

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, July 17, 2014
6:00 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 Planning Commission meeting will be held on July 24 at 6:30 p.m. in the City Council Chamber.
- 3. The next meeting of the City Council will be on August 7 at 6:00 p.m. in the City Council Chamber.

II. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

III. Presentation

Roy Palmer, Battalion Chief

IV. Consent Calendar

- A. Accounts Payable, \$201,816.25 (pg. 3)
- B. Regular Meeting Minutes of June 19, 2014 (pg. 4-8)
- C. Special Meeting Minutes of June 25, 2014 (pg. 9)

V. Written Communications

None

VI. Staff Reports

City Administrator
-Park Restroom Project

VII. Unfinished Business

- A. 2013/2014 Street Fund
- B. Review Year-end Financial Tracking

VIII. Public Hearing

None

IX. New Business

- A. Resolution 14-17 – Approving an Intergovernmental Agreement with Jackson County and the City of Shady Cove Relating to Law Enforcement Services, and Authorizing the Mayor to Sign the Agreement on Behalf of the City of Shady Cove (pg. 10)
- B. Resolution 14-18 – Prioritizing and Approving Improvement of Gravel Streets (pg. 11-12)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Executive Session

- A. Pursuant to ORS 192.660 (2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

XIII. Adjournment

**City of Shady Cove
Unpaid Bills Report
June 20, 2014 to July 14, 2014**

<u>Payee</u>	<u>Amount</u>	<u>Description</u>
Aikins, Dave	\$57.55	Radio Equipment Reimbursement
Avista	\$12.24	Utilities
Canon Financial Services	\$270.97	Copier Lease
Caselle, Inc.	\$585.00	Software Maintenance & Support
Celtic Circle	\$700.00	Shop Rent
Century Link Svc.	\$694.30	Phone Services & Equipment
CenturyLink LD	\$76.48	Long Distance
Christian, David	\$270.00	Radio Programming
CIS Trust	\$19,110.61	Life Insurance/Property Liability/ Workers Comp 2014-2015
Crystal Fresh	\$33.00	Bottled Water
Hubbard's Home Center	\$37.97	Chainsaw Parts
INSTAPRINT	\$66.75	Forms
Jackson County Sheriff	\$95,454.23	Law Enforcement Contract
KAS & Associates, Inc.	\$1,024.91	Stormwater Engineering/Capital Improvements-Parks
LOC	\$2,228.71	Annual Membership
Medford Fuel	\$34.43	Diesel/Fuel
OCCMA	\$629.80	Conference
ODOT	\$1,776.81	TE - Project Match Stormwater/Transportation
Pacific Power	\$1,260.82	Utilities
Perfection Cleaning	\$280.00	Janitorial
Pitney Bowes Purchase Power	\$847.75	Postage
Pitney Bowes, Inc.	\$86.27	Supplies
Postmaster	\$305.30	Sewer Billing
Prunty, Aaron	\$244.80	OCCMA Conference Reimbursement
RiverTech	\$225.00	Website - Monthly Updates
RVCOG	\$1,658.01	Planning/Floodplain
RVSS	\$72,900.00	Quarterly Invoice
Shady Cove Hardware	\$8.54	Parks
Signs Banners & More	\$45.00	Radio Station Sign Change
Southern Oregon Sanitation	\$98.50	Sanitation
URI	\$792.50	Advertising/ Public Hearing
Total:	\$201,816.25	

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, June 19, 2014

CALL TO ORDER

Mayor Anderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Hughes, Councilor Hayes, Councilor Ulrich and Councilor Sanderson

Staff Present: Aaron Prunty, City Administrator; Dick Converse, Contract City Planner and Debby Jermain, Planning Secretary

ANNOUNCEMENTS

The mayor led the audience in the flag salute and made the announcements on the agenda. The mayor stated the order of business would be revised with the Public Hearing before Unfinished Business.

PUBLIC COMMENT

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

CONSENT CALENDAR

Accounts Payable, \$15,262.18
Regular Meeting Minutes of June 5, 2014

Motion to Approve the Consent Calendar.

Motion: Councilor Hughes Second: Councilor Ulrich
All ayes. Motion carried 5-0

WRITTEN COMMUNICATIONS

City Administrator read a letter from Upper Rogue Moose Lodge inviting city council and city staff to join in their 4th of July festivities and a letter from John Burgess suggesting the council consider dialog of reestablishing a public works department for the city of Shady Cove.

The mayor recessed the council meeting at 6:04 pm.

PUBLIC HEARING

A public hearing to accept public testimony and consider approval for a Variance to provide relief from floodplain elevations standards. The applicant completed structural alterations that conformed to an elevation provided by a surveyor that was later found to be in error. The Variance would allow those alterations to remain without additional revisions. Parcel located at 460 Park Drive, Shady Cove, Oregon. Assessors Map and Tax Lot 34-1W-16DD, 1400. Zoning is R1-40 (Low Density Residential). Applicant/Owner: Schefers Family Trust. Planning File Number VAR 14-01.

Mayor Anderson opened the public hearing at 6:04 p.m. to consider a Variance at 460 Park Drive.

Council Present: Mayor Anderson, Councilor Hughes, Councilor Hayes, Councilor Ulrich and Councilor Sanderson

City Administrator Prunty read the public hearing opening statement. Mayor Anderson invited all who wanted to speak before the Council to sign the sheet.

Jurisdiction was not questioned and there was no conflict of interest. The mayor stated he had several discussions with the applicant, none of which he initiated and he had visited the site.

City Planner Dick Converse read the high points of his staff report along with addressing the approval criteria, findings and recommendation.

Findings:

The variance is for existing structures and improvements. The variance will not result in new impediments to flow of floodwaters.

The property contains .68 acre, slightly larger than the half-acre standard. None of the structural alterations are below the base flood level, but they are below the design flood level, which is one foot above the base flood level. The discrepancy became evident after a surveyor had established a base flood elevation of 1386.4 feet and the city had issued a compliance permit using that elevation. Based on a later inquiry to the regional FEMA office, the base flood elevation was shown to be 1387.3 feet, or approximately 11 inches higher than the survey. The applicant modified structures to be one foot above the BFE established by the surveyor, but this work resulted in a margin of only slightly more than one inch instead of the one-foot freeboard required in Oregon. Both the Natural Hazards Specialist for DLCDC and the regional FEMA representative in Bothell suggested that a variance was an appropriate alternative to requiring all the previous alterations to be revised to meet the one-foot freeboard.

The variance permits completion of work that conforms to permits issued by the City based on information provided by a certified surveyor. Modifying the elevation to which corrections would need to conform at this point in the process would require that nearly all of the corrections that have been completed would need to be done again. Although the elevation initially established for completing the modifications was incorrect, it was still above the base flood elevation, the level at which the annual threat of flood is one percent. As such, the calculated threat of flooding is relatively low.

Justification for the variance begins with the previous owner of the property. In 1996, the city approved a major remodel of the dwelling that had been constructed in 1939. According to the application, the original house was almost entirely in the floodway. The remodeling removed approximately 980 square feet from the floodway, but clearly stated that approximately 500 square feet would remain in the floodway, as well as part

of the addition. The floodway line was later substantially modified, but clearly the remodel was substantial. In the same manner as current ordinances, the ordinance in effect at the time defined substantial improvement to be 50 percent or more of the original market value of the property. Full compliance with the standards in effect at the time would have required the entire structure to be elevated one foot above the base flood elevation, which was not done.

The applicants purchased the property in 1997 and subsequently constructed outbuildings, installed mechanical equipment, and added a sunroom, all with the understanding that the BFE was 1386.4 feet. Because they wanted to sell the property, they submitted to a floodplain compliance review, which resulted in a list of corrections to bring the property in to conformity with FEMA requirements. The higher BFE determined by FEMA was not provided until after the owners had completed much of the corrective work.

No water dependent uses are proposed. The applicant modified the irrigation pump, adding a quick-disconnect feature permitting its easy removal during the flood season.

The only purpose of the variance is to remedy what clearly is not a self-imposed hardship. The applicant completed significant modifications to the property to comply with permits issued by the City based on information provided by a licensed surveyor. The higher elevation designated by FEMA was the result of an effort to determine the exact location of the floodway, which at this point appears to be within inches of the rear of the remodeled dwelling. When this information became apparent, the applicant and City staff discussed potential solutions, including the option of requesting a variance.

There are no structures proposed in this request. The purpose of the variance is to permit the applicant to complete work that was authorized by permits from the City. Potential for damage to parcels upstream and downstream significantly reduced when the addition was constructed farther from the river and a portion of the original house were removed from the floodway. While the alterations are not one foot above the base flood elevation, they are at an elevation that is higher than the federally established flood elevation, minimizing the potential for damage to nearby properties. Access to the site is not affected by the variance.

Applicant's Testimony:

Mr. Schefers had no additional information to provide.

Questions from council were answered by staff including clarifying that the previous owner paid for a surveyor when the home was remodeled and approved by the city and concern this decision for a variance would not set precedence.

There were no proponents or opponents.

Council had no further questions for the applicant and the Public Hearing was closed at 6:26 p.m. Thereafter the commissioners deliberated and a motion was made.

Motion to **approve** the application for a variance to the elevation standards of Chapter 151 to permit the applicant to complete structural modifications at 460 Park Drive that conform to the federal base flood elevation standards, but which do not meet the one-foot freeboard established in Oregon. The applicant has met the burden of proof to justify a floodplain variance as outlined in Section 151.066. The property is legally described as 34-1W-16 DD, Tax Lot 1400, zoned R-1-40; Planning File VAR 14-01. This approval is subject to the conditions listed in the staff report.

- All corrections shall be found to be at or above 1387.4 feet elevation prior to the City issuing a Certificate of Compliance.
- Any future construction on the property shall be elevated one foot above the base flood elevation of 1387.3 feet.

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 5-0

The mayor reconvened the regular council meeting at 6:29 p.m.

UNFINISHED BUSINESS

Budget Summary

The council was provided with a Budget Summary for the City of Shady Cove for 7/1/2013 through 4/30/2014. The mayor thanked the City Administrator and Shelly congratulating them for a job well done with the budget summary. Council was pleased that they are back on track with a monthly summary.

NEW BUSINESS

A. Resolution 14-14 – Adopting the Fiscal Year 2014-2015 Budget, Making Appropriations and Imposing and Categorizing Taxes

City Administrator read Resolution 14-14 adopting the budget for fiscal year 2014-2015 and making appropriations he read the major categories.

Motion to adopt Resolution 14-14.

Motion: Councilor Hayes Second: Councilor Ulrich
All ayes. Motion carried 5-0

B. Resolution 14-15 - Approving Budget Committee Recommendations to the City Council.

City Administrator read Resolution 14-15 and Exhibit A into the record.

Motion to Approve Resolution 14-15.

Motion: Councilor Hughes Second: Councilor Hayes
All ayes. Motion carried 5-0

C. Resolution 14-16 – Entering into an Intergovernmental Agreement with Jackson County for Road Maintenance.

The City Administrator read Resolution 14-16 into the record.

Motion to Approve Resolution 14-16.

Motion: Councilor Sanderson Second: Councilor Hughes
All ayes. Motion carried 5-0

D. Review Major Short-Term Objectives Established October 10, 2013 and Progress to Date

The mayor read his major short term objectives prepared on October 10, 2013.

E. Identify Major Objectives for Balance of the Calendar Year

The mayor provided a list of short-term City Council objectives for discussion, including increased park activities, use of radio station, and maintenance of all landscaping between City Hall and Hwy 62.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Rick Schefers noted the need for repairs to Park Drive.

COUNCIL COMMENTS

Councilor Hayes invited all to the Spam® Festival on June 28 at the Upper Rogue Regional Park.

ADJOURNMENT

There being no further business before the council, the Mayor adjourned the regular meeting at 6:55 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Hayes _____
Councilor Hughes _____
Councilor Sanderson _____

City of Shady Cove
City Council Special Meeting Minutes

Wednesday, June 25, 2014

CALL TO ORDER

The Mayor called the City Council Special Meeting to order at 3:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Hayes and Councilor Sanderson

Absent: Councilor Hughes and Councilor Ulrich

Staff: City Administrator, Aaron Prunty and Planning Secretary, Debby Jermain

UNFINISHED BUSINESS

A. Resolution 14-14 (Amended) – Adopting the Fiscal Year 2014-2015 Budget, Making Appropriations and Imposing and Categorizing Taxes

City Administrator Prunty advised there was a formatting and typographical error in Resolution 14-14 adopted at the June 19, 2014 regular council meeting. He noted none of the dollar figures changed and the amended resolution was a more appropriate format.

Motion to approve amended Resolution 14-14 as Amended.

Motion: Councilor Sanderson Second: Councilor Hayes

Roll Call: All Ayes. Motion carried 3-0.

ADJOURNMENT

The Mayor adjourned the Shady Cove Special Meeting at 3:04 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Councilor Hughes _____

Councilor Hayes _____

Mayor Anderson _____

Councilor Ulrich _____

Councilor Sanderson _____

City of Shady Cove

Resolution No. 14-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON
ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH JACKSON
COUNTY TO PROVIDE LAW ENFORCEMENT SERVICES**

Whereas, pursuant to ORS 190.010, A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform; and

Whereas, the City of Shady Cove and Jackson County find it mutually advantageous and in the best interest of their respective constituencies to enter into an agreement for law enforcement services; and

Now, therefore be it resolved, the City Council of the City of Shady Cove hereby authorizes the mayor to negotiate and enter into an intergovernmental agreement with Jackson County to provide law enforcement services.

Adopted this 17th day of July, 2014.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Hughes _____
Councilor Hayes _____
Councilor Ulrich _____
Councilor Sanderson _____

City of Shady Cove

Resolution No. 14-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON
PRIORITIZING AND APPROVING IMPROVEMENT OF GRAVEL STREETS**

Whereas, the City of Shady Cove budgeted approximately \$30,000 for gravel road maintenance and dust abatement in fiscal year 2014/2015; and

Whereas, the City Council of the City of Shady Cove recognizes an economic benefit over time by improving gravel streets with the application a double-chip seal; and

Whereas, the City Council Short-term Objectives (7/2014 – 12/2014) includes establishing a plan to improve all unimproved City streets; and

THE CITY COUNCIL RESOLVES AS FOLLOWS:

The Gravel Street – Double Chip Seal Improvement Priority Listing, as attached and labeled "Exhibit A", is hereby adopted.

Adopted this 17th day of July, 2014.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Hughes _____
Councilor Hayes _____
Councilor Ulrich _____
Councilor Sanderson _____

EXHIBIT A

GRAVEL STREET IMPROVEMENT – DOUBLE CHIP SEAL PRIORITY LISTING

1. Alder Street
2. Erickson Avenue
3. Castaline Place
4. Alicki Lane
5. Kinworthy Drive
6. Sowell Drive
7. Park Drive
8. Maple Street
9. Brophy Way
10. River View Circle
11. Mason Lane
12. Chandra Lane
13. Cora Drive
14. Hall Avenue
15. Braughton Way
16. Bond Road
17. Hudspeth Lane
18. Rogue Air Drive