

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION JANUARY 4, 2010 7:00 P.M. CITY HALL COUNCIL CHAMBERS.

PRESENT:

Mayor, Keith Tymchuk

Councilors Bill Otis, Diane Essig, Bill Walker, Mike Macho, Ginger Anderson and Tonya Wahl

City Manager, Scott Somers

City Attorney, Steve Miller

OTHERS PRESENT: Vera Koch, Deanna Schafer, Diane Novak, John Smart, Floyd Dollar, Debbie McKinney, Lee Bridge, Lorelyn Lorence, Theresa Hart, Sid Boddy, Allen Teitzel, Harold Rose, Lori Newman, Alex Powers

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Keith Tymchuk called the meeting to order at 7:00pm.

2. PRESENTATIONS, PROCLAMATIONS, AWARDS, CITIZEN COMMENTS

Mayor Keith Tymchuk presented Mr. Sid Boddy a Certificate of Appreciation for years of service to the Planning and Budget Committees.

Chief John Smart gave an Oath of Office to two new police officers, Daniel Marchini and Michael Craig.

3. ADDITIONS/DELETIONS/MODIFICATIONSS/APPROVAL OF THE AGENDA

Councilor Tonya Wahl moved that the City Council approve the Agenda.

Councilor Ginger Anderson seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Tymchuk, Councilors Essig, Macho, Otis, Anderson, Wahl and Walker voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

4. PUBLIC HEARING

Public Hearing to consider adopting an Ordinance to amend the Comprehensive Plan by updating the Economic Element, Housing Element and Land Use and Urbanization Element, including adoption of supporting documents into Appendix A, which include an Economic Opportunities Analysis, Housing Needs Analysis and Buildable Lands Inventory.

Mayor Keith Tymchuk opened the public hearing at 8:40.

City Planner Melissa Anderson presented the following information:
The proposed amendments to the Reedsport Comprehensive Plan are intended to update the Plan with more accurate and current data that reflect recent trends and needs of the community.

The proposed revisions to the Economic Element, Housing Element and Land Use and Urbanization Element are based on technical studies that were prepared by consulting team Benkendorf Associates and Johnson Reid, LLC. These studies include an Economic Opportunities Analysis, Housing Needs Analysis and Buildable Land Inventory. These studies conclude that there is adequate land within the existing urban growth boundaries to accommodate future population housing and employment; and rezoning some land to balance supply with future demand will ensure efficient use of that land within the existing boundaries.

Anderson said that there would be a benefit of rezoning Water Dependent Industrial Land to Commercial land.

Mayor Keith Tymchuk said that if he thought that there was a restriction at the State level in changing the WDI to Commercial or other zoning. He asked for clarification.

Anderson said that there is a Coastal Overlay that would apply that, however, the water dependency means that there needs to be some activity associated with that. It does not exclude commercial activities.

City Manager Scott Somers asked if the over abundance of industrial zoning related to Leed's Island.

Anderson said that the island zoning is an issue that was identified as needing review. The land is actually zone agricultural, however in the Comprehensive Plan it has been designated as industrial. The report shows that this is contradictory.

Councilor Bill Otis said that a section of the site was used by the State of Oregon for mitigation for work done on the Umpqua Draw Bridge.

The Reedsport Planning Commission began working on the proposed amendments to Comprehensive Plan based on these technical reports in May, 2009. The Planning Commission met monthly to review these reports and update policies in the associated Elements of the Comprehensive Plan.

Anderson noted that pertaining to the Housing Element, the report identifies an over abundance of low end housing and a lack of mid-range housing.

To provide additional citizen involvement, a presentation to the Lower Umpqua Development Forum was conducted on September 30, 2009. Public notice was also published on the City web site, in the local newspaper, as well as direct notification sent to local organizations and Douglas County.

Prior to making a recommendation to the Council on these amendments to the Comprehensive Plan, the Planning Commission held a public hearing on December 17, 2009. The Planning Commission's recommendation with findings is presented in Ordinance 2010-1097.

Councilor Ginger Anderson said that she has a concern about the fact that she did not have enough time to review the document thoroughly.

Jeff Vanderkley of Greenbriar Ave., Reedsport, OR spoke in favor of the proposed amendments. Vanderkley said that he is not speaking on behalf of the Planning Commission; however, he is a member. He stated that the proposed changes are not mandatory but should be considered. Vanderkley said that he has a concern with the disproportionate share of low income housing that the City of Reedsport has currently.

He is concerned with mobile home parks and the future development of more mobile home parks. He is also in favor of code enforcement to clean up the City.

Theresa Hart of Gardiner, Oregon spoke on behalf of the Lower Economic Development Forum. Hart said that when reviewing and recommending amendments to the Comprehensive Plan the Forum wanted to take a pro-active approach. The forum believes that growth is coming to the City of Reedsport. Hart spoke of recently attending a solar plant tour and realizing that this type of development is not compatible for this area but there are other options. She said that the Forum supports the amendments as proposed and sees that changes need to be made. Hart noted the oversupply of low income housing and mobile home parks.

Councilor Ginger Anderson said she has seen aesthetically pleasing commercial buildings that are being built elsewhere that blend both commercial and industrial into a community.

No citizens spoke against the proposed changes.

Mayor Keith Tymchuk closed the public hearing at 8:58.

Councilor Bill Otis said that he has been able to take the time to thoroughly review the planned amendments and has several concerns. He said that the document contains several references that residents must travel out of the area to meet all non-retail needs.

City Manager Scott Somers said that most of this text was created by the consultant hired to create the document.

City Planner Melissa Anderson said that some of the language in the document could be adjusted to show that some retail needs are being met.

Councilor Otis listed several issues that he would like staff to amend or consider changing throughout the document.

- A. Shall the City Council adopt an Ordinance to update and amend the Reedsport Comprehensive Plan and assign 2010-1097 as the title?

Councilor Diane Essig moved that the City Council table the proposed Ordinance 2010-1097 to allow for more time for Council to review and place on the February 1, 2010 agenda for adoption.

Councilor Tonya Wahl seconded the motion.

MOTION:

that the City Council table the proposed Ordinance 2010-1097 to allow for more time for Council to review and place on the February 1, 2010 agenda for adoption.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Tymchuk, Councilors Essig, Macho, Otis, Anderson, Wahl and Walker voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

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 December 7, 2009.
- B. Approve minutes of the regular session of December 7, 2009.

6. GENERAL BUSINESS

- A. Shall the City Council ratify the Mayor's appointments to the City Boards and Committees?

On December 31st of each year, various positions on the Reedsport citizen participation boards and committees expire. The following Boards, Commissions and Committees were appointed by the Mayor:

Reedsport Branch Library Advisory Board: Lee Bridge

Dangerous Building Abatement Board: Lee Bridge

Committee vacancies were advertised in the local Media and posted at Reedsport City Hall and the Reedsport Branch Library.

Councilor Diane Essig moved that the City Council ratifies the Mayor's appointment to City Boards and Committees.

Councilor Tonya Wahl seconded the motion.

MOTION:

that the City Council ratifies the Mayor's appointment to City Boards and Committees.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Tymchuk, Councilors Essig, Macho, Otis, Anderson, Wahl and Walker voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- B. Shall the City Council appoint members to the City's boards and committees?

On December 31st of each year, various positions on the Reedsport citizen participation boards and committees expire. The following Boards, Commissions were appointed by the City Council:

City Parks and Beautification Committee: Donna Kenagy

Reedsport Planning Commission: Tom Campbell, Tara Szalewski and Doug Tibbles

Senior Citizen Center Advisory Board: Beverly Cresap, Mary Rose

Umpqua Experience Steering Committee: Barb Mills, Al Villeneuve and Bill Knerr

In addition to the above appointments, there were also 2 positions open on the Budget Committee and 3 positions open on the Chainsaw Carving Placement Committee. There were no applicants for these positions.

Contact was made with all incumbent committee members. A press release was distributed to the Media and posted in Reedsport City Hall and the Reedsport Branch Library.

Councilor Diane Essig moved that the City Council make appointments to fill vacancies on the City's citizen participation boards and committees.

Councilor Tonya Wahl seconded the motion.

MOTION:

that the City Council make appointments to fill vacancies on the City's citizen participation boards and committees.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Tymchuk, Councilors Essig, Macho, Otis, Anderson, Wahl and Walker voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

C. Councilor committee assignments by the Mayor.

Annually, the City Council makes assignments from its membership to various Council Committees. The following Council Committee assignments were made by the Mayor for 2010:

City Parks and Beautification Committee

Diane Essig

Council Personnel Committees:

City Manager Evaluation

Full City Council

City Attorney Evaluation

Full City Council

Municipal Judge Evaluation

Full City Council

City Prosecutor Evaluation

City Manager

City Tree Advisory Board

Diane Essig

League of Oregon Cities (LOC), Legislative Committee

Keith Tymchuk

Lower Umpqua Economic Development Forum

City Manager/City Planner

Oregon Coast Zone Management Association

Keith Tymchuk
Bill Walker (alternate)

South Coast Development Council

Bill Walker

Traffic Safety Advisory Committee

Mike Macho

Umpqua Experience Steering Committee

Diane Essig
Ginger Anderson (alternate)

Umpqua Regional Housing Center Advisory Committee

Tonya Wahl

- D. Shall the City Council adopt an Ordinance amending certain provisions of the Reedsport Municipal Code, Title 7, Business regulations, chapter 7.04 Business Licenses and assign 2010-1098?

City Manager Scott Somers presented the following information:

In the early spring of 2009, the City received a request from the Chamber of Commerce to consider amending provisions of the Code relating to business licenses that regulate hawkers and peddlers (Section 7.04.050) and its Use of Streets (Section 7.04.200). The ordinances currently allow hawkers, peddlers, and occult artists to sell their merchandise on public and private property, with the condition they receive a City-issued license after furnishing a good faith bond to the City in the amount of \$1,000 and make written application to the City Recorder at least ten (10) days prior to the date the license is to be effective, along with several other items. The Chamber of Commerce requested the Council consider these amendments since, during events such as the Chain Saw Carving Event, vendors peddle their wares outside of the enclosed event area, which creates direct competition to those vendors who have paid a fee to the Chamber to participate within the event area. Similarly, vendors will on occasion sell items along public thoroughfares or in private parking lots. The City's Code allows this practice if the vendor obtains a license from the City.

At the August 3, 2009 Council work session, consensus among Council members was to increase the license fee for Hawkers, Peddlers, and Occult Artists from \$35.00 for an annual license to \$40.00 for ten (10) day license; licensees would be restricted to private property unless they were part of a permitted event; to maintain current Code exemptions for religious and other organizations; and to maintain the requirement of furnishing a good faith bond to the City in the amount of \$1000.

Attached for Council's consideration is an Ordinance amending s these provision of Chapter 7.04 of the Municipal Code. In addition to the changes discussed, several "housekeeping" amendments are included to remove sexist language, etc.

Little to no fiscal impact is expected.

Councilor Diane Essig moved that the City Council adopt an Ordinance as presented amending certain provisions of the Reedsport Municipal Code, Title 7, Business Regulations, Chapter 7.04 Business Licenses and assign 2010-1098.

Councilor Tonya Wahl seconded the motion.

MOTION:

that the City Council adopt an Ordinance as presented amending certain provisions of the Reedsport Municipal Code, Title 7, Business Regulations, Chapter 7.04 Business Licenses and assign 2010-1098.

VOTE:

A vote was taken on the motion with the following results:

AYES 5 NAYES 2

(Mayor Tymchuk, Councilors Essig, Macho, Anderson, and Wahl voted in favor of the motion.)(Councilor Otis and Walker voted in opposition.)

Mayor Tymchuk declared the motion passed.

- E. Shall the City Council adopt a Resolution establishing fees and assign 2010-001 as the title?

The City of Reedsport requires licenses or permits for certain businesses and activities within the city limits. These businesses and activities are charged a fee for the purpose of offsetting the cost of regulating the activity being licensed or permitted. Licenses are generally longer in duration or an on-going concern, whereas permits are generally issued for a specific event, purpose, or use. For example, a bar is required to have a liquor license to allow serving liquor on an annual basis. The purpose of the license is to control the condition of liquor sales and to aid in enforcement of state and local liquor laws; whereas, a residential property owner is required to obtain a permit to build a garage. The permit is issued specifically for the purpose of ensuring proper placement and construction of the structure. In both cases, a fee is charged to offset the cost of licensing, administration and legal enforcement.

To ensure that the City is charging a reasonable fee for its licenses and permits, a fee which offsets the cost of license issuance and related inspections and enforcement, it is important to periodically review the City's costs as compared to fees. There are several factors considered when determining the correct amount to charge for these licenses and permits.

First, there is a basic minimal cost of receiving and processing the application. This includes the entire chain of tasks beginning with printing application forms to issuing the license after it has been processed, reviewed, inspected, and approved. Beyond the basic processing, certain licenses and permits require significant staff work prior to issuance or approval. A street opening permit requires less review and processing than say a variance or conditional use permit application so the fee must vary. Each application that must receive individual attention and approval, however, requires the

City to expend a certain amount of cost. Accordingly, there needs to be a base or minimum fee for various licenses and permits.

The second factor considered is the cost of regulation, inspection, or enforcement of the business or activity after the license is issued. This again varies greatly depending upon the business or activity. A fence permit, for example, requires relatively little inspection work compared to a complex building. Accordingly, the building permit fee must vary.

A third factor in the case of certain licensed or permitted activities is less quantifiable. This is the cost to the public (i.e. has the public been impacted when a private utility company has cut the pavement of a relatively new street with a street opening permit) or the value of a limited privilege license.

In considering these different factors, costs include personnel expenses used to issue the license or permit as well as the materials used and other direct costs such as publishing, postage, etc. In determining the minimum base cost, certain overhead expenses are factored in. As a measure of confirming the reasonableness of the proposed fee changes, City staff looked at the fees charged for licenses and permits by surrounding cities, as well as cities with similar populations, for comparative purposes.

It is anticipated that any revenue generated from increased or new fees will be used to offset increased costs associated with regulating the activity being licensed or permitted.

Councilor Mike Macho moved that the City Council adopt a Resolution establishing fees and assign 2010-001 as the title.

Councilor Bill Walker seconded the motion.

MOTION:

that the City Council adopt a Resolution establishing fees and assign 2010-001 as the title.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Tymchuk, Councilors Essig, Macho, Otis, Anderson, Wahl and Walker voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- F. Shall the City Council adopt a Resolution to enter the assessments of costs for nuisance abatement into the docket of city liens as stated in the Reedsport Municipal code Title 6: General Regulations, Chapter 6.08 Nuisances 6.08.190-6.08.230 and assign 2010-002 as the title?

Enforcement of public nuisances is governed by the Reedsport Municipal Code Title 6: General Regulations, Chapter 6.08 Nuisances.

As Council has previously established, if, within the time allowed, a nuisance has not been abated by the owner or person in charge of the property, the City Manager or the City Manager's designee may cause the nuisance to be abated. The City Recorder

keeps a record of actual expenses and creates an assessment of costs including an additional twenty percent for administrative overhead. This notice was mailed to all known addresses.

At the expiration of thirty days from the date of the notice the Council may adopt, by Resolution, the assessment of costs and shall thereupon be entered in the docket of city liens and upon being adopted, shall constitute a lien upon the property from which the nuisance was removed or abated.

The property at 856 Laurel Ave., Reedsport, Oregon has been abated by the City of Reedsport's Public Works crew and all efforts to contact the owners have been exhausted.

Staff recommends that Resolution 2010-002 be adopted causing the property located at 856 Laurel Ave., Reedsport, Oregon to be assessed with a lien against the property in the amount of \$283.57 and to declare the Resolution an emergency because the subject property has been foreclosed upon and is now being held temporarily by Bank of America.

Councilor Tonya Wahl moved that the City Council adopt Resolution 2010-002 to enter the assessments of costs for nuisance abatement into the docket of city liens, declaring an emergency.

Councilor Mike Macho seconded the motion.

MOTION:

that the City Council adopt Resolution 2010-002 to enter the assessments of costs for nuisance abatement into the docket of city liens, declaring an emergency.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Tymchuk, Councilors Essig, Macho, Otis, Anderson, Wahl and Walker voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

7. MISCELLANEOUS ITEMS

(Mayor, Councilors, Student Councilors, City Manager, City Attorney)

City Manager Scott Somers said that there will be a Meet & Greet function at the Umpqua Discovery Center from 4:30 to 6:30 on Wednesday the 6th of January following the interviews for the Chief of Police position. This time is allowed for citizens to come meet with the candidates.

**EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL JANUARY 1, 2010
CITY HALL COUNCIL CHAMBERS.**

PRESENT:

Mayor Keith Tymchuk

Councilors Ginger Anderson, Bill Otis, Mike Macho, Diane Essig, Tonya Wahl, and Bill Walker

City Manager Scott Somers

Attorney Steve Miller

Pursuant to ORS 192.660(2)(i) - City Manager Performance Evaluation

ADJOURN

Mayor Keith Tymchuk

ATTEST:

Deanna Schafer, City Recorder