

August 17, 2006
City Council Regular Session
City Council Room
7:00 p.m.



MINUTES



1.0 CALL MEETING TO ORDER

Council President Glenn Fortune called the meeting to order at 7:00 p.m.

Council Present: Glenn Fortune, Council President
Carina Schorer
Don Hampton (via conference call)
Rayetta Clark
Criss Steiner
Amy Kordosky

Council Absent: Sue Bond, Mayor (Excused)

Staff Present: City Administrator Gordon Zimmerman
Community Services Director Kevin Urban
City Recorder Chantell Steiner
Police Chief Louis Gomez
Fire Chief Jerry Shorey

2.0 CITIZEN INPUT ON NON-AGENDA ITEMS

Dean Phillips, 47699 W. 2nd Street, Oakridge: Dean started off by commending the Public Works Department for the work that they have done on Commercial Street. He said they have done an excellent job. He has a few other issues that he would like to address with one being the community newsletter. He said a Councilor had previously suggested that the Council Chambers is intimidating and that is why people do not show up. He hears people say that the water bills are too high and that the City Council is out of touch with the community and that's primarily the result of the Highway 58 Project. The recent comments about the City Council having double standards should be addressed. He said the list goes on and on. If there were an avenue to get information out to the total population, maybe a lot of people would know such things as who mows the grass on the south side of Commercial Street, or who comes to his house to buy a used lawn mower to mow that grass. They might find out that City Hall is not so intimidating. He said the community could be kept informed on the water projects. He firmly believes that a newsletter with a little more detail and explanation of Council topics would result in a better understanding of City Council functions and would certainly be a catalyst for a more closely-knit community. It would give the citizenry

something positive to talk about, and he believes the Council would start getting more input from citizens. He finalized by saying that a community newsletter would be a good avenue to start with. Mr. Phillips said that this type of thing has been on the goal list for months and nothing has transpired. He and other citizens would like to see it implemented.

The Council thanked Mr. Phillips for his comments.

3.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

6.3 Street Lamp Lights

4.0 CONSENT AGENDA

- 4.1 Minutes of Regular Session of August 3, 2006
- 4.2 Charter Communications Franchise Extension Agreement
- 4.3 State of Oregon CMAQ Agreement
- 4.4 Resolution 15-2006 Kokanee Drive Funding
- 4.5 Resolution 16-2006 Sale of Old Ambulance Garage
- 4.6 Resolution 17-2006 Purchase of Hogrefe Property
- 4.7 Resolution 18-2006 Budget Adjustments 0607 Payroll

Councilor Hampton pulled Item 4.2, Charter Communications Franchise Extension Agreement.

Motion by R. Clark and seconded by C. Schorer to approve the consent agenda. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), C. Steiner (Aye), A. Kordosky (Aye), and D. Hampton (Aye). Motion carried 6-0.

Councilor Hampton asked how much do we get in franchise fees from Charter Communications.

Gordon Zimmerman responded that he believes around \$4,000 to \$5,000.

Councilor Hampton continued to say that he pulled the Charter Communications Franchise Extension Agreement because he is not in favor of this request for a couple of reasons. First of all, because of federal legislation we have lost so much control over any of these things that we hardly have any control left. But the control that we do have left--or what the federal government says that we can get from these cable companies--Charter has not even allowed us to do that. He continued to say that Charter has a history of promising things like cable modems and so on and just not delivering. Historically, he probably voted for these because there were no options for the citizens, but now there are cost-effective options and will be even more in the future. He would rather not ever have a franchise agreement with Charter again.

Gordon asked if anyone knows what the effect would be if we don't have a franchise agreement. He asked if this means that they (Charter) would not have to pay any franchise fees, but would still be able use our right-of-ways.

Councilor Fortune said that is a good question.

Gordon continued to say he understands Councilor Hampton's problem with it. He explained that we don't have our own origination signal because we get it out of Cottage Grove, which is still in negotiations with Charter. He wants to know how we can put demands on Charter that they cannot fulfill until they first finalize with Cottage Grove. He does not want his hands tied in a negotiation process with Charter but he also respects Councilor Hampton's opinion on the matter.

Councilor Clark asked if the Council has to decide on this right now.

Gordon responded that the one-year extension is already done and we are just operating on a handshake at this time. He said Chris Hinzmann from Charter is here and might be able to answer some questions on the matter. He feels the City is in a bad position, but we are at the end of the line.

Councilor Fortune asked Councilor Hampton what other options he had in mind.

Councilor Hampton said he is just saying that the people of our community now have other options that they did not have in years past. Charter is not the only agency that people have to rely on if they want television. He is distressed that there have been promises and no delivery of service. He has had a personal experience where he called a repairperson out to his home with a television hooked up directly to the incoming line. He said the person that looked at the reception admitted that it was Charter's fault for the problem and left. Councilor Hampton said he never heard back from them and there was no attempt from Charter to rectify the problem. He asked if someone could clarify if Charter is required to have a public access channel in Oakridge, because for a while we did have access to do things and as far as he knows there is nothing now.

Councilor Schorer agreed with Councilor Hampton that there was something at some point.

Councilor Clark clarified that it was not Charter but rather Falcon Cable that offered that.

Chris Hinzmann of Charter Communications said part of the negotiations does include the public access channel. He said right now they are offering the educational access channel coming from Lane Community College.

Councilor Hampton asked if there is a requirement that they provide that.

Chris said that is part of the negotiation within a franchise. He said the requirement is that a certain bandwidth be set aside for it if you decide to fund the public, education, or government access channels. Most cities have moved away from the public channel because they have to fund it and are just using the educational channel. The government channel would show such things as Council meetings. He said Lane County is now looking at getting all of the cities in this area together to go on one channel.

Councilor Clark said she had the same experience as Councilor Hampton. She had called Charter to hook up her television and was told that the previous company had installed it incorrectly and that they could not hook it up until it was fixed. She said after they left she never heard back from them. She ended up just hooking up with the satellite.

Chris apologized and said this is very unfortunate that it happened. He would like to look into Councilor Clark's situation further to see if he can resolve what happened and prevent future occurrences.

Councilor Clark said she does not know how many other people this happened to, but she does see a lot more satellites than she did before.

Chris said yes that is complicated and then asked if the satellite company pays a franchise fee.

Gordon responded that we do have a 5% telecommunications tax that they pay.

Councilor Hampton said he wanted to say one more thing about what he calls "business as being good citizens." It seems that anytime we have a community function or a community need folks like Lane Electric and Siuslaw Bank step up and help us out. He is not aware of anytime that Charter has stepped in and helped out. He asked if the representative present could comment on that.

Chris asked what type of representation is the city looking for? Would it be something like hanging Christmas lights or monetary because they do help cities that ask for the help? For instance, in Winston they hang the Celtic games signs and in Oakland and North Bend they have hung Christmas lights. If a city asks for help, they are more than willing to donate personnel assistance and trucks with buckets. He asked if that answered Councilor Hampton's question.

Councilor Hampton asked if anything like this has happened in Oakridge.

Chris responded that he does not recall the City ever requesting assistance.

Councilor Fortune said he does not recall the City ever asking for assistance.

Councilor Clark said probably because the City did not know it was available but it does now.

Chris said Charter would be happy to help if requested.

Councilor Hampton said this answers that part but he thinks they should be stepping up to help rather than being asked.

Councilor Fortune said he is sure that is now on Charter's agenda. He asked if Councilor Hampton is satisfied with the answers to all his questions.

Councilor Hampton said he understands what Chris is saying but that does not really change his attitude anyway.

Councilor Steiner said one of the questions asked is what will happen if we don't extend the franchise. He asked if Chris could answer that.

Chris responded that Charter would no longer have to pay the money to Oakridge.

Gordon said he would have to talk with Petra who is the intergovernmental affairs representative for Charter about the effects.

Councilor Clark asked how that would affect the people in the area that are receiving Charter services.

Gordon said they would still get the service but because there is no agreement the City would not receive the revenue. He said, as Chris noted, Lane County is pushing Charter to give everything that Councilor Hampton asked for in his opening comments. Lane County is trying to work with Cottage Grove but Cottage Grove is leaning towards going their own way. Since our signal comes from Cottage Grove, he can't begin to negotiate with Charter and that is why this extension is being presented now.

Councilors Fortune and Clark noted that this extension is only good through January 31.

Gordon said he would probably authorize the extension through June 30, 2007 to get through the current fiscal year.

Councilor Fortune asked Chris if he knows where the negotiations are with Cottage Grove.

Chris responded that it is Petra's department and he does not. One other thing to realize is that states are starting to take the franchise fees.

Gordon said not only that but the Federal government is looking at taking over franchise fees.

Motion by C. Schorer and seconded by R. Clark to approve the extension of the franchise agreement until January 31, 2007. A. Kordosky (Aye), D. Hampton (Nay), G. Fortune (Aye), C. Schorer (Aye), C. Steiner (Aye), and R. Clark (Aye). Motion carried 5-1.

5.0 ADMINISTRATIVE SERVICES

None.

6.0 COMMUNITY SERVICES

6.1 The Building Department Fee Changes

Charlcie Kaylor presented the Council with a handout that showed the current fee structure versus the proposed fee structure for permits regarding structural, plumbing, and mechanical work. She explained that the legislature had changed how these types of businesses could label the permit fees. The change effecting The Building Department is that they can no longer charge for what they call a plan check fee. They can still charge for the actual permit. The proposal is to remove the plan check fee and include those costs into the actual permit. The fees will be affected differently but overall the increase is very minimal at about 5% in the example provided. She said that the permit fees have not been raised for plumbing since 1979 and since 1991 for structural and mechanical fees. They would like the City's support in changing this fee structure through a public hearing process.

Gordon asked what is a plan check and aren't you going to do it anyway?

Charlcie said it is not a paper plan check but rather in the field and that is what it really is.

Gordon said so the legislature has said you can't charge for it but you still have to do it.

Charlcie explained that this was part of the argument and why the plumbing folks kind of gave up. She said it made them look bad because it is not being inspected before the inspector who might find problems and then it would become costly to start over.

Councilor Schorer said that she gave an example for the plumbing but does that hold true for Gordon's question for the structural and mechanical. She continued to ask if they have to do the plan checks.

Charlcie said they do not have to but the costs to start over outweigh the effect of paying to have a plan check in the field. She said the contractors don't care about the fees because they pass it onto the consumer anyway. The Building Department is doing the checks to help keep costly errors from occurring and making the process cheaper in the long run. She said this is what a number of jurisdictions are deciding to do.

Councilor Fortune said so you go out and inspect plumbing even though you have no plans.

Charlcie said that is correct, they go out to inspect to code rather than to a plan like they would with structural plans. She reiterated that the service is not changing and the fees are increasing very minimally due to rounding of certain types of fees.

Councilor Fortune asked what the desired time frame for completion is.

Charlcie said the suggested dates are to be effective by October 16, 2006.

Gordon said the City could have the public hearing on September 21st to give time to advertise to the citizens with an effective date of October 16.

Councilor Schorer asked if this is for all new structures or just manufactured homes.

Gordon and Charlcie said all new structures, not manufactured homes.

Councilor Clark asked about remodels.

Gordon said anything that has to be brought up to code.

Charlcie said an addition would be affected as well.

Councilor Schorer asked what the results would be if the Council does not approve this.

Charlcie said both the City and the Building Department would lose revenues.

Gordon said last year we receipted in around \$20,000 to \$30,000 in permit fees.

Councilor Schorer asked how we would lose fees.

Gordon and Charlcie said they would not be able to charge the plan check fees.

Gordon mentioned that the fees have not been raised for some time now.

Councilor Clark noted that the fees for furnace replacement would go from \$35 to \$64. This would affect the woodstove replacement program for each one of those people that applied for assistance.

Charlcie said most jurisdictions have higher fees than that on woodstove inspections.

Councilor Clark said her point is that now on just this one instance she sees the fee doubling.

Charlcie clarified that a furnace change out is \$35 and a woodstove is actually \$47 going to \$64 or \$69. She said woodstove replacement could be very dangerous because people try to install themselves and it is very important to have an inspector review it.

Gordon said the Building Department is required by law to pay for itself and that is what the Building Department is trying to preserve.

Charlcie said a City could do their own permits but then they would have to have the money in the budget to run it. She said that she understands that the fee schedule and structure is a mess but they are trying to make things more relevant and easier to understand.

Motion by G. Fortune and seconded by R. Clark to begin the process to increase building permit fees in the City of Oakridge. A. Kordosky (Aye), C. Steiner (Aye), D. Hampton (Aye), R. Clark (Aye), C. Schorer (Aye), and G. Fortune (Aye). Motion carried 6-0.

Councilor Fortune asked for the clarification of when we need a public hearing.

Gordon said we would have the notice out ahead of time and have the public hearing on September 21st. At that meeting a resolution to raise or not raise fees would be decided.

Councilor Fortune said as part of the process if we choose to have a different fee then we could request that of the Building Department.

Gordon said you could but what they are attempting to do is make this structure across all the cities that they work with.

Charlcie said as previously mentioned for helping out the community the Building Department is negotiable on package type of permits such as the grant program for woodstoves.

Kevin Urban added that the Building Department and Mortier Engineering donated services to build the Siuslaw Bank Amphitheater.

6.2 Formation of Community Involvement Committee

Councilor Fortune said, as he understands it correctly, the City has to have a committee for community involvement.

Kevin said yes and the Department of Land Conservation and Development has listed this as the statewide planning Goal #1. The City has always tried to do this regardless and keep the public informed. After reviewing the information Kevin realized that law requires a Committee for Community Involvement (CCI). He said it could be comprised

of the Planning Commission members, community members, or a combination of both. He said the City is required to fund this and the law says it must be sufficient to make involvement an intricate part of the planning process, which is very important as far as planning goes. He continued to say that when people are not informed of things going on it slows the process and sometimes even stops it entirely. He feels it is better to just keep everyone informed and he strongly supports creating this committee.

Councilor Fortune asked if there is a recommendation as to the size of this committee.

Kevin said it does not state a particular size but some cities have only three while other larger areas may have between twelve and fifteen. The larger ones would have representatives from several districts so the number required is up to the Council.

Councilor Fortune clarified that the staff recommends item number three, which includes part of the planning commission members as well as citizens. He assumes the citizens would then work with the Planning Commission to resolve issues.

Kevin said yes and the final approval or ratification would come back to the Council with explanations of the topic, efforts, and costs.

Councilor Hampton said with respect to the Recorder he would reword the motion to state that the Recorder would notice the vacancies, accept the applications, and bring the final list of interested people to the Council to appoint.

Motion by D. Hampton and seconded by C. Schorer to direct the City Recorder to notice vacancies, receive applications, and prepare a list of the applications so the City Council can appoint a committee for citizen involvement of the people willing to serve on that committee. R. Clark (Aye), C. Schorer (Aye), A. Kordosky (Aye), D. Hampton (Aye), G. Fortune (Aye), and C. Steiner (Aye). Motion carried 6-0.

Councilor Fortune clarified that the motion would include willing Planning Commission members.

Councilor Hampton said yes and the citizens too.

Councilor Clark asked if we are doing staff's recommendation of item two or three.

Councilor Fortune said item three revised.

6.3 Street Lamp Lights

Kevin brought to the attention of the Council a very large upright globe light in the room. He explained that this light is very close to what was chosen for Rainbow Road and Highway 58. He said this used luminary could be purchased for only \$200 instead of the normal cost of \$500. He would like to know if the Council would like him to purchase the fifty or sixty that are available and use them instead of the ones that they

have chosen for old town, which were more of a hanging style of lamp. He wants to know if they also want to use them on 2nd Street. The lights that were chosen previously are actually \$750 apiece so this would save the City \$500 per light. An entire installed light with post, wiring, and conduit runs about \$1,500 to \$2,000 a piece. He said if the Council wants to have unity and save money it would be best to buy all of these now.

Councilor Fortune asked how many are need on 2nd Street.

Kevin said 2nd Street needs eleven and Rainbow needs six.

Councilor Fortune clarified that Kevin is asking to purchase sixty of them.

Kevin believes we should purchase them all. He noted that they are also plastic and would be likely less to break.

Councilor Schorer asked if the money is in the budget.

Kevin said it is available in the Street Fund.

Councilor Fortune asked if these lights would complete the project on 2nd Street and what is the installation time frame.

Kevin said yes as well as Rainbow Road. He said as soon as possible with the process now in the hands of Lane Electric and Lantz Electric to finish the hook-up.

Council was in consensus to purchase the lights. Councilor Schorer clarified that Lane Electric would be putting them up.

Kevin said Lane Electric has to coordinate with Lantz Electric who is doing the installation.

Councilor Hampton noted that he has seen pictures of the lamps and there is a definite advantage in continuity.

Councilor Fortune clarified that all Council members are in consensus to purchase all of these lamp globes.

7.0 POLICE SERVICES

Police Chief Gomez said tomorrow he is going to Portland to buy the new used police car. He said there would be a lot of refurbish work done to the vehicle but the costs will all fit within the budgeted amount. He said the City has also received \$22,500 from the State Homeland Security Grant. This money will help upgrade the radios that were purchased just last year for nearly \$100,000. He explained that the County has

changed their whole system so we have to upgrade our radios. This communication is crucial for emergencies and working with Eugene, Springfield, and other areas.

8.0 EMERGENCY SERVICES

Chief Shorey reported that the Ambulance service has been very busy with over thirty calls in the first fourteen days of the month. He said the phone system has been installed and they are still working on learning how to use the transfer features. He met with Oakridge Interiors today and negotiated a start date of September 6th and a finish date of September 15th. The only issue he has is that they have bid on something that they don't have in stock. They said they can get it so he is continuing to work with them on it. He continued to say there is now equipment up on high prairie to cover that area in case of fire emergencies. The fire danger is very high right now but we have been lucky to not have too many in our area. A particular issue that the County is dealing with involves teens that are shooting fireworks out of the sunroof of a red 1999-2000 Honda Prelude. If someone sees this vehicle they are asked to contact authorities.

Councilor Fortune asked what was the cause of the fire at Pacific Rim.

Chief Shorey said it is still under investigation but he believes it is thought to be a cigarette. There have been quite a few of those around the county. The Reach helicopter subscription service is \$45 a year and they will start that now if someone is interested. He has photos of the helicopter if anyone wants to see them as well as the subscription forms.

9.0 REPORTS FROM BOARDS AND COMMITTEES

Councilor Fortune said the Public Safety Committee met and went over several topics including the vehicles speeding on 2nd Street. For now, Robert Moe is taking down license plate numbers for the Police Department and letters will be sent to the registered owners about the issue. If that does not seem to curtail the speeding then the committee will review more options. He said the police are planning to do heavier patrols of the street as well. Another topic discussed was the cooperation of the City, the Feline Assistance Network (FAN), and Bobbi McMahon to come to a decision pertaining to FAN's processes and a potential cattery to resolve the feral cat problem.

Chief Gomez said the group is working on policy procedures that they will present at a later date. He continued to say the committee also discussed installing a flashing yellow light on 2nd Street that would address the school zones during specific times of the day. He is checking in with Lane Electric to see what assistance they can provide.

Councilor Fortune said a flashing light would not change the designated speed.

Louis said the speed is normally 25 mph but when the lights flash it would be 20 mph.

Councilor Clark said if nothing else the flashing light might catch their eye and slow them down.

Councilor Fortune said the issue is just an attitude of the public and if it were not flashing people would think they can get away with 30 or 35 mph. He said this might make them think they can go even faster.

Councilor Schorer thinks this would help slow people down.

Councilor Fortune said all too often, he thinks the problem is that people who speed, speed no matter what you do.

Chief Gomez added that the committee also discussed a contempt of court piece. At this time we have no real way to enforce someone that has committed a crime unless we reduce it to a violation. He said this is generally just a fee rather than jail time and consequences. Many times this results in the violator not even paying the fine. The issue being raised is that if we include a contempt of court piece for the City of Oakridge it would not affect any County or State violations. So he is working on finding a point of fairness to bring the person in front of a judge to review why a person has not paid a fine and could then be sited with a contempt of court. This would then allow the City to hold these offenders in the jail.

Councilor Fortune said that Chief Gomez would be working with Robert Peterson on the fairness issue.

Chief Gomez said he would work with Bob Peterson and Judge Carl with the focus being on fairness. He understands what is involved but is mainly concerned at this point with having accountability in our town. Another issue discussed by the committee involved the nuisance ordinance for junk and junk vehicles. He explained that the current ordinance allows for thirty days to comply with a notice of violation. He would like to improve it to be a thirty-day notice for a first offense and a ten-day notice for a repeat offense of the same nature. He is working on coming back with a recommendation to the committee.

Councilor Fortune wanted to clarify that this is for the same type of offense and not a new offense.

Chief Gomez said this would affect offenses of the same nature, not new offenses. It would need to be in the same nuisance code as the first one. Staff is working on the recommendations and will come back to the Council later for its decision.

10.0 MAYOR AND COUNCIL COMMENTS

Councilor Fortune said Commercial Street looks great and will look even better come spring. He wishes we could get the railroad to clean up the blackberries at the west end of town as well.

