by Council Member Oliveira, second by Vice Mayor Hermann, and passed 5-0 approving a contract in the Amount of \$22,610.00 between the City of Angels and Augustine Planning Associates for interim planning staff duties for the months of April through June, 2018.

d. Approve the Contract Amendment in the Amount of \$6,930.00 with Augustine Planning Associates to Perform Application Processing and Applicant/Agency Coordination for the Tractor Supply Project - David Hanham, Director of Planning & Building

**ACTION:** Motion by Vice Mayor Hermann, second by Council Member Behiel, and passed 5-0 approving the contract amendment in the amount of \$6,930.00 with Augustine Planning Associates to perform application processing and applicant/agency coordination for the Tractor Supply Project.

e. Approval of an Agreement Amendment Between City of Angels and Condor Earth Technologies, Inc. in the Amount of \$40,220 to Complete Groundwater Monitoring and Regulatory Reporting - David Myers, City Engineer

**ACTION:** Motion by Council Member Behiel, second by Council Member Metildi, and passed 5-0 approving an agreement amendment in the amount of \$40,200.00 between City of Angels and Condor Earth Technologies, Inc to complete groundwater monitoring and regulatory reporting.

f. Authorization to Advertise the Greenhorn Creek and City of Angels Recycled Water Improvements Project - David Myers, City Engineer

**ACTION:** Motion by Council Member Behiel, second by Council Member Oliveira, and passed 5-0 authorizing the advertisement of the Greenhorn Creek and City of Angels Recycled Water Improvements Project.

g. Presentation of Year to Date Financial Report for Fiscal Year 2017-2018 - Mike Sargent, Interim Finance Officer

**ACTION:** None

**8. CONSOLIDATED STAFF REPORT**

**9. CORRESPONDENCE**

Melissa Eads, City Administrator, provided information to City Council from two recent articles regarding retirement funding issues.

**10. COUNCIL REPORTS**

**Council Member Metildi** - No Report

**Vice Mayor Hermann** - No Report

**Council Member Oliveira** - Attended LAFCO

**Council Member Behiel** - Attended Destination Angels Camp, Yummy Ha Ha Grand Opening, Angels Camp Business Association Mixer and the Republican Candidate Forum.

**Mayor Folendorf** - Attended LAFCO and reminded Council about Legislative Action Day on April 18, 2018

**11. CALENDAR**

Calendar was read by the Deputy City Clerk

**12. ADJOURNMENT**

9:33 pm

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Amanda Folendorf  
Mayor

ATTEST:

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Susan Wenger  
Deputy City Clerk