

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION MARCH 3, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS

PRESENT:

Mayor, Keith Tymchuk
Councilors Frank Barth, DeeDee Murphy, Linda McCollum, Diane Essig, Debby Turner and Kathi Wall-Meyer
City Manager, Jonathan Wright
City Attorney, Steve Miller

OTHERS PRESENT:

Vera Koch, Deanna Schafer, Chief Duane Wisehart, Allen Teitzel, Brian Klier, Gail Adamson, Ed O'Carroll, Lee Bridge, Eric Samuelson, Debbie McKinney, Joe Coyne, Phyllis Deaver, Deborah Yates, Steve Lindsley (Umpqua Post)

CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. CITIZEN COMMENTS

This time is reserved for citizens to comment on items that are not on the Agenda. Maximum of five minutes per item, please.

Allen Teitzel gave a report on the Farmer's Market that the Old Town Merchants Association is working on putting together. He reported that they will open on Memorial Day weekend in May and will continue until October. He also discussed the idea of installing banner brackets on the downtown street light poles. He said that the banners would be used to advertise the Farmers Market but could also be used to advertise events or just generally beautify the area.

Mr. Eric Samuelson of 930 Laurel gave an update on the Laurel Avenue parking situation. He said that he is buying an adjacent parcel of land with the intention of splitting it with his neighbor.

City Manager Jonathan Wright cautioned Mr. Samuelson of sharing information with the City Council that is pending Planning Commission approval. He reminded him that the Council is the board of appeal for the Planning Commission.

2. PRESENTATIONS, PROCLAMATIONS, AWARDS

3. APPROVAL OF THE AGENDA

Councilor Kathi Wall-Meyer motioned to approve the agenda.

Councilor Diane Essig seconded the motion.

MOTION:

that the City Council approve the agenda.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum, voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

4. PUBLIC HEARINGS

None

5. CONSENT AGENDA

Routine items of business that require a vote but are not expected to require discussion by the Council are placed on the Consent Calendar and voted upon as one item. In the event that a Councilor or citizen requests that an item be discussed, it will be removed from the Consent Calendar and placed under General Business.

- A. Approve minutes of the work session of February 3, 2014.
- B. Approve minutes of the regular session of February 3, 2014.
- C. Shall the City Council adopt a Resolution authorizing application for a Local Government Grant Program (LGGP) grant from the Oregon State Parks and Recreation Department for the development of outdoor recreation projects and assign 2014-005 as the title?

In January staff came to the Council seeking support to apply for a grant from the Oregon State Parks and Recreation Department for a restroom facility at Rainbow Plaza. During the application process it was decided that the project was actually more suited to the Local Government Grant Program (LGGP) grant rather than the Land and Water Conservation Fund grant (LWCF).

Both grant programs are administered by the OSPRD however; the LWCF is backed by Federal appropriations and has more restrictive uses. There is also a larger match required and less money available for funding projects.

Staff has withdrawn the preauthorization letter to the LWCF program and is requesting permission to pursue the LGGP grant application instead. This is the same program that was unsuccessfully applied to in the 2013 fiscal year for the much larger Rainbow Plaza Development project. The larger project did reach the presentation stage and did include the restroom element so staff is optimistic that the much smaller proposal has a chance of being funded.

The State Parks Department requires a local match. A bathroom facility is estimated to cost around \$70,000. The City has available local and in-kind matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded

*adopt a Resolution authorizing application for a Local Government Grant Program (LGGP) grant from the Oregon State Parks and Recreation Department for the development of outdoor

recreation projects and assign 2014-005 as the title, authorizing the City Manager to sign all documents.

- A. Motion to approve the Consent Calendar.

Councilor Kathi Wall-Meyer motioned to approve the Consent Calendar.

Councilor DeeDee Murphey seconded the motion.

MOTION:

that the City Council approve the Consent Calendar.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

6. GENERAL BUSINESS

- A. Receive the annual Chamber of Commerce advertising report.

Mr. Rich Patten, Chamber of Commerce President presented the Chamber of Commerce advertising report for 2013. He said that the Chamber has hired Chris Vaughn, CPA to complete the Chambers' books and next year the report will be from this firm.

- B. Shall the City Council adopt an Ordinance amending Title 7, Chapter 7.16 Garage Sales waiving the permit requirements for a city-wide garage sale and assign 2014-1030 as the title?

City Manager Jonathan Wright said that in 2011 the City began a cleanup effort near or around Memorial Day weekend to encourage citizens to clean out unwanted items to help foster city-wide cleanup. Holding a garage sale in Reedsport normally requires one to acquire a city-issued permit and the payment of a fee. Section 7.16.040 allows for a waiver of permit requirements upon passage of a Resolution by the Council.

This program has become popular and seems to be effective in purpose therefore staff is asking City Council to amend the Reedsport Municipal Code to allow waiver of the permit requirement for what is celebrated as Memorial Day weekend. Adopting the ordinance amendment would eliminate the need to adopt a new resolution each year.

Councilor Frank Barth motioned to adopt an Ordinance waving the permit requirements for a city-wide garage sale and assign 2014-1030 as the title.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council adopt an Ordinance waving the permit requirements for a city-wide garage sale and assign 2014-1030 as the title.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum, voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- C. Shall the City Council adopt an Ordinance amending Title 1, Chapter 1.12 Initiative and Referendum Procedures of the Reedsport Municipal Code and assign 2014-1031 as the title?

City Manager Jonathan Wright said that upon review of the Reedsport Municipal Code Chapter 1.12, Initiative and Referendum Procedures, it was discovered that the chapter is in conflict with both the City Charter of 2006 and the Oregon Revised Statutes (ORS) Chapter 250 governing elections in Oregon.

State Law requires that Cities follow ORS 250 procedures in general with only minor exceptions allowed. In no manner may a City adopt ordinances that conflict with the statute in a way that would make the regulations more lenient but are allowed to adopt ordinances that regulate the procedures to allow for efficient local governing.

In comparison with several other cities' Municipal Codes, it appears that the majority of them does not include the entire provision for the initiative and referendum procedure in their code but rather reference the ORS and include any local exceptions. For clarity, this is the approach that I am recommending for the City because it eliminates the need to pass new ordinances whenever the legislature makes a change to Oregon elections procedures.

Councilor Kathy Wall-Meyer motioned to adopt an Ordinance amending Title 1, Chapter 1.12 Initiative and Referendum Procedures of the Reedsport Municipal Code and assign 2014-1031 as the title.

Councilor Diane Essig seconded the motion.

MOTION:

that the City Council adopt an Ordinance amending Title 1, Chapter 1.12 Initiative and Referendum Procedures of the Reedsport Municipal Code and assign 2014-1031 as the title.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum, voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- D. Shall the City Council adopt a Resolution referring a question to the vote of the people and assign 2014-006 as the title?

City Manager Jonathan Wright said that Federal Emergency Management Agency (FEMA) has mandated Reedsport comply with levee certification requirements (Code of Federal Regulations Chapter 44). To help comply with requirements, stormwater rates will need to be increased. Revenue from the increase will be used to fund mandated studies, improvements and provide match funding for potential grants. Failure to comply with FEMA mandates will invoke the National Flood Insurance Program (NFIP) regulations thereby forcing development restrictions and high economic penalties on land owners.

Department of Environmental Quality (DEQ) rule changes now allow the City to refinance existing wastewater loans thereby adjusting the interest rate and extending the term. If realized savings allow the City to meet current debt obligations and provide for a wastewater rate adjustment, the City proposes a wastewater rate reduction at least equal to a stormwater rate increase; thus mitigating the immediate financial impact to the consumer. The City shall retain the ability to adjust wastewater rates as necessary to meet debt obligations under the newly refinanced loan.

Currently, by court order, City may adjust Wastewater rates to meet financial obligations of an existing loan. This measure authorizes City to adjust Wastewater rates as necessary to meet the financial obligations of a refinanced loan and complete a onetime stormwater rate increase for the purpose of meeting federal mandates.

The financial impact to the City's stormwater fund would be an increase in revenue. The financial impact to the voters, at this point, would be none.

Councilor Frank Barth motioned to adopt a resolution referring a question to be voted upon by the people of Reedsport and assign 2014-006 as the title.

Councilor Diane Essig seconded the motion.

MOTION:

that the City Council adopt a resolution referring a question to be voted upon by the people of Reedsport and assign 2014-006 as the title.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum, voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- E. Shall the City Council enter into an Inter Governmental Agreement with Douglas County for installation of a sewer line to transport County generated leachate?

City Manager Jonathan Wright said that the County has requested that leachate, generated from the Reedsport landfill site on Scoldfield Dr., be conveyed to the City's sewer system for treatment. Leachate is a byproduct of landfills that is caused by rainwater passing through the decomposing rubbish contained within the landfill. Leachate contains organic and chemical particles that must be processed through a sewage treatment facility in order to meet the Department of Environmental Quality (DEQ) requirements.

This Inter Governmental Agreement (IGA) is one of two contracts that will need to be reviewed and ratified by the City Council in order for the County to comply with DEQ. This first IGA is to memorialize the commitment of the County to fund the replacement of approximately 800 feet of sewer line on Elm Street (from 2nd Street east past the Crestview cutoff). The existing 6 inch line is in bad shape and will need to be upsized to an 8 inch line in order to take the additional effluent proposed to be conveyed via a pipeline along Hwy 38.

The second IGA will be the terms under which the City will accept the leachate. This agreement is still being reviewed by DEQ to ensure it meets all applicable requirements.

The Elm Street line has been in need of being replaced for some time. The County's contribution is to help cover much of the cost for the replacement. Staff anticipates doing the labor thereby offsetting any expense to the City.

Councilor Frank Barth motioned to accept the IGA between the City and the County and authorize the Mayor to sign all documents.

Councilor Debbie Turner seconded the motion.

MOTION:

that the City Council accept the IGA between the City and the County and authorize the Mayor to sign all documents.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, Essig, Turner, Wall-Meyer and McCollum, voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

7. MISCELLANEOUS ITEMS
(Mayor, Councilors, City Manager, City Attorney)

City Manager Jonathan Wright said that the employee of the month is Jay Lindeman. He is awarded this distinction for his "can do" attitude. He can always be counted on to complete tasks assigned.

He reported that Oregon Department of Transportation (ODOT) has completed scaling (brush clearing and knocking loose rocks down) of the Reedsport West Road. This property will become the City's at the completion of the Winchester Avenue sidewalk project do to an earlier agreement.

He also reported that (ODOT) will be working on the Umpqua River Bridge for the next two years and will have a signal set up to regulate traffic. Marine traffic is restricted to a six hour minimum notification.

8. EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL, FEBRUARY 3, 2014
CITY HALL CONFERENCE ROOM.

PRESENT: Mayor Keith Tymchuk, Councilors Frank Barth, DeeDee Murphy, Linda McCollum, Kathi Wall-Meyer, Diane Essig and Debby Turner

City Manager Jonathan Wright

Attorney Steve Miller

OTHERS PRESENT: Vera Koch, Chief Wisehart, Deanna Schafer

Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Pursuant to ORS 192.660(2)(e) To conduct deliberation with persons designated by the governing body to negotiate real property transactions.

9. ADJOURN

Mayor Keith Tymchuk

ATTEST:

Deanna Schafer, City Recorder