

Agenda

Shady Cove City Council Study Session

Shady Cove City Council Chamber
22451 Highway 62
Shady Cove, Oregon
Thursday, September 15, 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. Floodplain Management Report (Lois DeBenedetti) (pg 2)
- B. Proposed Changes to Public Safety Fee Surcharge Ordinance (pg 3-14)

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).



Building Department Services

Building Department Services LLC

P. O. Box 238

Rogue River, Or. 97537

Phone (541) 582-3180

Date: September 15, 2011
To: Danise Brakeman, City Administrator
From: Lois De Benedetti, CFM
Subject: August 15, 2011 to September 15, 2011 Floodplain Report
Presented September 15, 2011, City Council Study Session

Report attached

- New Floodplain Spreadsheet (324 Properties)*

We have been flooded with calls for information after citizens received our floodplain letter.

This has created a need to classify properties and send letters responding to our citizens; letters which they can keep on file showing what our research has revealed about their particular property.

We identified 48 vacant properties, and have mailed letters to owners confirming the vacant status, and a copy of the letter will be placed in their permanent land use file at City Hall. In addition these properties will be removed from our compliance mailing list.

We identified 15 properties where the structure is not located within the SFHA, these owners will receive letters soon.

We identified one tax lot containing 34 mobile home spaces as being pre-FIRM. Not subject to floodplain compliance, unless new development is proposed on the tax lot.

We identified 25 compliant properties (completed inspection)

We identified 6 properties that have been issued Letters of Map Amendment (LOMA)

128 property owners have been affected by our research, and 95 tax lots can be removed from our list.

We have returned over 100 phone calls, and continue to review files to identify which properties can be removed from our compliance list, leaving the properties that we need to concentrate on for compliance.

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



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

Meeting Date: September 15, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title:

Proposed Changes to Public Safety Fee Surcharge Ordinance

Attachment List:

Public Safety Surcharge Ordinance with Proposed Changes Indicated

Issue Before the Council:

Shall the City Council amend language recommended by the City Attorney in its Public Safety Fee Surcharge Ordinance?

Key Facts and Information Summary:

The City Council has decided that it is not in the best interest of the City to charge undeveloped properties half of the regular public safety surcharge. Because the current ordinance states the City will charge those properties, an amendment is therefore necessary. Knowing there have been some recent changes in the law regarding this surcharge, the City Administrator asked the City Attorney to review the ordinance and recommend changes to ensure it is up to date with current statutes.

Other Alternatives Considered:

Keep the existing ordinance and enforce it by charging undeveloped properties a surcharge.

Fiscal Notes:

This ordinance does not change the surcharge amount and therefore has no fiscal impact.

Staff Recommendation:

Staff recommends Council consider the changes, which will be brought before them for a first reading on October 6, 2011.

Proposed Motion:

None

**AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON
ESTABLISHING A PUBLIC SAFETY ACT AND IMPOSING A
SURCHARGE FOR POLICE FUNDING.**

Whereas, the public safety of the City of Shady Cove, if not managed through a strong program of prevention and response, can deteriorate causing serious safety consequences as well as blight in residential and commercial areas of the City; and

Whereas, the City Council has concluded that assuring public safety, through a well functioning Police Department is a priority need; and

Whereas, the City Council has consistently set a goal of adequate funding for the Police Department and has held public discussion on this issue during Council meetings, in the City newsletter, and this discussion has been covered in electronic and print media; and

Whereas, the City Council finds the Public Safety Act and methodology of apportioning a surcharge is a reasonable and rational way to provide a functioning public safety system to help keep Shady Cove safe.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

Public Safety Act

The Public Safety Act, attached hereto as Exhibit A" is adopted as a means of providing adequate Police Department and public safety services throughout the City of Shady Cove.

Severability

In the event any section, subsection, paragraph, sentence or phrase of this Ordinance of any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Ordinance shall continue to be effective.

Classification

The fees and charges herein are not intended to be taxes, nor are they subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

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April 5, 2007

REPEAL:

This ordinance does hereby repeal Ordinance 242.

ADOPTED by the City Council of the City of Shady Cove, this _____ day of _____, 2011.

Approved: _____ Attest: _____

Ron Holthusen Debby Jermain
Mayor Deputy Recorder

Council vote:

Councilor Kyle
Councilor Ulrich
Councilor Hayes
Councilor Hughes
Mayor Holthusen

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- Comment [KK1]: Danise, would you like to adopt the changes under a restated ordinance or by listing specific changes to the existing ordinance?
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Exhibit "A"

PUBLIC SAFETY ACT

- Section 1: Title
- Section 2: Purpose and intent
- Section 3: Definitions
- Section 4: Imposition of public safety surcharge
- Section 5: Dedication of funds
- Section 6: Collection
- Section 7: Program administration
- Section 8: Appeal process
- Section 9: Enforcement

Section 1: Title.

Ordinance No. 242 shall be known as the Public Safety Act.

Section 2: Purpose and Intent.

1. The principal purpose of this Public Safety Act is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens and businesses of the City. The Council finds that a continuous and consistent Public Safety program provides important economic and social benefits to the public, including, but not limited to:
 - (a) Increased police protection;
 - (b) Prevention of crime;
 - (c) Enhanced protection of property;
 - (d) Improved response to disaster situations;
 - (e) Promotion of business and industry; and
 - (f) Promotion of community spirit and growth.

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2. It is the intent of this act to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of an adequate program of public safety, and to help augment the Police Department to service levels desired by the public.

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Exhibit "A" Attachment to Public Safety Act Ordinance No. 242
April 5, 2007
Page Two
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3. The Public Safety Act is intended to be a surcharge for service within the City limits. However, it is not intended to provide full funding for the Police Department. In the event that Public Safety surcharge revenues collected are insufficient to properly operate the Police Department, additional funding may be allocated by the City Council from other non-dedicated City funds; provided, however, the City Council may direct the reimbursement to such other non-dedicated City funds if additional Public Safety surcharge revenues are collected.

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Section 3: Definitions.

1. The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Dwelling Unit (ADU):

Accessory Dwelling Unit on a single-family parcel shall be considered as a separate residential unit for purposes of assessment of this surcharge.

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Apartment House:

Any building or portion thereof that contains three or more individual dwelling units, regardless of the ownership arrangement.

Developed Property,

A parcel or portion of real property on which one or more improvements exist. Improvements on developed property includes, but is not limited to, buildings, utilities infrastructure (whether operating or not), parking facilities, and outside storage of any kind or nature.

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Hotel/Motel:

A part of a structure that is occupied or designed for occupancy by transients for lodging or sleeping, including a hotel, inn, tourist home or house, a bed and breakfast, motel studio hotel, bachelor hotel, lodging house, rooming house, dormitory, public or private club (that provides lodging), trailer or recreational vehicles providing transient housing.

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Mobile Home Park:

Any lot on which two (2) or more mobile homes are located and being used for residential purposes, other than as approved "guest house," and where the primary purpose of the property owner is to rent or lease the spaces and related or necessary facilities to the owners or occupants of the

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mobile homes, or to offer same in exchange for trade of services. Each space within the mobile home park is determined to represent a unit for assessment of the surcharge.

Non-Residential Unit

A use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure that provides facilities for one or more businesses including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit. The conducting of a business or businesses at two (2) or more locations shall, for the purposes of this chapter, be deemed to be separate businesses and each thereof shall be subject to the surcharge provided for in this chapter. If two or more differently classified but otherwise related businesses are carried on in the same premises by the same owners, then the business shall be considered one non-residential unit; provided however, any business activity leased under concession to or owned, wholly or in part, by a different person or persons on the same premises shall be considered a separate non-residential unit. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered. A mobile business such as a food concession or a carnival shall be considered a non-residential unit, and shall be assessed a surcharge for each month during which the mobile business carries on business in the City of Shady Cove for one or more days during the month. Food concessions operated by non-profit organizations in conjunction with sports, recreation, entertainment or similar one-time or seasonal events shall not be considered a non-residential unit, provided any excess of earnings over expenses is used solely to benefit the non-profit organization.

In addition to a single unit charge per business an additional surcharge shall be required based on the number of employees as reported in the Business License registration. Each increment of ten (10) employees shall constitute one (1) unit for the assessment of the surcharge. Business License registration shall be reviewed annually in March to determine if there have been any changes to the number of employees. Adjustments shall be made as required to comply with this ordinance.

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Person, A natural person, unincorporated association; tenancy in common, partnership, corporation, limited liability company, cooperative, trust, any governmental agency, including the State of Oregon, but excluding the City of Shady Cove, and other entity in law or in fact. The singular includes the plural as the context requires.

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Public Safety Committee A Committee of at least three individuals, appointed by the City Council. The Committee is responsible for administering the appeal process under Section 8 of this Ordinance.

Recreational Vehicle Park or Campground.

An area designated to accommodate recreational vehicles and/or tent campers and provide related and needed facilities and services. The surcharge assessed for such facilities shall be based on the number of spaces established for this purpose with each space equaling a unit for purposes of assessment of the surcharge.

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Residential Unit, A residential structure that provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, and not as a non-residential unit. An Ancillary Unit on a single-family parcel shall be considered as a separate residential unit for purposes of assessment of the surcharge. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units will have each unit considered as a separate residential unit.

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Responsible Party, The person or persons owing the Public Safety surcharge. Two or more persons may be jointly and severally liable for payment of the surcharge.

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Transient, Any person who exercises use in a transient lodging facility by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

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Transient Lodging, A hotel, motel, vacation rental, bed and breakfast or other unit that is designed for rental for temporary overnight human occupancy. A business which includes spaces designed for parking recreational vehicles during periods of human occupancy of those vehicles. Transient lodging which serves as a residential use in excess of thirty days shall be considered as a residential unit.

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Undeveloped Property, Land without improvements.

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Section 4: Imposition of Public Safety Surcharge.

1. There is hereby created a Public Safety surcharge to accomplish the purposes described in this ordinance.

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2. There is hereby imposed upon the responsible party or parties for each developed property in the City limits a surcharge for each residential unit and each non-residential unit on that property. Billing shall be as a line item on the City's utility bill unless otherwise specified.

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3. Except as the fees may be reduced or eliminated under as set forth in Section 8 of this Ordinance, the obligation to pay a Public Safety surcharge arises when a person responsible uses or otherwise benefits from Public Safety services. It is presumed that Public Safety services are used, and that a benefit arises, whenever the subject real property is a developed property.

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City of Shady Cove¶
Exhibit "A" Attachment to Public Safety Act Ordinance No. 242¶
April 5, 2007¶
Page Four¶

4. All developed properties within the City limits shall be charged the Public Safety surcharge unless specified otherwise in this Ordinance.

5. Undeveloped properties shall not be charged a Public Safety surcharge.

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Comment [KK2]: Is this needed?

6. It is the Council's intention to leave the surcharge unchanged and allow future development to provide for increases in revenues derived from the surcharge. Annually, as part of the budget review process, a determination shall be made by the City Council as to whether a modification in the surcharge would be appropriate. Modification to the surcharge shall be by ordinance; however fees shall be set by Resolution.

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Comment [KK3]: Is this needed?

7. Although this ordinance refers to "units" as a basis for calculating surcharges, the surcharge does not in any way create an in rem obligation in respect of the property. Units instead serve merely as a basis for measurement to determine the total amount of the surcharge. The obligation to pay the surcharge is a personal obligation of the responsible party.

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Modification shall include a review at least once every two years to allow for an adjustment based upon the Consumer Price Index. ¶

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Section 5: Dedication of Funds.

All Public Safety surcharge revenues derived shall be distinctly and clearly noted in both the revenue and expenditure sections of the City budget and shall be used exclusively for the improvement, maintenance, administration and operation of the Police

Department and costs incidental thereto and for no other purpose in order to help provide for a safer, more effective and better functioning Public Safety program.

The surcharge paid and collected under this ordinance shall not be used for general or other governmental or proprietary purposes of the City except to pay for the equitable share of the cost of accounting, management and government that is attributable to the fund, which shall not exceed five percent (5%) of the gross revenues of the fund during any fiscal year.

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Section 6: Collection.

1. Public Safety surcharges shall be collected monthly. Statements for the surcharge shall be included as an additional item on the City monthly utility billing wherever feasible, unless otherwise specified.
2. Unless another person responsible has agreed in writing to pay, and a copy of that writing is filed with the City, the person responsible for paying the City's sewer utility charge is responsible for paying the Public Safety surcharge, if the property is located within the City limits.
3. In the event a property is not served by a sewer hook-up, or if sewer service is disconnected, the Public Safety surcharge shall be paid by the person having the right to occupy the property.
4. Upon request for sewer service, a building permit, or the occupancy of an unserviced building the property will automatically be subject to the Public Safety surcharge and billed at the appropriate rate.
5. At the time a building permit is issued, a previously undeveloped property will be subject to the Public Safety surcharge and billed at the appropriate rate.
6. The imposition of surcharges shall be calculated on the basis of the number of residential or nonresidential units supported, without regard to the number of sewer connections serving that property.
8. Late charges in the amount of \$5 per month shall be attached to any Public Safety surcharges not received within 30 days of billing.
9. Notwithstanding the above, if the Public Safety surcharge is not paid for a period of three months, the surcharge, with any attendant late fees shall be imposed on the responsible party.

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City of Shady Cove¶
Exhibit "A" Attachment to Public
Safety Act Ordinance No. 242¶
April 5, 2007¶
Page Five¶

10. The obligation to pay the Public Safety surcharge is personal to the responsible party. The City of Shady Cove will not assess a subsequent owner of a property for uncollected amounts due from a previous owner (or responsible party under a lease or rental agreement), and will not withhold utility services to a subsequent owner.

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Section 7: Program Administration.

1. Except as provided below, the City Administrator shall be responsible for the administration and collection of fees under this Ordinance.
2. The City Administrator is authorized and directed to review the operation of this Ordinance and, where appropriate, recommend changes thereto in the form of administrative procedures for adoption by the City Council by resolution. Such procedures if adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this Ordinance shall apply uniformly throughout the City.

Section 8: Appeal Process.

1. A Public Safety surcharge may be appealed may be appealed for change or relief in accordance with the following criteria.

(a) Classification of Property. Any responsible party who disputes any interpretation given by the City as to property classification may appeal such interpretation. If the appeal is successful, appropriate relief will be granted. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

(b) Financial Hardship. Any responsible party may claim a financial hardship. The City will determine financial hardship based on established guidelines. Any relief will be secondary to all other financial resources available to the responsible party. To be presumptively eligible for relief, the responsible party's total family assets must not exceed fifteen thousand dollars (\$15,000.00), and the responsible party's gross family income must not be more than the Federal Poverty Level. The City may request verification of income, including, but not necessarily limited to W-2 employment wage forms, payroll stubs, and tax returns. The City may also request verification of assets, including, but not limited to bank statements, mortgage statements, and other information useful to the City to determine net assets.

(2) An application for appeal shall state the reason(s) for appeal, and must include supporting documentation to justify the requested change or relief. An application will not be deemed complete until all information requested by the City has been provided.

(c) During the appeal, payment of the fee shall be deferred.

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Comment [KK4]: Denise, these are general criteria I developed for the City of Talent based on something I developed for Ashland Community Hospital. Of course, Shady Cove may wish to use different criteria.

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(a) Any responsible party who disputes any interpretation given by the City as to property classification may appeal such interpretation. If the appeal is successful, relief will be granted by reassignment to a more appropriate billing category. In such instances, credit will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to: availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.¶
City of Shady Cove¶
Exhibit "A" Attachment to Public Safety Act Ordinance No. 242¶
April 5, 2007¶
Page Six¶
(b) Any responsible party may claim a financial hardship. The Public Safety Committee is authorized the discretion to determine financial hardship on a case-by-case situation or to establish guidelines for making such a determination. These guidelines will be effective upon approval by the City Council.¶

2. Application for appeal shall state the reason for appeal, identifying any alleged error and be supported by documentation justifying the requested change or relief. The responsible person shall have the burden of proof to establish a change in the billing rate is appropriate.
3. The Public Safety Committee shall be responsible for determining appeals. If the Public Safety Committee decides information provided through the appeal process justifies a change, the Public Safety Committee may authorize this change (up or down) retroactive to the date the appeal was filed.
4. The Public Safety Committee shall make all reasonable attempts to mediate a resolution or otherwise resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within 30 days of the date the appeal was filed. If, however, more detailed site-specific information is necessary, the Public Safety Committee may request the applicant provide information.
5. In any event, the Public Safety Committee shall submit a report to the City Council within 90 days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.
6. Decisions of the Public Safety Committee may be further appealed to the City Council, and shall be heard at a public meeting. Upon such further appeal, the City Council shall at its first regular meeting thereafter set a hearing date. The matter shall be heard solely upon the record. In no event shall a final decision be made later than 90 days after the matter was formally appealed to the City Council.
7. Appeals filed within 120 days of the date of imposition of the surcharge under this Ordinance shall not be subject to paying a filing fee. After this 120-day period, the initial filing fee for an appeal shall be \$50. An additional \$50 fee is required for further appeal to the City Council. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief.

Section 9: Enforcement.

1. In the event funds received from City utility billings are inadequate to satisfy in full all of the sewer and Public Safety charges, credit shall be given first to the Public Safety surcharge and second to the sewer services charge.
2. In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this Ordinance by disconnection of sewer service to any premises where Public Safety surcharges are delinquent or unpaid.
3. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this Ordinance,

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 City of Shady Cove¶
 Exhibit "A" Attachment to Public
 Safety Act Ordinance No. 242¶
 April 5, 2007¶
 Page Seven¶

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including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative. ▾

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Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, September 15, 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 scheduled Planning Commission Meeting will be September 22 at 6:30 p.m. in the City Council Chamber.
- 3. The next meeting of the City Council will be on October 6, 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 \$86,266.69 (pg 17)
- B. Minutes of August 4, 2011 City Council Regular Meeting (pg 18-20)

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. New Business

- A. Policy 11-03 Accepting Sewer Payments from Multiple Units
(pg 21-22)

X. Public Comment on Agenda Items

Limited to 3 minutes per individual.

XI. Council Comments

XII. Adjournment

City of Shady Cove
Bills Paid
From September 1, 2011 through September 12, 2011

Name	
American Lumber (For A/C Park)	113.85
Avista (Natural Gas)	10.26
Big R (Misc. Supplies)	54.99
Danny Byrd Trucking (A/C Park Materials)	163.20
Cantel (Street Signs & Names)	53.20
CenturyLink (Embarq)	1,184.99
John Collins (Shop Rent)	900.00
Hubbard's Ace Hardware	41.18
InstaPrint (Envelopes)	119.30
Jackson County Roads (July Grading)	5,452.12
Jackson County Sheriff's Contract (July & August)	68,479.50
Kennedy Fuel	96.00
Keystone Club (Award)	500.00
Kurt Knutsen, Attorney-at-Law	1,170.00
Mail Tribune (Newspaper, 26 weeks)	88.40
Medford Fuel (gasoline)	151.21
Oce Financial Services (Copier Lease)	270.97
Oce Imagistics (Copier costs)	123.01
Pacific Power (Electric Bill)	1,228.74
Perfection Cleaning (Office Cleaning)	280.00
Pitney Bowes (Postage)	400.00
Postmaster (Sewer Billing)	253.57
Quill Corporation (Office Supplies)	75.04
Steve Rich, Attorney-at Law (Xtras)	1,050.00
RiverTech (Web Site)	268.50
Rodda Paint	73.10
RVCOG (Planning)	684.00
Shady Cove Boosters (Beautification - Flags)	1,000.00
Shady Cove-Upper Rogue Chamber (Tourism Grant)	1,000.00
Shady Cove Mini Storage (2 Storage Units)	50.00
Southern Oregon Sanitation (Refuse - City Hall, A/C Park, Nork)	143.50
Steward's Porta Potties (per month Rental for A/C Park)	525.00
US Cellular (Cell Phones)	135.34
Western States Parts & Equipment (Sealer Kit for Backhoe)	54.60
White City Napa (Misc.)	73.12
TOTAL	<u><u>86,266.69</u></u>

City of Shady Cove

City Council Regular Meeting Minutes

Thursday, August 4, 2011

CALL TO ORDER

Council President Kyle called the Regular City Council Meeting to order at 6:30 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, Deputy Recorder, Debby Jermain

The Council President led the Council and the audience in the Pledge of Allegiance and read the announcements.

PUBLIC COMMENT

John Ward, 1525 Baldy Creek, Ashland encourages the City to commit to exploring downtown with Oregon Main Street.

CONSENT CALENDAR

- a. Accounts Paid \$40,194.69

Motion to approve the consent Calendar:

Motion: Councilor Hughes Second: Councilor Ulrich.

Roll Call: All ayes. Motion carried. (Councilor Hayes abstained from Rivertech)
(Mayor Holthusen absent)

COUNCIL REPORTS

Business and Tourism: Councilor Hayes noted upcoming events which included River ArtWalk, Chamber meeting, and an ODOT Open House at the Edgewater Inn.

Planning Commission Liaison: Councilor Hayes commented on the last Planning Commission meeting with the focus on drafting a Riparian Ordinance.

UR Watershed: Councilor Ulrich noted the river cleanup to occur September 10 and a thank you to the Boosters for their help.

DEPARTMENT REPORTS

Department Report was included in the agenda packet. Councilors requested and received information from the City Administrator on her report.

Councilor Ulrich questioned status on Aunt Caroline's park. City Administrator gave update on baby swings and park benches to be placed.

NEW BUSINESS

A. Shady Cove River ArtWalk Request for Funding

Discussion with council and staff regarding events that qualify as a special event. City Administrator noted the Tourism Grant funding cycle begins its first cycle in September therefore this event would not have to qualify for that.

"I MOVE THE COUNCIL APPROVE THE FUNDING REQUEST FROM THE RIVER ART WALK IN THE AMOUNT OF UP TO \$1000 TO HELP TOWARD ADVERTISING EXPENSES RELATED TO THIS EVENT."

Motion: Councilor Ulrich. Second: Councilor Hayes.

Roll Call: 3 ayes. 1 nay(Councilor Hughes) Motion passes 3-1 (Mayor Holthusen absent)

B. Greater Shady Cove Boosters Request for Flag Funding

John Burgess on behalf of the Greater Shady Cove Boosters requested funding for flags and an increase from \$800 to \$1000. He explained that due to vandalism, theft, and defective flags the additional funds are needed. About 110 flags are purchased and altered appropriately and are changed every 2 months.

"I MOVE TO APPROVE THE FUNDING REQUEST FROM THE SHADY COVE BOOSTERS IN THE AMOUNT OF \$1000 FOR THE PURCHASE OF FLAGS."

Motion: Councilor Hayes. Second: Councilor Hughes.

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

C. Planning Commission Job Description

City Administrator drafted a planning commission job description with council's input and presented it to the Council for adoption.

"I MOVE TO ADOPT THE SHADY COVE PLANNING COMMISSION JOB DESCRIPTION AS PRESENTED AND ADVERTISE THE PLANNING COMMISSION VACANCY IMMEDIATELY."

Motion: Councilor Ulrich. Second: Councilor Hughes.

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

D. IGA – Jackson County Roads

City Administrator presented an Intergovernmental Agreement between the City and the Jackson County Roads for street maintenance during the 2011-2012 fiscal year. Each project will be pre-approved in order to stay within the city's budget.

“I MOVE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH JACKSON COUNTY FOR FLEXIBLE MAINTENANCE SERVICES AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT.”

Motion: Councilor Hughes. Second: Councilor Ulrich.

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

ADJOURNMENT

There being no other business before the Council, the Mayor adjourned the meeting at 7:37 p.m.

Approved:

Attest:

Bill Kyle
Council President

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: September 15, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title: Policy 11-03 Accepting Sewer Payments from Multiple Units

Attachment List: Policy 11-03

Issue Before the Council: Shall the City Council adopt a policy that defines the responsible party for sewer payments and how those payments will be accepted?

Key Facts and Information Summary: Multiple units, such as mobile home parks, have one sewer account. It has recently come to my attention that one mobile home park owner is gathering payments from each individual unit and bringing those payments to City Hall each month for payment on that account. As a result, staff is posting and documenting 33 payments each month instead of one. Now, another mobile home owner is telling their residents to mail their payments directly to City Hall. That mobile home park has 75 units. If all mobile home parks, RV Parks, and apartments were to follow suit, staff would have to post and document up to 370 additional payments each month. Staff time is insufficient to handle this. Additionally, if checks were to bounce and additional fees imposed it would create a bookkeeping nightmare. Staff simply does not have the time to monitor all of these payments.

Other Alternatives Considered:

Allow multiple payments for multiple units.

Fiscal Notes:

Allowing multiple payments would significantly impact staff time, thereby impacting the budget. Amount would need to be determined.

Staff Recommendation:

Staff recommends adopting Policy 11-03, Accepting Sewer Payments from Multiple Units.

Proposed Motion:

"I MOVE TO ADOPT POLICY 11-03, ACCEPTING SEWER PAYMENTS FROM MULTIPLE UNITS."



Mayor
Ron Holthusen

Councilors
Leith Hayes
Gary Hughes
Bill Kyle
Jim Ulrich

**ADMINISTRATIVE POLICIES & PROCEDURES
CITY OF SHADY COVE**

**POLICY NO. 11-03
ACCEPTING SEWER PAYMENTS FROM MULTIPLE UNITS**

Responsible Party:

Property owners shall be responsible for the payment of sewer services provided by the City of Shady Cove. Property owner shall be defined as:

“The real property owner of record, i.e. one that owns a tax lot where sewer services are provided. A tenant does not qualify as a property owner.”

Payments for Sewer Services:

The City of Shady Cove has limited staff time and therefore cannot accept multiple payments for a single sewer account. Therefore, the City will not accept payments from tenants in multiple dwellings. All payments will be the responsibility of the property owner. The City will post up to two payments each month for a single account.

Adopted by the City Council of the City of Shady Cove this 15th day of September, 2011.

Bill Kyle, Council President

Date

ATTEST:

Debby Jermain, Deputy City Recorder

Date