

**BAKER CITY COUNCIL  
REGULAR MEETING  
Tuesday, October 24, 2006**

**#1) Call To Order**                   The meeting was called to order by Mayor Charles Hofmann at 7:00 p.m. in the Council Chambers of City Hall.

**#2) Pledge of Allegiance/Invocation**                   The Pledge of Allegiance was led by Councilor Ellingson, followed by the Invocation led by Michelle Owen.

**#3) Roll Call**                         Roll call was answered by Mayor Hofmann and Councilors Peter Ellingson, Dick Haynes, Randy Daugherty, Sam Bass, Davey Peterson and Jeff Petry. Also present were City Manager Pro-Tem David Fine, Community Development Director Jennifer Watkins, Finance Director Laura Harryman, Police Chief Wyn Lohner, Fire Chief Jim Price and Public Works Director Michelle Owen.

**#4) Consent Agenda**                   Next, the Council reviewed the Consent Agenda, which contained the minutes of the October 10, 2006, regular meeting and the acceptance of the Connect Oregon grant agreement for the rail spur at the industrial park.

Mr. Daugherty made a correction to the minutes; he indicated that he had voted in opposition to the hiring of a temporary employee.

Upon the MOTION by Mr. Daugherty, seconded by Mr. Petry, with all in favor except Ellingson who abstained, the Consent Agenda was APPROVED as amended.

**#5) Citizen's Participation**                   Mayor Hofmann then called for citizens' participation; there was none at this time.

**#7) Request for Rate Increase – Baker Sanitary**                   The Council then discussed a request for a rate increase from Baker Sanitary. This item was moved up on the agenda.

Mr. Fine stated that Baker Sanitary has requested a rate increase for solid waste collection. In order to make a recommendation, staff has requested more time to review the financial statements and other information submitted by Baker Sanitary.

Loren Henry, 18362 West Campbell Loop, Baker City, owner and operator of Baker Sanitary, stated that he is

comfortable with allowing staff more time. He also mentioned that Elizabeth Drudeck and Scott Fairley of the DEQ are present to answer any questions about the Household Hazardous Waste plan. The timing is more crucial for this issue than the rate increase.

Mr. Ellingson asked if all other jurisdictions have approved the plan. Mr. Henry replied that Union and Wallowa Counties have approved the plan and passed rates for its implementation. Baker County is awaiting a decision from the Baker City Council. They do not have any regulatory authority of the rates.

Mr. Petry commented that the financial statements provided show that 2002 was a difficult year for Baker Sanitary. Mr. Henry indicated that this was the year that the last rate increase was approved. There were some expenses related to the lining of the landfill that caused the business to have a loss. Mayor Hofmann explained that the last increase was recommended to the Council by an appointed subcommittee. He feels that the staff should first review the financial statements and bring it back to the Council with a recommendation.

Mayor Hofmann then asked if the DEQ representatives had any comments. Scott Fairley explained that all other jurisdictions had approved the plan. He appreciates the Council's review of the plan.

Elizabeth Drudeck of DEQ also spoke. She indicated that an additional recycling program is included in the proposed rate increase. The proposed plan is very low-cost and has the support of the DEQ.

The Council reached CONSENSUS to have staff review the financial statements and bring a recommendation back to the next meeting.

**#6) Consideration of  
Request from Jerry  
Corn**

At this time, Mr. Corn was present to request relief from the Council on utility extension costs. He explained that he has two parcels left in a subdivision that he would like to hook up to City water and sewer. Mr. Petry recused himself from the discussion and left the dais.

The staff report included a summary of the subdivision process for this property that began in 1996. The two lots in

question were not a part of the approved subdivision but were actually created in 2000. Application to the City for the replat showing these two lots did not occur until 2006. Staff provided an analysis of the situation and recommended that the developer be required to pay for the utility extensions as set by ordinance and in accordance with the quotes provided by City staff.

Mayor Hofmann clarified that Mr. Corn was asking the Council to reconsider the quotes given by staff for the extension of the utilities. He added that he, Petry, Daugherty, Bass and Peterson had toured the property with staff earlier in the day. With that, he opened it up for discussion from the Council.

Mr. Daugherty asked if the replatting had been completed. Mr. Corn said that he had completed the replat and it has been recorded. Mr. Daugherty said the he felt the ordinance was very clear as to how this situation should be handled. There was then a discussion about how far the lines would need to be extended. Ms. Owen said that the wastewater line needs to be extended 116 feet, while the water line would need to be extended 98 feet. The first quote staff provided was for \$17,664.22. Staff then had discussions with Mr. Corn and felt that J Street was not likely to be extended through the property. Because of this, the line would not have to be extended all the way through. A second quote was provided for \$9173.60 that does not include the full main line extension. Mayor Hofmann indicated that he was uncomfortable with the second quote. He asked if Mr. Corn had turned it down, to which Mr. Corn said no. Mr. Corn said that he would like to see a third quote that would charge him only for a water main line connection and for 50 feet each of water and wastewater. He commented that he would then like to see that money actually be used for extending the main line, not pay for the parks department. Mayor Hofmann said that it appears to him that the ordinance calls for Mr. Corn to pay for the 116 feet of wastewater line and 98 feet of water line plus the 50-foot charge for both lots. Mr. Peterson said that he did not like how the previous water and wastewater was handled. He felt that the lines should have been extended all the way through at that time. Mr. Daugherty said the he felt the ordinance should be followed. By his interpretation, this means that: 1) the developer will extend the main lines to their property; and 2) they will then be assessed a minimum of 50 feet for each parcel, with the ability

for reimbursement if someone ties into it.

Mr. Fine first assured everyone that funds paid to water and wastewater services stay in those funds. The rate scale is set to cover the maintenance of the system and have a small reserve fund. He added that staff would urge the Council not to deviate from the ordinance. However, if the Council so wishes, they can consider any special circumstances.

A brief discussion about the decision made regarding the subdivision approved in 1997 then ensued. There was agreement from the Council that the quote of \$9,173.60 was the best estimate for Mr. Corn.

Mr. Daugherty made a MOTION to have the ordinance be interpreted to say that the lines must be extended to the property and that the developer shall pay an additional minimum of 50 feet per parcel. The motion was seconded by Mr. Ellingson. With Hofmann, Daugherty, Bass, Ellingson and Peterson in favor and Petry and Haynes abstaining, the motion CARRIED.

Mayor Hofmann indicated that this direction is different than what the staff had followed when providing the two quotes. Mr. Fine said that this direction would be followed in the future. However, the quotes given would be honored for Mr. Corn at this time.

**#8) Authorization to  
Seek Proposals for  
Pick-up Purchase**

The next item of business was the authorization to seek proposals for a pick-up purchase in the Public Works Department.

The City's purchasing rules require the City Council to select the best method of procurement of vehicles. The Public Works Department is in need of a new full-size pick-up truck to replace an aging vehicle. The 2006-07 budget includes \$26,000 for this vehicle. Resolution No. 3515 requires that all vehicle purchases be brought before Council to determine the form of procurement.

The Council can ask staff to solicit bids or request proposals for a new vehicle. If the bid method is selected, then price is the determining factor. Bidders may be limited if the dealership does not have the specific make, model and features requested. The Request for Proposal method allows

a dealership to present their best product to meet the needs of the requestor. This method may give the City more alternatives from which to choose. Price would still be a factor, but not the only factor.

Mr. Daugherty asked if proposals would be solicited from outside of Baker City. Ms. Owen said that there would likely be proposals received from outside of the city. Mr. Daugherty asked why those proposals would be considered. Mayor Hofmann said that this is a Council policy decision, not a staff level decision. The intent is that ultimately the taxpayer stays with the lowest price.

Mr. Peterson asked if a new vehicle would be the only alternative. Ms. Owen said that in this case, they would seek a new vehicle. However, at times a used vehicle is considered.

Mr. Daugherty made a MOTION to authorize staff to request proposals for a new pick-up. The motion was seconded by Mr. Peterson and, with all in favor except Mr. Petry, who abstained, the motion CARRIED.

**#9) Third and Final Reading of Ord. No. 3267 – Abandoned Vehicles**

Next, the Council heard the third and final reading of Ordinance No. 3269 regarding abandoned vehicles.

The adoption of this ordinance will complete the process of creating a procedure for the removal of abandoned vehicles. At the last meeting, the Council approved the first and second readings of Ordinance No. 3267. The third and final reading will be held at this meeting.

Upon consent by the Council, Ms. Watkins then read Ordinance No. 3269 for the third time by title only.

Upon the MOTION by Mr. Daugherty, seconded by Mr. Peterson with all in favor except Mr. Petry, who abstained, the third and final reading of Ordinance No. 3269 was APPROVED.

**ORDINANCE NO. 3267  
AN ORDINANCE ALLOWING FOR THE REMOVAL OF  
ABANDONED MOTOR VEHICLES AND OTHER  
PROPERTY FROM THE PUBLIC STREETS**

**#10) Third and Final Reading of Ord. No.**

Next, the Council heard the third and final reading of

**3269 – Vehicle  
Weight Limitations  
on Streets**

Ordinance No. 3267 limiting vehicle weight on substandard streets.

The ordinance will allow the City, by resolution of the Council, to ban heavy vehicles from any streets in danger of failing if exposed to significant use by heavy vehicles. The ordinance has been revised slightly since the first two readings.

As explained previously, the Attorney-General of Oregon is of the view that Federal legislation preempts local government powers to regulate truck routes. Certain sections of a Baker City Ordinance of 1986 do just this. Ordinance No. 3267 would limit vehicle weight on streets or bridges which cannot withstand certain loads. This authority most likely has not been usurped by the Federal Government. Many Oregon cities continue to do so. Any such street would have to be identified individually in a future resolution of the Council, following engineering assessment of that street. In the latest draft of the proposed ordinance, offending provisions of the 1986 ordinance would be repealed upon its enactment. The provisions which would survive relate to different topics: leaking vehicles and truck parking. These provisions appear to remain within City jurisdiction.

Upon consent of the Council, Ms. Watkins then read Ordinance No. 3267 for the third time by title only.

Upon the MOTION by Mr. Daugherty, seconded by Mr. Ellingson, with all in favor, the third and final reading of Ordinance No. 3267 was APPROVED.

**ORDINANCE NO. 3269  
AN ORDINANCE TO EXTEND THE USEFUL LIFE OF  
PUBLIC STREETS BY RESTRICTING HEAVY VEHICLE  
ACCESS TO STRUCTURALLY COMPROMISED STREETS**

- #11) Reports
- a. Prevailing Wage Law
- b. Airport Commission
- c. Auburn Ditch

The Council then reviewed a report on the prevailing wage law. They asked staff to continue to work to make sure that any entities using the City's tax-exempt status follow all applicable laws.

Additionally, the Council reviewed a report from the Airport Commission stating that they are not currently interested in pursuing an ordinance that would restrict access to the airport.

Mr. Fine then gave an update on the Auburn Ditch legal status. He said that it appears the City may be able to conduct the construction within the ditch right-of-way using the Mining Act of 1866. The Forest Service would require that an action be filed in Federal court. If successful, the City will not be required to complete the environmental study and will have the right to work in the right-of-way in perpetuity. The Forest Service has indicated that they will not intervene with this action. Mr. Fine has consulted with legal experts in this field who will assist the City. He asked the Council for consensus to proceed, which they granted.

**#12) City Manager  
Search Committee  
Update**

Mr. Peterson reported that the committee has received 43 applications to date. The deadline for submittal is November 15.

**#13) City  
Manager/Department  
Comments**

Under City Manager and Department Comments, Chief Lohner indicated that he had just learned of a grant opportunity that may be used for the drug canine program. He would like permission from the Council to apply. The Council reached CONSENSUS to have Chief Lohner proceed with the application.

**#14) Council  
Comments**

Under Council Comments, Mayor Hofmann explained that there are certain requirements of being the Mayor. That person needs to have the time, interest and dedication to the job, as well as an understanding of City problems. At this time, Mayor Hofmann RESIGNED as Mayor. He then asked the Council to consider appointing Sam Bass as the new Mayor for the remainder of the term.

Mr. Daugherty nominated Mr. Bass for the position of Mayor. The nomination was seconded by Mr. Ellingson. Nominations were then closed. With Daugherty, Hofmann, Ellingson, Petry and Bass in favor and Peterson and Haynes abstaining, Sam Bass was APPOINTED.

Mr. Petry thanked former Mayors Hofmann and Ellingson for their service. Mr. Daugherty agreed, adding that these gentlemen, as well as Mr. Haynes, have been diligent public servants.

Mr. Peterson invited the community to tour the campus of Eastern Oregon University.

Mayor Bass added that he hoped the Council could

continue to work together even though they may not always agree.

**#15) Adjourn**

With no other business to discuss, the meeting was ADJOURNED at 8:12 p.m.

SIGNED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Recorder