

**BAKER CITY COUNCIL
REGULAR MEETING
Tuesday, February 13, 2007**

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

#2) Pledge of Allegiance/Invocation The Pledge of Allegiance was led by Andrew Bryan, followed by the Invocation led by Michelle Owen.

#3) Roll Call Roll call was answered by Mayor Jeff Petry and Councilors Andrew Bryan, Sam Bass, Gail Duman, Beverly Calder and Terry Schumacher. Councilor Dennis Dorrah was absent. Also present were City Manager Steve Brocato, Community Development Director Jennifer Watkins, City Attorney David Fine, Finance Director Laura Harryman, Police Chief Wyn Lohner, Fire Chief Jim Price, Public Works Director Michelle Owen and Technical Services Supervisor Gary Van Patten.

#4) Consent Agenda The Council then reviewed the Consent Agenda, which included the minutes of the Executive Session of January 20, 2007; the minutes of the regular meeting and Executive Session of January 23, 2007; the minutes of the special meeting and Executive Session of January 25, 2007; the minutes of the work session of February 3, 2007; a BIG DEAL Grant request for the Fox Building; and Resolution No. 3568 accepting a grant from Air Life for the Fire Department.

Ms. Duman asked if Christopher Christie's written statement from the January 23 meeting would be included in the official record. Ms. Watkins explained that the minutes of each meeting included a summary of the comments made by the public, Council and staff. Written statements that were received from the public were also summarized in the minutes. However, a copy of the written statement is kept with the meeting notes for as long as is legally required.

Upon the MOTION by Mr. Schumacher, seconded by Ms. Calder, with all in favor, the Consent Agenda was APPROVED.

#5) Citizens' Participation Mayor Petry then called for citizens' participation.

Carol Tone, 2545 Fourth Street, Baker City approached

the Council. Ms. Tone indicated that she is the manager of Elkhorn Village, a senior housing complex located along the Leo Adler Memorial Parkway. She indicated that she witnessed many people walking their dogs on the Parkway, most without using a leash. Owners also do not clean up after their pets. She said that more needs to be done to correct this problem.

Frances Mohr, 1555 14th Street, Baker City, also approached the Council about the dogs in Geiser-Pollman Park. Mayor Petry asked Mr. Mohr to hold his comments until this item was up for discussion.

Kim Lethlean, 2990 Tenth Street, Baker City, spoke about several issues. He complimented the police and fire department staff for their excellent work. Mr. Lethlean then brought up an issue regarding a hydroelectric plant that was slated for construction in the early 1980s. This project was not completed. Mr. Lethlean suggested that the money from the bond for this project was misspent and asked the Council to investigate. Mr. Lethlean also questioned the pay scale for the Public Works supervisors. Next, he stated that more wastewater is being stored at the lagoon than capacity allows. Finally, he said that the roof at the Public Works warehouse does not meet code. Council directed staff to follow up with these concerns and bring a report back for the next meeting.

Steve Culley, 2249 Virginia Avenue, Baker City, asked if any progress had been made on the illegal immigration issue that he mentioned at the January 23 meeting. Mayor Petry indicated that Mr. Fine had prepared a report, which was included in the Council packet. He had concluded that this is a national concern and not one that could be addressed at a local level. Mr. Culley distributed copies of an article from *The Oregonian* about a community in Arizona considering new immigration laws.

Don Copley, Auburn Road, Baker City, stated that he owns property at 3110 Tenth. He is currently in the process of trying to divide the property to sell. In order to do so, a new wastewater line will have to be run to the new parcel. He asked the Council to consider waiving a portion of these fees, as one side of the property is adjacent to the high school football stadium. It is unlikely that this area will ever be developed to provide Mr. Copley with the reimbursement of the utility costs. Additionally, the stadium is already served by

another wastewater line. After a brief discussion, the Council asked staff to prepare a report on this issue and bring it to the Council for a decision at the next meeting.

Christopher Christie, 1985 15th Street, Baker City, then approached the Council with a number of items. He thanked the Council for making the video tape of the meetings available at the Library. Mr. Christie added that he is supportive of allowing dogs in the park. He questioned why written statements provided to the Council were not included as part of the electronic record as placed on the web site. Finally, in response to the Councilors' comments about growth at the February 3 work session, Mr. Christie read a statement sharing his concerns and suggestions about growth in the community. He suggested that the Council and the community think about the effects of growth, as not all growth is good. Additionally, he suggested that the Council consider implementing System Development Charges and other fees that will ensure that development pays its own way after a thorough analysis of the existing infrastructure capacity is completed. Finally, he commented that there needs to be steps taken to ensure that the quality of life is not harmed with growth.

Ms. Calder asked staff how letters from the public are included in the record. Ms. Watkins explained that if a letter to the Council is received at City Hall in the mail, copies of that letter are distributed in the packet. Summaries of those letters are included in the minutes of the meeting if they are relevant to a specific agenda item. Should written statements be received at the Council meeting, summaries of these statements are also included in the minutes. However, as the Council has already been given a copy, new copies are not made and distributed in the following Council packet. Mr. Schumacher suggested that Mr. Christie prepare his written statements in time for inclusion in the Council packets. Mr. Christie indicated that he often responds to items that are on the agenda.

**#6) Presentation of
ACEC Award**

Andy Perry of Anderson-Perry and Associates, explained that the ACEC of Oregon recently recognized the City of Baker City with an "Engineering Excellence" award for their water improvement project. Baker City's Aquifer Storage and Recovery project was selected for its impact on the environment and financial efficiency. Mr. Perry then presented the City with a plaque and a framed picture. Mayor

Petry congratulated staff for the success of the project.

**#7) 'G' Street
Wastewater Project
a. Public Hearing for
Local Improvement
District
b. Resolution No.
3566 Authorizing
Construction of 'G'
Street
c. Authorization to
Award Bid for
Materials**

The next item of business was the 'G' Street Wastewater Project.

At its regular meeting of January 9, 2007, the Council approved the Engineer's Report for the formation of a Local Improvement District to construct a wastewater mainline on 'G' Street, west of 17th Street. It also called for a public hearing to be held at this meeting.

The public hearing was opened at 7:50 p.m. With no comments from the public, the hearing was closed at 7:50 p.m.

Next, the Council reviewed Resolution No. 3566 authorizing the construction of the G Street Wastewater Line Improvements.

Upon the MOTION by Mr. Schumacher, seconded by Mr. Bryan, with all in favor, Resolution No. 3566 was APPROVED.

Finally, the Council discussed a request to award a bid for materials for the 'G' Street Wastewater Line Improvements. Bids were solicited from suppliers and opened on February 6, 2007. The low bidders for the two bid schedules were United Pipe & Supply at \$10,906.39 and Municipal Pipeline Supply Co. At \$7,922.00.

Upon the MOTION by Mr. Schumacher, seconded by Ms. Calder, with all in favor, the bids for materials were AWARDED to the two low bidders.

**#8) Discussion and
Possible First and
Second Readings of
Ordinance No. 3271
Allowing Dogs in
Geiser-Pollman Park**

The next agenda item was the discussion and possible first and second readings of Ordinance No. 3271 allowing dogs in Geiser-Pollman Park.

At its last meeting, the Council asked staff to prepare a draft ordinance that would repeal the ban on dogs in Geiser-Pollman Park. This has been done. However, it would remain unlawful, under other provisions of Ordinance 3252, to allow a dog to destroy property or bark excessively in the park, to be in the park while not "physically restrained," or to allow one's dog to defecate in the park unless the waste is properly disposed.

At this time, Mayor Petry asked for comments from the public on this issue.

Carol Tone, 2545 Fourth Street, Baker City, stated that she feels that there should be areas for dogs, but that there also needs to be enforcement of the laws. She does not want to see dogs allowed in the cemetery. She indicated that she is on a cemetery committee as well. Mr. Bryan asked if this is a citizen committee or a City-appointed committee. Ms. Tone indicated that this is a citizen committee.

Frances Mohr, 1555 14th Street, Baker City, stated that the owners should be responsible for the behavior of their dogs. He provided the Council with written comments and suggested wording for the ordinance as follows:

“The owner of a canine is responsible for their animal whenever it leaves the premises; i.e. the owner has control of the animal either by leash or some containment, and the owner is responsible for properly disposing of solid wastes left by the animal.”

In response to a question from Mr. Bryan, Chief Lohner said that enforcement could be expanded should the Council decide to add another code enforcement officer to the staff. Currently, there is only one person who deals with code enforcement. This officer is also the evidence technician and oversees the property room, which takes time away from the code enforcement duties. He added that all officers address animal issues as necessary.

Doug Smurthwaite, 3495 Eighth Drive, Baker City, indicated that he supported the ban on dogs in the park. As a band manager and musician, he spends a lot of time in the park setting up for and playing music. He described occasions where he has had problems with dogs while in the park. He said that he feels that the dogs need a different place to run around rather than the City's main park.

Ms. Duman asked for input from the youth in the audience.

Vicki Maddox, 2525 Fourth Street, Baker City, shared a letter with the Council that indicated her support for dogs in the park. Ms. Maddox works with the 4-H program and the Guide Dogs for the Blind program. In the past, these

programs have used the park for training purposes. Both programs are instrumental in teaching dog owners to be responsible for their pets. She added that she feels a leash is absolutely necessary, though the length could be up to 25 feet long. Ms. Maddox encouraged the Council to reconsider the ban.

Sara Seymour of Haines and Cori Rayborn, Deer Park Loop, Baker City, spoke to the Council next. They are members of the 4-H Program in Baker County and feel that dogs should be allowed in the park.

Mr. Schumacher stated that he understands that any decision will not make everyone happy. He continued that the citizens of the community need to help out the law enforcement when it comes to these issues. He hopes that with training and education, people will be responsible pet owners.

Suzanne Foudy, 2518 Valley Avenue, Baker City, said that she is in favor of overturning the dog ban. She suggested that the City install signs that are very clear and pet stations at each entrance to the park. Ms. Foudy agreed that with Mr. Schumacher, stating that there is an opportunity to educate people about being responsible citizens.

Crystal Bulthuis, 2525 College Street, Baker City, agreed with Ms. Foudy and asked that pet stations be installed.

Chelsea Bulthuis, 2525 College Street, Baker City, suggested that an area within the park be designated for pets.

Carol Tone addressed the Council again, asking what would be done when food vendors are in the park. She also mentioned that pet owners need to be responsible and clean up after their pet everywhere, not just in the park.

Ms. Calder pointed out that the current ordinance does have very good language in it that prohibits dogs from running at large and mandates cleaning up after a pet. She agreed that the City needs to encourage responsible behavior and feels that this would be aided by clear signage and pet stations. She feels that these stations could be sponsored by local groups and businesses.

Mr. Bryan agreed, adding that the Council may wish to consider a parks and cemetery advisory committee.

Upon unanimous consent from the Council, Ms. Watkins then read Ordinance No. 3271 for the first time in full.

Upon the MOTION by Mr. Schumacher, seconded by Ms. Calder, with all in favor, the first reading of Ordinance No. 3271 was APPROVED.

Upon unanimous consent from the Council, Ms. Watkins then read Ordinance No. 3271 for the second time by title only.

Upon the MOTION by Mr. Schumacher, seconded by Ms. Calder, with all in favor, the second reading of Ordinance No. 3271 was APPROVED.

The third reading will be conducted at the February 27 meeting.

Ms. Foudy approached the Council and suggested that the new signs and pet stations be implemented at the same time as the ordinance takes effect. Mr. Schumacher asked anyone who is interested in being involved with the pet stations to contact staff.

**#9) Public Works
Capital Plans
a. Five-Year Water
Capital Plan
b. Wastewater
Capital Plan
c. 2007 Pavement
Management Plan**

Next, the Council reviewed the Public Works Capital Plans, starting with the water and wastewater plans.

Each year, the Technical Services Department refines the capital plans for water and wastewater. The Capital Plan presented is a road map for future improvements to the City's water and wastewater systems. The projects within the Capital Plan include elements from the previously adopted Water Facility Plan and Wastewater Facility Plan.

This year's Capital Plan for water and wastewater has been presented to the Public Works Advisory Committee (PWAC) and recommended for adoption.

The water Capital Plan focuses on the Mountain Water Line replacement, including the beginning of construction of the replacement pipeline. Other water improvements include some funding for the permanent license for the Aquifer Storage and Recovery (ASR) project. Dollars are also

allocated to replacing hydrants and updating water meters in the commercial district with automated meter reading technology. The 2007-2008 water capital improvement estimated costs are \$561,163.35. The 2008-2012 capital projects primarily focus on continuing the Mountain Line replacement project and updating water meters.

The 2007-2008 wastewater capital plan includes the continuation of the lagoon improvement project with this year's estimated costs at \$703,565.10. The multi-year project will have one more year of construction into the summer of 2008. This year's focus is on the new electrical building, Parshall Flume, septic receiving facility and pump replacement.

In response to questions from Mayor Petry, Ms. Owen stated that the crews working on the Mountain Line project will be dedicated every summer until it's completed. She indicated that City crews will do as much work as possible, though some of the jobs will require contracts. Because a limited number of people can be working on the Mountain Line project at one time, there will still be other employees available to complete some work in town with the meter updates.

Mr. Schumacher asked Mr. Van Patten if Mr. Lethlean's comment regarding the wastewater lagoon were valid concerns. Mr. Van Patten stated that he doesn't recall anything in the facilities plan that would address such concerns. Ms. Owen added that the Public Works Department is in regular contact with the Department of Environmental Quality (DEQ) and is adhering to the rules and regulations that are required.

Upon the MOTION by Mr. Bryan, seconded by Ms. Duman, with all in favor, the Five-Year Water Capital Plan and the 2007-2008 Wastewater Capital Plan were ADOPTED.

The Council then reviewed the Pavement Management Plan for 2007.

The development of this report begins each fall with the condition rating of all paved streets in the city. That information is then consolidated into the graphs in the report. The graphs help show the overall condition of the streets as well as provide a historical base to measure trends in the

overall condition.

The report also outlines the proposed preventative maintenance projects for the upcoming construction season. The 2007-2008 Street Preventative Maintenance budget, with Council approval, will be built around the proposed maintenance projects.

The Public Works Advisory Committee (PWAC) discussed and revised this report before recommending its approval to the Council.

Mayor Petry asked why Ninth Street is being overlaid by the high school. Mr. Van Patten said that this street is highly traveled during high school activities. Additionally, there are indications of some growth and increased traffic in this area.

In response to questions from the Council, Mr. Van Patten explained that the City's street maintenance budget is limited. There is not enough money to keep all of the streets properly maintained. The streets are getting older and have a finite life span. Fog sealing and chip sealing are two ways to extend the life of a street. Overlaying is the next step. At some point, a street must be ground down and repaved.

Upon the MOTION by Ms. Duman, seconded by Mr. Bryan, with all in favor, the 2007 Pavement Management Plan was APPROVED.

#10) Discussion of Fees for 2007-2008

The Council then discussed fees for the 2007-2008 budget.

Last year, the City implemented a process where all City fees are set in one resolution. The intention was to create an annual mechanism for review and approval by City Council prior to presentation of the annual budget.

Several changes are being requested by staff for consideration. These include fees for planning, weed abatement, building inspection, perpetual care, ambulance and utilities. A resolution will be prepared based on the recommendations from Council for presentation at the February 27 meeting.

The Council reviewed the suggested fees. Mr. Bryan

suggested the following changes in addition to those proposed by staff:

- Sidewalk Permits: \$50.00 (one-time only);
- No subsequent annual sidewalk permit;
- Liquor license review fee: \$10.00 (initial application only);
- Fortuneteller: No Charge
- Theaters: No Charge
- Bazaars: No Charge
- Development Review: \$50.00
- Appeal to Council: No Charge

Ms. Duman asked if Historic Baker City is interested in the sidewalk permit fees. Ms. Watkins said that she has spoken with Ann Mehaffy about this. Ms. Mehaffy will be asking her board at their upcoming retreat.

Mayor Petry said that the Council needs to decide whether or not planning fees should cover the actual cost of the service, or if the City should subsidize these tasks. Ms. Calder said that the Council discussed this at the work session and there was a general consensus that development should pay its own way.

Ms. Duman made a MOTION to accept the fees as presented with Mr. Bryan's suggested modifications. The motion was seconded by Ms. Calder

Mr. Schumacher said that he feels some of the planning fees are exorbitant. Ms. Harryman reminded the Council that whatever is approved at this meeting must be brought back in the form of a resolution for adoption at the next meeting.

After a brief discussion of this issue, Ms. Duman withdrew her motion and Ms. Calder concurred. The Council asked staff to draft a resolution with the proposed changes for further review at the next meeting.

#11) Request for Authorization to Submit Grant to SHPO

The next item of business was a request to submit a grant to the State Historic Preservation Office for the Council Chambers remodel project.

In 2006, the City of Baker City became a designated Certified Local Government through the State Historic

Preservation Office (SHPO). As a result of this designation, the City is eligible to apply for funding every year to assist with historic preservation projects.

This year, the City is working on an important project within City Hall: the Council Chambers renovation. This project will restore the Chamber to its former glory while allowing the City to expand the use of this room significantly. Though currently in the early stages of the design process, staff feels that the overall cost of the project will be more than the amount budgeted in the 2006-2007 City budget (a total of \$75,000). The Certified Local Government Grant program may be a good source of funding that will help to leverage the City's funds and have a better end product.

Upon the MOTION by Ms. Duman, seconded by Ms. Calder, with all in favor, the request for authorization to apply for a grant from SHPO was APPROVED.

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

Under City Manager and Department Comments, Ms. Owen indicated that the Airport Commission met and prioritized projects for the upcoming budget process. Additionally, a notice has been published for the annual spring maintenance at the cemetery. She asked that questions about the cemetery be directed to her office.

Chief Lohner reported that the Rotary Club has donated \$500 to the Drug Canine program.

**#13) Council
Comments**

Under Council Comments, Mr. Bryan asked for staff's input on an advisory committee for parks and recreation and possibly the cemetery. He also asked who sits on the Building Appeals Board. Mr. Fine replied that there are three members on the Appeals Board: Richard Smith, Tom Hanley and Mark Johnson. Building Official Chris Ruddell serves as staff.

Mr. Schumacher thanked Steve Brocato for coming on board as City Manager and welcomed him to the City.

#14) Adjourn

With no further business to discuss, the meeting was
ADJOURNED at 9:26 p.m.

SIGNED: _____
Mayor

ATTEST: _____
City Recorder