

Agenda

Shady Cove City Council Study Session

Shady Cove City Council Chamber
22451 Highway 62
Shady Cove, Oregon
Thursday, October 20, 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)

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: October 15, 2011
To: Danise Brakeman, City Administrator
From: Lois De Benedetti, CFM
Subject: September 15, 2011 to October 15, 2011 Floodplain Report
Presented October 20, 2011, City Council Study Session

Report attached

- *BDS monthly report floodplain compliance and development permits spreadsheet

Risk Map Update

In the Risk Map meetings the Upper Rogue watershed was identified as a priority for re study, however it now appears that Region X will pull back due to budget constraints and priorities. There are many studies that are already on hold awaiting the new levee policy. When the levee policy is implemented, all of these on-hold studies will be reevaluated and restarted. Many studies have been on hold for more than five years, so Region X will prioritize and finish what has already been started before funding riverine studies.

Public Outreach

1. Notice to homeowners and realtors posted on Shady Cove Web Site
2. Working on Criteria handout- explaining the criteria for floodplain development in layman's terms.

Floodplain Tax lots

The latest number of tax lots within the SFHA is 318, we have identified 59 vacant tax lots, 25 Structures that are out of the SFHA, 75 Structures that may be Pre-Firm, 7 certified out by FEMA, and 33 certified compliant by the Floodplain Manager. We have answered hundreds of phone calls and responded in writing to 149 of our citizens. We continue to work on this project to come up with a final number of properties that we need to focus on in our compliance program. We have three voluntary compliance cases this month and continue to work with 30 owners to gain 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

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, October 20, 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 October 27 at 6:30 p.m. in the City Council Chamber.
- 3. The next meeting of the City Council will be on November 3, 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. Consent Calendar

- A. Accounts Paid \$8,114.60 (pg 5)

V. 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)

VI. 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

VII. Department Reports

None

VIII. Unfinished Business

None

IX. New Business

- A. Appoint Planning Commissioner (pg 6)
- B. Ordinance 262 – Public Safety Act - First Reading by Title Only (pg 7-18)
- C. Local Agency Agreement – Transportation Enhancement Program Project (pg 19)
- D. Consider Flex Funds Application (pg 20)
- E. Tourism Grant Application – Spam Festival 2012 (pg 21)

X. Council Comments

Limited to 3 minutes per individual.

XI. Adjournment

City of Shady Cove
Bills Paid
From October 3, 2011 through October 17, 2011

Name	
Avista (Natural Gas)	10.26
Bluth, Robert (Judge)	400.00
Danise Brakeman (Reimbursement - Training)	290.59
CenturyLink (Embarq)	813.25
Hart Insurance	455.00
Heather Cove (Landscape Plants)	79.71
Henault, Martial (Labor Attorney)	371.25
Jackson County Treasurer (Fine Assessments)	302.40
Kennedy/Jenks (Engineering)	1,440.00
Medford Fuel (gasoline)	68.56
Oce Financial Services (Copier Lease)	250.04
Oregon Justice Department (Fine Assessments)	77.00
Oregon Department of Revenue (Fine Assessments)	552.00
Pacific Power (Electric Bill)	1,235.37
Perfection Cleaning (Office Cleaning)	280.00
Quill Corporation (Office Supplies)	82.48
RiverTech (Web Site)	315.00
Shady Cove Hardware (Misc, Parts & Repair Materials)	84.73
Shady Cove Mini Storage (2 Storage Units)	50.00
Southern Oregon Sanitation	126.00
Sundance Signs	40.00
Upper Rogue Independent	72.00
US Cellular (Cell Phones)	119.14
White City Napa (Misc.)	52.32
ZCS (Engineering)	547.50
TOTAL	8,114.60



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

Meeting Date: October 14, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title: Appoint Planning Commissioner

Attachment List: None

Issue Before the Council: Shall Council fill the vacancy of the Planning Commission?

Key Facts and Information Summary: Planning Commissioner Thad Gala resigned his position July 23, 2011 due to schedule conflicts. The City adopted a list of qualifications they felt were necessary for the position. There has been a good amount of interest in serving on the Planning Commission however meeting the qualifications have been difficult. Specifically, the amount of time the position requires and the one-year requirement to live in city limits.

Other Alternatives Considered: Council can consider amending their qualifications to generate more interest in the position and repost the vacancy.

Fiscal Notes: None

Staff Recommendation: Staff recommends appointing a qualified applicant and consider amending the qualifications for future vacancies.

Proposed Motion:

"I MOVE TO APPOINT _____ TO PLANNING COMMISSIONER POSITION #5 TO FILL THE POSITION UNTIL THE TERM EXPIRATION DATE OF JUNE 30, 2013."

"I MOVE TO TABLE FILLING THE PLANNING COMMISSIONER VACANCY SO COUNCIL CAN CONSIDER AMENDING ITS QUALIFICATIONS IN ORDER TO GENERATE MORE INTEREST AMONG THE COMMUNITY."



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

Meeting Date: October 20, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title: Ordinance 262 - Public Safety Act - First Reading by Title Only

Attachment List: Ordinance 262

Issue Before the Council: Shall the Council repeal Ordinance 242 with Ordinance 262 which adds new language, primarily in the definition and appeal process sections, to clarify the ordinance and eliminates language enforcing a surcharge on undeveloped property.

Key Facts and Information Summary: The existing ordinance cites the City will charge undeveloped lots a surcharge of 50% the regular rate. The City has never enforced that part of the ordinance. City attorney feels it is in the best interest of the City to delete that language as imposing it may be considered a tax rather than a surcharge.

Other Alternatives Considered: Council could reject the advice of legal counsel, not repeal the existing ordinance, and enforce it by charging undeveloped lots a surcharge.

Fiscal Notes: None. The adoption of this ordinance would not change the amount of the surcharge.

Staff Recommendation: Staff recommends Council adopt Ordinance 262

Proposed Motion:

"I MOVE TO HOLD THE FIRST READING OF ORDINANCE 262 – THE PUBLIC SAFETY ACT BY TITLE ONLY."

Read: City of Shady Cove, Ordinance 262 – An Ordinance of the City of Shady Cove, Oregon establishing a public safety act and imposing a surcharge for police funding.

Proposed Motion:

"I MOVE TO ACCEPT THE FIRST READING OF ORDINANCE 262 BY TITLE ONLY."

City of Shady Cove

Ordinance No. 262

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.

Repeal:

This ordinance does hereby repeal Ordinance 242.

ADOPTED by the City Council of the City of Shady Cove, this _____ day
of _____, 20__.

Approved:

Attest:

Ronald Holthusen
Mayor

Debby Jermain
Deputy Recorder

Council vote:

Councilor Hayes _____
Councilor Ulrich _____
Councilor Kyle _____
Councilor Hughes _____
Mayor Holthusen _____

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. 262 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.

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.
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.

Section 3: Definitions.

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

<i>Accessory Dwelling Unit (ADU) or Ancillary Unit:</i>	A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.
<i>Apartment House:</i>	Any building or portion thereof that contains three or more individual dwelling units, regardless of the ownership arrangement.
<i>Developed Property.</i>	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.
<i>Hotel/Motel:</i>	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.
<i>Mobile Home Park:</i>	Any lot on which two (2) or more mobile homes are located and being used for residential purposes, other than as an 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 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.

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.

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.

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.

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.

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.

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.

Undeveloped Property. Land without improvements.

Section 4: Imposition of Public Safety Surcharge.

1. There is hereby created a Public Safety surcharge to accomplish the purposes described in this ordinance.
2. There is hereby imposed upon the responsible party or parties for each developed property in the City limits a surcharge for fifteen dollars (\$15.00 per month) 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.
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.
4. All developed properties within the City limits, regardless of whether they are occupied or unoccupied, shall be charged the Public Safety surcharge unless specified otherwise in this Ordinance.
5. Undeveloped properties shall not be charged a Public Safety surcharge.
6. 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 and fees shall be set by Resolution.

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

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.

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 that the City may 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.

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 unserved 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, and without regard to whether the units are occupied or not occupied.
7. Late charges in the amount of \$5 per month shall be attached to any Public Safety surcharges not received within 30 days of billing.
8. 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.

9. 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.

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 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 household assets must not exceed fifteen thousand dollars (\$15,000.00), and the responsible party's gross household income must not be more than the Federal Poverty Level. The City may request verification of income from all parties living in the household, including, but not limited to W-2 employment wage forms, social security or pension income, nontaxable interest income, 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. During the appeal, payment of the fee shall be deferred.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.



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

Meeting Date: October 20, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title: Local Agency Agreement – Transportation Enhancement Program Project

Attachment List: None

Issue Before the Council: Shall the Council enter into an agreement with the Oregon Department of Transportation for the Transportation Enhancement Program Project - OR 62: Rogue River Drive – Cleveland Street Sidewalk Streetscape.

Key Facts and Information Summary:

The City's application for ODOT's Transportation Enhancement Grant was selected an agreement is being proposed.

Other Alternatives Considered:

Council may reject the agreement and decline the grant funds.

Fiscal Notes:

The grant amount awarded is up to 1.4 million dollars. The City's match is 10.27%, or \$144,000. \$130,000 of this match is currently in the budget, split between transportation and storm drain SDC's. It is unclear as to how much of these funds, if any, will be used during the current fiscal year.

Staff Recommendation:

City Attorney has approved the legal sufficiency of the agreement. Staff recommends Council approve the agreement and authorize the Mayor and City Administrator to sign the agreement.

Proposed Motion:

"I MOVE TO APPROVE THE LOCAL AGENCY AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ENHANCEMENT PROGRAM PROJECT OR 62: ROGUE RIVER DRIVE—CLEVELAND STREET SIDEWALK/STREETSCAPE AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE AGREEMENT."



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

Meeting Date: October 20, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title: Consider Flex Funds Application

Attachment List: None

Issue Before the Council: Shall Council approve the application of Flex Funds in the amount of \$500,000 for the purpose of offsetting the costs of the Transportation Enhancement project?

Key Facts and Information Summary: According to the Scoping Report, the estimated cost of the transportation enhancement project is \$3,561,569 with the bulk of that going to Right of Way at \$1,262,000. This is much higher than anticipated. We have an opportunity to apply for Flex Funds that would contribute to the project. ODOT would be the applicant in this case and the City the Co-Applicant. Deadline for submission is October 20, 2011.

Other Alternatives Considered: Council can decide not to apply for Flex Funds

Fiscal Notes: The City has to match this grant at 10.27%, or \$51,350. Council budgeted \$143,060 for the Cleveland Street Project and decided not to complete the project but to apply for Safe Routes to Schools funds for the sidewalks on Cleveland St. Therefore, that money previously budgeted would be available to transfer for this project or budgeted for next fiscal year.

Staff Recommendation: Staff recommends Council authorize the City Administrator to work together with ODOT in the application for Flex Funds in the amount of \$500,000.

Proposed Motion:

"I MOVE TO APPROVE THE APPLICATION FOR FLEX FUNDS IN THE AMOUNT OF \$500,000 AND AGREE TO PROVIDE THE MATCH OF 10.27% TO CONTRIBUTE TOWARD OUR TRANSPORTATION ENHANCEMENT PROJECT."



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

Meeting Date: October 20, 2011

Prepared By: Danise Brakeman, City Administrator

City Adm. Approval: DB

Agenda Title: Tourism Grant Application – Spam Festival 2012

Attachment List: None

Issue Before the Council: Awarding Tourism Grants for Fall Cycle

Key Facts and Information Summary:

This is our first official grant cycle for the new Tourism Grant and a couple of errors were made. The City Administrator advertised a grant application deadline of October 14th when it should have been October 1st. In addition, the applications should have gone to the Council at the first Thursdays study session for discussion first and awards are made the 3rd Thursday. These errors warrant disclosure, but are insignificant and shouldn't affect the grant application/award process.

Other Alternatives Considered:

Council has the discretion to modify the award amount.

Fiscal Notes:

There was \$3,000 budgeted this fiscal year for the tourism grants. To date we have awarded \$1,000 of that (River Art Walk). We currently have \$2,000 left in the budget for this purpose.

Staff Recommendation:

Council should consider how many additional applications they can expect to receive during the next grant cycle and the size of those events and appropriate funds accordingly.

Proposed Motion:

"I MOVE TO AWARD A TOURISM GRANT IN THE AMOUNT OF \$ _____ TO THE 2012 SPAM FESTIVAL."