

# **Agenda**

## **Shady Cove City Council Study Session**

Shady Cove City Council Chamber  
22451 Highway 62  
Shady Cove, Oregon  
Thursday, July 21, 2011  
1:30 P.M.

### **I. Call to Order**

- A. Roll Call
- B. Announcements by Presiding Officer

### **II. Public Comment**

Public may comment on agenda and non-agenda items at this time. Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. If you represent a group, please identify the group and any members of that group who are present.

### **III. Subject of Study Session**

- A. RVCOG – Greg Stabach on TMDL (pg 2)
- B. SOREDI Presentation (Ron Fox)
- C. Floodplain Management Report (Lois DeBenedetti) (pg 3-4)

### **IV. City Council Comments**

### **V. Future Agenda Items**

### **VI. Public Comment on Agenda Items**

Limited to 3 minutes per individual.

### **VII. Adjournment**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

# **Shady Cove Total Maximum Daily Load (TMDL) Year 1 Implementation**

## **Summary**

Greg Stabach, Natural Resources Project Manager with the Rogue Valley Council of Governments (RVCOG) will be discussing the 2008 Rogue TMDL, Regional Implementation, and Shady Cove's Year 1 Implementation Activities.

### ***Rogue TMDL Background***

The goal of the Clean Water Act is to make all waters fishable and swimmable. The TMDL program is one section of the Act that works to achieve these goals. In December 2008, EPA approved the Rogue Basin TMDL for Bacteria and Temperature. Under this TMDL, all designated management agencies (DMAs) including the City of Shady Cove, were required to develop and submit plans outlining activities that will be implemented to meet the TMDL goals. The plans were developed in a series of regional technical meetings with input from the other Rogue Basin DMAs, DEQ, and technical assistance from the Rogue Valley Council of Governments.

### ***City of Shady Cove***

In June 2010, the City of Shady Cove submitted their TMDL Implementation plan. The plan was approved by DEQ, and implementation began on July 1<sup>st</sup>, 2010. The plan was developed with implementation activities scheduled over a 5-year period. Plan years run from July 1<sup>st</sup> through June 30<sup>th</sup> with reports due annually in September. After the 5-year implementation period, the plans will be reviewed, revised, and resubmitted.

The implementation plans were designed to take advantage of existing programs to the greatest extent possible. In addition, they also take advantage of the regional cooperation of Rogue DMAs and limited technical assistance provided by RVCOG through funding provided by the 319 grant program and stimulus (ARRA) funding. For the remainder of the implementation activities, the City elected to have RVCOG implement most activities for the first year.

Activities completed for the first year include: monitoring of bacteria levels for creeks and storm drains within the City, completion of a Rogue Basin Planting Plan which outlines procedures for Riparian Restoration in the Region, mapping of potential planting locations in Shady Cove, continued coordination with other Rogue DMAs and DEQ on implementation activities, and education and outreach activities (e.g., brochures, information online, presentations, other resources).



Building Department Services

**Building Department Services LLC**

*P. O. Box 238*

*Rogue River, Or. 97537*

*Phone (541) 582-3180*

Date: July 18, 2011  
To: Danise Brakeman, City Administrator  
From: Lois De Benedetti, CFM  
Subject: June 12, 2011 to July 18, 2011 Floodplain Report  
Presented July 21, 2011, City Council Study Session

Report attached

- \*Floodplain compliance and development permits spreadsheet

Public Outreach

I continue to work on the following projects:

1. Customer floodplain checklist, a draft was reviewed by a recent customer and their suggestions are being incorporated.
2. Floodplain frequently asked questions handout
3. Letter to floodplain properties regarding new compliance fee schedule, and our voluntary compliance program
4. Article for newspaper and Web-Site, this will be combined with FAQ

Please feel free to call me with any questions, 541.878.8202

*\*While every effort was made to protect personally identifying information in accordance with the Privacy Act of 1974, special care should be taken when considering a general release of the data in these reports. These reports are being submitted to the City Administrator and the City may decide what information is released to the public.*

Pat De Benedetti  
541.821.3180

Lois De Benedetti  
541.890.1008

Dale Bohannon  
541.944.3553



# Agenda

## Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber  
22451 Highway 62, Shady Cove, Oregon  
Thursday, July 21, 2011  
6:30 p.m.

### I. Call to Order

- A. Roll call.
- B. Pledge of Allegiance.
- C. Announcements by Presiding Officer.

- 1. This meeting is being digitally recorded.
- 2. The next regularly scheduled Planning Commission meeting will be July 28 at 6:30 p.m. in the City Council Chamber.
- 3. The next meeting of the City Council will be on August 4, with a Study Session at 1:30 p.m. and Regular meeting at 6:30 p.m. in the City Council Chamber.

### II. Public Comment

The public may comment on agenda and non-agenda items at this time. Comment will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. If you represent a group, please identify the group and any members of that group who are present.

### III. Community Feedback

### IV. Presentation

### V. Consent Calendar

- A. Accounts Paid \$19,087.92 (pg 7)
- B. Minutes of May 19, 2011 City Council Regular Meeting (pg 8-10)

### VI. Written Communications

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II)

## **VII. Council Reports**

Business and Tourism/Chamber	Councilor Hayes
RVACT	Councilor Ulrich
RVCOG	Mayor Holthusen, Councilor Kyle
School District 9	Councilor Kyle
Fire District 4	Councilor Hughes
Planning Commission Liaisons	Councilors Hayes and Hughes
UR Watershed Assoc	Councilor Ulrich

## **VIII. Department Reports**

None

## **IX. Unfinished Business**

None

## **X. New Business**

- A. Public Safety Surcharge on Undeveloped Properties (pg 11)
- B. IGA – Rogue Valley Sewer Services (pg 12)
- C. IGA – Jackson County Roads (pg 13)
- D. Resolution 11-17 – Extending Worker’s Compensation Coverage to Volunteers (pg 14-15)

## **XI. Public Comment on Agenda Items**

Limited to 3 minutes per individual.

## **XII. Council Comments**

## **XIII. Adjournment**

**City of Shady Cove**  
**Bills Paid**  
From July 2, 2011 through July 18, 2011

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<b>Name</b>	
Big R (Misc. Supplies)	27.98
Bluth, Robert (Judge)	400.00
Danise Brakeman (Conference Per Diem)	112.00
Coastwide Laboratories (Janitorial Supplies)	148.91
Garris Environmental (Dust Control)	14,448.65
Jackson County Treasurer (Fine Assessments)	460.80
Medford Fuel (gasoline)	203.46
Oce Financial Services (Copier Leases)	395.99
Oregon Justice Department (Fine Assessments)	123.00
Oregon Department of Revenue (Fine Assessments)	902.00
Pacific Survey Supply (Maps)	4.80
Perfection Cleaning (Office Cleaning)	280.00
Quill Corporation (Office Supplies)	197.72
Shady Cove Hardware (Misc. Parts & Repair Materials)	104.82
Shady Cove Mini Storage (2 Storage Units)	50.00
John Thorpe (Boot Allowance)	199.95
United Rentals Northwest	832.25
White City Napa (Starter for Truck)	195.59
<b>TOTAL</b>	<b><u>19,087.92</u></b>

City of Shady Cove

## **City Council Regular Meeting Minutes**

Thursday, May 19, 2011

### **CALL TO ORDER**

Council President Kyle called the Regular City Council Meeting to order at 6:32 p.m. in the City Council Chamber.

### **ROLL CALL**

Present: Council President Kyle, Councilor Ulrich, Councilor Hayes, Councilor Hughes

Absent: Mayor Holthusen

Staff: City Administrator, Danise Brakeman; Public Works Director, George Bostic; Deputy City Recorder, Debby Jermain; Sheriff Liaison, Dave Strand

Councilor Kyle led the Council and the audience in the Pledge of Allegiance and read the announcements.

### **PRESENTATION**

The Council President presented Student of the Month certificates to William Trevor Hanson from the Shady Cove Elementary and Isaiah Kiefer from the Shady Cove Middle School.

### **CONSENT CALENDAR**

The Council requested and received information from staff on various expenses.

Motion to approve the consent Calendar:

Motion: Councilor Hughes Second: Councilor Ulrich.

Roll Call: All ayes. Motion passes 4-0 (Councilor Hayes abstained from Rivertech, Mayor Holthusen absent)

### **COUNCIL REPORTS**

Business and Tourism: Councilor Hayes was asked by Alma Spicer to form or head up a committee to study the feasibility of having Highway 62 from Highway 234 to Union Creek renamed the Ginger Rogers Corridor.

RVACT: None.

RVCOG: None.

School District #9: Councilor Kyle commented on upcoming field trips and school assembly.

Fire District #4: Councilor Hughes noted the Fire District passed their budget and the upcoming City Wide yard sale, Clean-up Day, and Public Safety Day.

Planning Commission Liaison: Councilor Hayes reported on attending the Planning Commission meeting.

### **DEPARTMENT REPORTS**

Councilor Hughes commented on the Community Service Officer, Barry Moore, is doing a great job verifying that contractors within the city have a business license.

### **NEW BUSINESS**

#### **A. Hellgate Cellars-Special Event Winery/Grower Application**

"I MOVE TO ACKNOWLEDGE THE SPECIAL EVENT WINERY/SPECIAL EVENT GROWER APPLICATION SUBMITTED BY DON STEVENS OF HELLGATE CELLARS TO ALLOW THE SALE OF WINE DURING THE 2011 TIE DAYS RIVERFEST TO BE HELD JUNE 18<sup>TH</sup> AT SHADY KATE'S BOUTIQUE LOCATED AT 21584 HWY 62".

Motion: Councilor Hughes. Second: Councilor Ulrich.

Roll Call: All ayes. Motion passes 4-0 (Mayor Holthusen absent)

#### **B. Resolution 11-09 Establishing ACH Services at PremierWest Bank**

City Administrator explained this was just a formality.

"I MOVE TO PASS RESOLUTION NO. 11-09 – A RESOLUTION OF THE CITY OF SHADY COVE, OREGON ESTABLISHING ACH SERVICES AT PREMIERWEST BANK".

Motion: Councilor Ulrich. Second: Councilor Hayes.

Roll Call: All ayes. Motion passes 4-0 (Mayor Holthusen absent)

#### **C. Northridge Stipulation**

The Public Utilities Commission (PUC) drafted a stipulation for Council's consideration agreeing to purchase the Northridge Water Company system in the event a municipal water system is installed. City Attorney, Kurt Knudsen, stated agreeing to the stipulation would not set precedence for the purchase of other existing water systems and recommends Council approve it.

"I MOVE TO APPROVE THE STIPULATION IN THE MATTER OF THE NORTHRIDGE WATER COMPANY, INC. APPLICATION FOR ALLOCATION OF CURRENT SERVICE TERRITORY, WA-80, AS PRESENTED AND AUTHORIZE THE MAYOR TO SIGN THE STIPULATION."

Motion: Councilor Hayes. Second: Councilor Kyle

Roll Call: All ayes. Motion passes 4-0. (Mayor Holthusen absent)

**D. Retainer Agreement with Steve Rich, Esq.**

City Administrator negotiated an agreement with the attorney reducing retainer from \$1000 to \$600 for fiscal year 2011-2012.

"I MOVE TO APPROVE THE RETAINER AGREEMENT WITH STEVEN E. RICH, ESQ. IN THE AMOUNT OF \$7,200 FOR FISCAL YEAR 2011-2012 AND AUTHORIZE THE CITY ADMINISTRATOR TO SIGN THE AGREEMENT."

Motion: Councilor Ulrich. Second: Councilor Hughes

Roll Call: All ayes. Motion passes 4-0. (Mayor Holthusen absent)

**PUBLIC COMMENT**

John Ward, 1525 Baldy Creek Rd, Ashland, asked about the purchase of the Northridge Water Company system as stated in the stipulation. The City Administrator stated depreciation would factor into the purchase price. Kate Crowston of Shady Kate's thanked Council for approval of a special event application and explained she approached other local cellars in the area and none were able to supply the wine for that event.

**COUNCIL COMMENTS**

Councilor Ulrich commented it was great to be back.  
Councilor Hughes wants dust control and grading done this fiscal year. Public Works Director will talk to contact person at the County.  
City Administrator noted this is the Public Works Director, George Bostic's, last City Council meeting.

**ADJOURNMENT**

There being no other business before the Council, Councilor Kyle adjourned the meeting at 7:35 p.m.

Approved:

Attest:

\_\_\_\_\_  
Ronald Holthusen  
Mayor

\_\_\_\_\_  
Debby Jermain  
Deputy City Recorder

**Council Vote:**

Councilor Hayes \_\_\_\_\_  
Mayor Holthusen \_\_\_\_\_  
Councilor Hughes \_\_\_\_\_  
Councilor Kyle \_\_\_\_\_  
Councilor Ulrich \_\_\_\_\_



## City Council Agenda Item Summary City of Shady Cove, Oregon

Meeting Date: July 21, 2011

Prepared By: Danise Brakeman, City Administrator

Agenda Title: Public Safety Surcharge on Undeveloped Properties

Attachment List: None

Issue Before the Council: Shall the City Council continue to enforce Section 4.5 of Ordinance No. 242 or vote to amend it?

Key Facts and Information Summary: The Public Safety Ordinance No. 242 states in Section 4.5, "Undeveloped properties shall be charged a Public Safety surcharge at the rate of one-half the residential rate." The City Administrator discovered the City was not enforcing this ordinance, and was obligated to do so, and so began by having all of the owners of undeveloped lots notified that a surcharge would be enforced in the coming months.

The utility billing clerk received many complaints from property owners. It was later discovered many properties were nothing more than easements and would not be subject to the surcharge. In addition, it was argued that vacant lots do not need police protection and therefore should not have to pay a public safety surcharge. Enough complaints were received that the City Administrator felt the issue should go before the Council and a vote made on whether or not to proceed with enforcement or to amend the ordinance.

Fiscal Notes: In anticipation of collecting the surcharge on undeveloped lots, an additional \$29,000 was projected in General Fund revenue. If the Council votes to proceed with enforcement no budgetary adjustments will be necessary. If the Council votes to amend the ordinance expenditures will need to be reduced to reflect the shortfall. In that case, the City Administrator recommends not hiring the part-time staff budgeted for (\$20,000), not making any capital purchases (\$5,000), and reducing the contingency (\$4,000). No formal budget changes would need to be made at this point, just a careful eye on expenditures to account for the reduced revenue projection.

Staff Recommendation: None. This is a decision for the Council.

Proposed Motions: **"I MOVE TO PROCEED WITH THE ENFORCEMENT OF SECTION 4.5 OF ORDINANCE 242 AND CHARGE UNDEVELOPED PROPERTIES A PUBLIC SAFETY SURCHARGE AT A RATE OF ONE-HALF THE RESIDENTIAL RATE."**

**"I MOVE TO DIRECT THE CITY ADMINISTRATOR TO PREPARE AN AMENDMENT TO ORDINANCE 242 THAT REFLECTS THE REMOVAL OF SECTION 4.5, IMPOSING A PUBLIC SAFETY SURCHARGE ON UNDEVELOPED PROPERTIES, FOR COUNCIL'S CONSIDERATION."**



**City Council Agenda Item Summary  
City of Shady Cove, Oregon**

Meeting Date: July 21, 2011

Prepared By: Danise Brakeman, City Administrator

Issue/Agenda Title: IGA – Rogue Valley Sewer Services

Attachments: None

Issue Before the Council: Shall the City of Shady Cove enter into an Intergovernmental Agreement with Rogue Valley Sewer Services to control the City's wastewater collection, treatment, and storm drain systems?

Key Facts/Findings: The recent retirement of the Public Works Director has provided an opportunity to look at our options regarding our public works department. After careful review it was determined we could contract out our services for no additional cost. The benefits of contracting are taking the money normally spent on personnel salaries and benefits and using that money toward capital improvements to the system. This will help maintain the system at a much higher level with the hope of avoiding major improvements that would otherwise be necessary from lack of maintenance.

The City will retain all ownership of the system and mobile equipment as well as any equipment purchased with the capital improvement dollars during the term of the agreement. RVSS will maintain control of the system.

Two public works employees will be transferred to RVSS and the Public Works Director position will be eliminated.

The IGA has gone through extensive editing by both parties. The final agreement has been reviewed and approved by both parties' attorneys.

Financial Impact:

The annual cost is \$270,000 for operations and maintenance and \$122,500 for capital improvements for a total of \$392,500. Operations and maintenance may increase up to 3% annually, however the capital improvement cost will not increase during the term of the agreement without Council approval.

Staff Recommendation: Approval of the IGA as presented.

Proposed Motion: **"I MOVE TO APPROVE (OR DENY) THE INTERGOVERNMENTAL AGREEMENT WITH ROGUE VALLEY SEWER SERVICES FOR THE OPERATIONS AND MAINTENANCE OF SHADY COVE'S WASTEWATER TREATMENT, COLLECTION, AND STORM DRAIN SYSTEMS UNDER THE TERMS OF THE AGREEMENT AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT."**



## City Council Agenda Item Summary City of Shady Cove, Oregon

Meeting Date: July 21, 2011

Prepared By: Danise Brakeman, City Administrator    City Admin. Approval: DB

Issue/Agenda Title:  
IGA – Jackson County Roads

Attachments:  
None

Issue Before the Council:  
Shall the City of Shady Cove enter into an Intergovernmental Agreement with the Jackson County Road Department to perform street maintenance and inspections?

Key Facts/Findings:  
The City does not have the equipment or the crew to maintain its streets and therefore has to contract out for services. Jackson County Road Dept. is frequently in the area with the equipment needed to perform street maintenance and can perform the maintenance at less cost to the City. The schedule is flexible, allowing the City to prioritize projects.

The IGA has been reviewed and approved by our City Attorney.

Financial Impact:  
The City has budgeted \$100,000 for street maintenance. Work would be done as needed and the City Administrator would approve all projects before they begin.

Staff Recommendation:  
Staff recommends Council approve the IGA

Proposed Action/Motion:  
**“I MOVE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH JACKSON COUNTY FOR FLEXIBLE MAINTENANCE SERVICES AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT.”**



**City Council Agenda Item Summary  
City of Shady Cove, Oregon**

Meeting Date: June 21, 2011

Prepared By: Danise Brakeman, City Administrator

Issue/Agenda Title:

Resolution 11-17 – Extending Worker’s Compensation Coverage to Volunteers

Issue Before the Council:

Shall the City of Shady Cove extend worker’s compensation insurance to volunteers?

Attachment List:

Resolution 11-17

Key Facts/Information Summary:

It has been the past practice of the City of Shady Cove to extend worker’s compensation coverage to volunteers, which protects both the volunteer and the City.

The Council passed Resolution 11-14 in June, which was a model the City had been using for several years. Our insurance agent found that model to be vague, not protecting the City as it should, and provided us a new model to use.

Fiscal Notes:

This coverage would cost the City approximately \$5 for FY 2011-2012.

Staff Recommendation:

To pass the resolution as prepared

Proposed Action/Motion:

**“I MOVE TO APPROVE (OR DENY) RESOLUTION 11-17 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON EXTENDING WORKERS’ COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF SHADY COVE FOR POLICY YEAR 2011-2012”**

City of Shady Cove

Resolution No. 11-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF SHADY COVE FOR POLICY YEAR 2011-2012**

**WHEREAS**, the City of Shady Cove, Oregon elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed in this resolution and noted on CIS payroll schedule.

1. An aggregate assumed annual wage of \$2,500 will be used per volunteer board, commission and/or council for the performance of administrative duties; and
2. Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code listed on the CIS Payroll Schedule for the type of work being performed using Oregon minimum wage; and
3. A roster of active volunteers will be kept monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during the year-end audit; and
4. Unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Shady Cove's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Shady Cove to provide for workers' compensation insurance coverage as indicated above.

This resolution hereby repeals Resolution 11-14 and will be updated annually.

**Adopted** by the City Council of the City of Shady Cove this \_\_\_\_ day of \_\_\_\_\_, 2011.

Approved:

Attest:

\_\_\_\_\_  
Ron Holthusen  
Mayor

\_\_\_\_\_  
Debby Jermain  
Deputy City Recorder

**Council Vote:**

Councilor Ulrich            \_\_\_  
Councilor Hughes           \_\_\_  
Mayor Holthusen            \_\_\_

Councilor Hayes            \_\_\_  
Councilor Kyle              \_\_\_