



right-of-way and is not needed as a route for any utilities. Applicant Poole Bros. Enterprises, Inc., proposed to use the portion of the land which will revert to it for a cardlock commercial fueling facility. All criteria set out by Ordinance for the vacation are satisfied.

An alley vacation is a discretionary act by the Council. Heretofore, the City has been reluctant to vacate an alley in any situation where that alley might, in the future, be of use to the public for access or as a means of serving land with utilities of any kind. In assessing such a matter, consideration should be given to circumstances many decades into the future, when the land in question may be redeveloped and put to a totally different use.

Prior Councils have granted vacations where the public right-of-way is not now in use and is not anticipated to be put to public use in the foreseeable future. Should Council maintain this policy, then it is appropriate to grant this alley vacation. It is open to the City Council at this time to adopt a different view concerning alley vacations, however.

Baker City may look radically different in fifty or a hundred years' time. Council may now take the view that the public interest is served by affording its successors the greatest possible flexibility when they come to plan for the needs of future generations, and that keeping the alley in the public domain best fulfills this end. Should Council take this view, it may be relevant that, as noted in the Staff Report, the Applicant has not alleged that this vacation is in any sense essential in order to develop the cardlock fueling facility on its property. The Applicant has also not asserted that the facility cannot be sited elsewhere than over the top of this alley.

Ralph Poole, 2328 Andrew Avenue, Ontario, Oregon, approached the Council. He indicated that he and his brother own the property as described. He apologized for not being at the last meeting and indicated that they were in attendance at the Planning Commission meeting where the issue was addressed.

Mr. Poole said that they own about 4/5 of the block, with Robert Ellingson owning the remainder. According to Mr. Poole, Mr. Ellingson has indicated that he does not have a problem with the alley vacation. Mr. Poole distributed two maps to the Council showing the property and where the

facility would be located. He stated that the power was brought in from across the railroad tracks to the corner of the alley and D Street. This means that overhead power lines don't have to be run to the fueling island and pumps. Additionally, if the alley vacation is granted, they would not have to put in a new oil/water separator.

Ms. Calder said that it was indicated in the staff report that the vacation was preferred but not necessary. From the map, it appears that the fueling island would be right on top of the public right-of-way. Mr. Poole indicated that the fueling station could be shifted to the west. However, this would substantially increase the cost by increasing the distance from existing electricity and possibly requiring the installation of a new oil/water separator. Ken Poole explained that there are certain slope requirements in order to get the proper drainage for the oil/water separator. Should the fueling station shift further west, it would be more difficult to utilize the existing separator because the slope would lessen.

Upon request by the Council, Mr. Fine then read Ordinance No. 3272 for the first time by title only.

Upon the MOTION by Mr. Bass, seconded by Mr. Schumacher, with Bass, Schumacher, Bryan, Petry and Dorrah in favor and Calder and Duman opposed, the first reading of Ordinance No. 3272 was APPROVED.

Upon unanimous consent by the Council, Mr. Fine then read Ordinance No. 3272 for the second time by title only.

Upon the MOTION by Mr. Bass, seconded by Mr. Schumacher, with Bass, Schumacher, Bryan, Petry and Dorrah in favor and Calder and Duman opposed, the second reading of Ordinance No. 3272 was APPROVED.

Ms. Calder explained that she was not at all opposed to the expansion of the fueling station. She was instead in favor of looking at how to mitigate the costs of development without giving away public property.

**#7) Request for Assistance from Mollie Atwater and Friends**

Next, the Council heard a request from Mollie Atwater and Friends concerning feral cats.

Suzanne Fouty, representing Mollie Atwater and Friends, came before Council on February 27, 2007, to

provide information regarding the Trap/Neuter/Return (TNR) Program she would like to implement in Baker City. Along with the information, Ms. Fouty requested financial assistance from the City of Baker City for \$5,000.00 in matching funds.

Last spring, staff received two complaints about feral cats in Baker City. One citizen had numerous cats residing on his property, being fed by an unknown citizen. Another citizen had cats coming onto his property, using his flower boxes as litter boxes. Staff met with these citizens to discuss options. One citizen proposed ordinances to govern cats and their owners.

Chief Lohner and Officer Regan began conducting research on this issue. They were unable to find any city in Oregon with an ordinance governing cats and their owners. However, while searching, staff discovered the Feral Cat Coalition of Oregon. Through this organization, staff learned that the most humane and effective management of feral cats is through Trap/Neuter/Return programs.

Because the Mollie Atwater and Friends organization is already affiliated with spay and neuter programs, Suzanne Fouty was contacted. The intention was to see if their organization would take the lead on this program, making it a community project. Ms. Fouty agreed and has sought funds to support the TNR Program locally. At this time, funding goals have fallen short. Ms. Fouty is requesting \$5,000 from the City as a challenge grant. This grant would require a match from the community before it is accepted.

Two City funding options exist. There is currently \$50,000 in a Grant Match Fund and \$55,000 in a City Project Fund. Either could be utilized for this project.

Chief Lohner explained that some people feel that euthanizing the animals would be a better solution. What he has learned through his research, however, indicates that this isn't so. Each "colony" has a certain number of cats. When a cat is euthanized, another cat takes its place and the colony size doesn't decrease. However, when a cat is spayed or neutered, it returns to the colony. Because the cats do not continue to reproduce, the number of cats eventually decreases.

Councilor Bass asked if any data had been found

showing the effect of these programs on the rat and mice numbers in a community. His concern is that those numbers will increase if the number of cats decreases. Chief Lohner indicated that his research did not show this data.

Suzanne Fouty of Mollie Atwater and Friends then approached the Council. She read a letter from Ric Rienks in support of the program. Mr. Rienks also indicated in his letter that he would make a cash donation to the program to match the City's grant if awarded.

Ms. Fouty then addressed Councilor Bass's concern. She indicated that the community will not be without cats. However, should a rat or mouse problem arise, it can be dealt with at that time. Mr. Bass stated that he is not against the TNR Program. He would like to see some information on the effect of such a program on the rat and mice population. Chief Lohner indicated that there are seven known colonies of cats in the community. If there were enough rats and mice to eat, the cats would not have to rely on people feeding them.

Mr. Schumacher asked how the feral cats would be distinguished from a wandering domestic cat. Ms. Fouty said that the group would ask people to contact Officer Regan to let her know where a feeding station is located. Before volunteers go to that site to begin trapping, the neighborhood will be notified. This will minimize the mistakes made, though there might still be some.

Mr. Petry asked how many feral cats were in the community, in Ms. Fouty's estimation. Ms. Fouty indicated that there are seven known colonies with about 120 cats. It is unknown how many more exist at this time.

Debby Bakalian, 1507 Third Street, Baker City, spoke about a family of cats that showed up at her home. She has had several of them fixed. She is supportive of the TNR Program.

Debi Bainter, 1765 Valley Avenue, Baker City, said that she lives across the street from one of the feeding stations. Ms. Bainter indicated that there is a very big feral cat problem on Valley and requested that the City support the TNR Program. Ms. Bainter offered a \$50 donation to match the grant and encouraged the rest of the community to do so as well. She also indicated that she would assist the Mollie

Atwater and Friends organization in gathering additional funds.

Elizabeth Bordeaux, Director of the Oregon Greyhound Rescue Society, approached the Council. Ms. Bordeaux pledged \$1,000.00 to the TNR Program on behalf of the Society.

Darby Dunkak, 1240 Dewey Avenue, Baker City, stated that the Mollie Atwater organization does not have a listing on the Internal Revenue Service non-profit web site. Additionally, he mentioned that the feral cat studies have been done in the urban areas. He is concerned as to how this program will work in a rural community like Baker City.

Ms. Fouty explained that the Mollie Atwater organization is under the non-profit umbrella of Blue Mountain Humane Association. The two organizations have a formal agreement in place.

Dick Haines, Baker City, approached the Council as President of Best Friends, Inc. Best Friends is a non-profit active in the community that helps find homes for animals. Mr. Haines indicated that this organization will help Mollie Atwater and Friends with the TNR program.

Vicki Maddox, cofounder of Mollie Atwater and Friends, stated that the problem will continue whether or not the City commits funding. In response to a question from Mr. Petry, Ms. Maddox indicated that she was not sure if this would be a one-time request. The funds, if provided by the City, would last approximately one year. At this time, the group is only concentrating on the city, not the outlying areas.

Ms. Fouty acknowledged that the group may be back before the Council in another year. However, they are hoping that the seed money from the City will allow them to get a program established enough to gather other funds. The group will be tracking the program very closely and will give the Council regular reports.

Woody Hauter, 945 Resort Street, Baker City, commented that some programs clip the ears of the cats they've fixed for identification purposes. He added that because this is a problem for law enforcement, the Council may be justified in committing funding.

Ms. Calder commended Mollie Atwater and Friends and Ms. Fouty for their work on this program. She thanked the group for coming forward with a solution to a citywide problem.

Mr. Bryan asked where funding could come from in the City's budget. Ms. Watkins said that the City Project Fund would be a logical choice.

Mr. Dorrah said that he has talked to a lot of people about this problem, many with varying views. He also commended the group on their work. However, with all of the opposing views in the community, he is not comfortable committing City funds to the program.

Mr. Bryan made a MOTION to allocate \$5,000.00 to the Mollie Atwater and Friends as a matching grant. The motion was seconded by Ms. Calder. With all in favor except Dorrah, who was opposed, the motion CARRIED.

Ms. Fouty said that she understood the concerns raised by Council. Mr. Petry asked staff to put together an agreement with the organization.

**#8) Discussion of  
Fee Resolution No.  
3567 for 2007-2008  
Budget Process**

The next item of business was a continued discussion of Resolution No. 3567 setting fees for the 2007-2008 budget process.

The City charges fees for several services. Staff have evaluated whether the fees are appropriate and prepared several options for modifying the fees.

Upon request by the Council, Ms. Watkins read Resolution No. 3567 by title only. Ms. Harryman explained that there was a slight change in the resolution from the last time it was presented in that staff is proposing phasing in the Conditional Use Permit fee over a four-year period. The first phase has been included in the latest draft of the resolution.

Bill Harvey, 3470 Tenth Street, Baker City, approached the Council and distributed information from the 2003 Planning Fee Survey done by the League of Oregon Cities. First, he quoted a statement from the survey that indicated most cities do not recover the entire costs of their Planning Departments through the collection of fees. He also

compared the proposed fees with those of other communities of up to 12,000 people in population. Some fees were lower, some were higher. Mr. Harvey mentioned that the proposed subdivision costs were substantially higher than the average of communities up to 12,000 in population. He suggested having different levels depending on the number of lots. Mr. Petry said that the workload was substantially the same no matter how many lots were in the subdivision. Mr. Harvey indicated that the City will receive more taxes from new subdivisions. Mr. Bryan asked who would be paying taxes, to which Mr. Harvey said that the owners of the property would ultimately be paying. However, he added that in this community lots did not sell as quickly as in fast-growing cities. Many times, developers aren't able to recoup all of their costs. He asked the Council to keep the increases to a minimum. Lower fees encourage development, which in turn, increases the tax base.

Mr. Harvey disagreed with a statement in the staff report that indicates increased fees don't inhibit development. He feels that higher fees definitely have an effect on the ability to develop property. Mr. Harvey also encouraged Council to welcome public input.

Ms. Calder said that the costs proposed are the actual costs of doing the work. She asked Mr. Harvey if he felt that taxpayers should subsidize the cost of development. Mr. Harvey said that he believed taxes should help pay for these costs.

Mr. Schumacher asked about the water construction fees. Mr. Van Patten indicated that the proposed charge of \$100.00 plus \$0.25/lineal foot more accurately portrays the cost of the work. The fees had not been increased since 1997. In response to a question from Mr. Schumacher, Ms. Harryman said that the proposed water fees were the same as had been in the packet for the past three meetings.

Mr. Schumacher then asked about the water meter drop fees. Ms. Owen explained that for new services, the Public Works Department is switching to a new meter that can be read remotely. This will only affect new customers and is a one-time fee.

In response to a question from Mr. Schumacher, Mr. Van Patten indicated that the construction plan review fee was

calculated to cover the actual cost of the service.

Mr. Brocato stated that he appreciated the research done by Mr. Harvey. He stated that it is staff's position to look at the financial health of the city, which is what has been done.

Mr. Bryan agreed with Mr. Brocato. He does not agree that keeping fees low is an economic stimulus to the community.

Mr. Bryan made a MOTION to approve Resolution No. 3567 as presented. Ms. Calder asked if the resolution could be changed to its original form with the Conditional Use Permit fee being raised to \$830.00. Mr. Bryan AMENDED his motion to reflect this change. Ms. Calder seconded the motion.

In a discussion prior to the vote, Mr. Dorrah said that he has spent a lot of time reviewing the proposal. He added up the time spent as shown by staff in their calculations. According to the hours listed, there are many months left in the year that aren't being spent on planning.

Mr. Dorrah then asked about the ambulance fees and the addition of the supplies. He asked if these costs were folded into the rate increase several years prior. Chief Price said that the supply charges were taken out for the first time last year. However, a lower rate was also adopted last year. In order to offset the increases, staff is proposing to add the supply charges back in, which will keep the transport rates lower.

Mr. Dorrah then asked what the pay-off would be for the remote water meters. Ms. Owen said that the time spent on reading meters by a utility worker can immediately be redirected to another project. This will eliminate the need to add another person. She added that there is a 20-year life cycle on the batteries for these meters.

Mr. Dorrah then recommended several changes to the planning fees based on averages from the three cities with populations below Baker City's and the three cities with populations above Baker City's. He then added a 5% increase for each year since 2003. The fees he came up with were substantially lower than those proposed by staff. He

indicated that he was very uncomfortable with the massive increases being proposed and urged the other Councilors to wait on approving the resolution.

Mr. Schumacher said that he would not support the fees as proposed. He does not feel that the City needs to recover all of the costs through fees. Mr. Schumacher added that the community is starting to see growth; he does not want to stop this momentum.

Mr. Bass added that he is not in favor of the fee increases as presented either. He supported Mr. Dorrah's proposal.

Mr. Brocato indicated that the Council has challenged staff to be fiscally accountable and responsible. If the fees are not going to be raised to cover the costs, he would like for the Council to delineate how the expenses will be covered in the General Fund.

Ms. Calder commented that staff has done a tremendous amount of work on this proposal. The brunt of the increase will be borne by a new population. To ask that the increase in cost be borne by the existing population is not fair, she added.

Mr. Schumacher said that new taxes paid by development will cover the increased costs. Mr. Bryan said that the Council should trust the work of the City Manager and staff.

Mr. Harvey said that he respects Ms. Calder's position that the residents shouldn't pay for new development. However, if a new planner is hired, the costs associated with this position will not be covered by this fee increase. The community will be responsible for the remainder of the costs. Mr. Harvey said that 15-20% increases are reasonable. Ms. Calder asked if Mr. Harvey felt that covering the actual cost of the services would be reasonable, to which he replied no. Mr. Harvey said that Baker County is looking at increases as well, but not as substantial.

Mr. Brocato clarified that there is no correlation between the increase in fees and the hiring of a Planning Director.

The Council then voted on the motion on the floor to approve Resolution No. 3567 with the Conditional Use Permit cost revised to \$830.00. With Duman, Bryan and Calder in favor, and Schumacher, Petry, Bass and Dorrah opposed, the motion FAILED.

Mr. Bryan then made a MOTION to pass Resolution No. 3567 without the planning fees included. The motion was seconded by Ms. Calder. Mr. Schumacher asked if the Council would be willing to consider revising the construction plan review fees under the Technical Services Department to \$75 this year and \$100 next year. Mr. Bryan said he would like to see it remain at \$100 as proposed.

With Duman, Calder, Petry and Bryan in favor and Schumacher, Bass and Dorrah opposed, the motion CARRIED.

The Council then discussed the planning fees. Mr. Schumacher made a MOTION to amend the fees as follows:

- Conditional Use Permit: \$360.00
- Variance: \$360.00
- Street or Alley Vacation: \$360.00
- Dev. Code Text Change: \$360.00
- Comp. Plan Amendment: \$600.00
- Land Partition or Replat: \$120.00
- Lot Line Adjustment: \$115.00
- Development Review: \$ 35.00
- Subdivisions: 4 or more: \$1000.00
- Site Plan Review, Type II: \$360.00
- Site Plan Review, Type III: \$360.00
- Fence Permit: \$ 10.00 (same)
- Temporary Use: \$ 35.00
- Home Occupation Permit: \$ 35.00
- Large Animal Permit: \$ 35.00
- Appeal to Council: No Charge (same)
- Written Interpretation: \$115.00
- Land Use Compatibility: \$ 35.00
- Hist. Dist. Design Review: \$ 45.00

Mr. Bryan said that it's important to understand that many of these fees are only collected a few times per year.

Mr. Bryan seconded the motion by Mr. Schumacher.

Ms. Calder asked where the additional funds will come from to make up for the costs. Mr. Petry said that the General Fund will have to cover the difference. Ms. Calder added that many people in the community expect development to pay its own way.

Mr. Brocato said that the fees will be reviewed annually as part of the budget process. If the fees are raised regularly, the Council should not be faced with these types of increases. Ms. Harryman said that the Council has indicated an interest in hiring a new planner and a new Community Services Officer, both of which would be paid out of the General Fund. An increase in fees will help to offset the costs of these positions. Mr. Fine stated that he respects the position of the Council on the fees. He continued that it is staff's job to make sure that the Council realizes the consequences of raising or not raising the fees. Currently, the City's budget is healthy. In order to keep it sound, the Council should be mindful of how much the General Fund is tapped to cover additional expenses.

With Petry, Bryan, Dorrah, Schumacher and Bass in favor and Duman and Calder opposed, the planning fee section of Resolution No. 3567 was APPROVED as amended.

**RESOLUTION NO. 3567  
A RESOLUTION SETTING FEES FOR CITY SERVICES,  
PERMITS OR APPLICATIONS**

**#9) Discussion of  
Committee  
Formation -- Leo  
Adler Memorial  
Parkway/Central Park  
Advisory Committee**

Next, the Council discussed the formation of a Citizen Advisory Committee for the Leo Adler Memorial Parkway/Central Park project.

Over the past three years, the City has been working on an improvement project located in and around the downtown core that consists of an extension of the Leo Adler Memorial Parkway between Washington and Madison, as well as the development of a public space next to the river and connecting to the downtown. The first piece of this project is now underway. Design and engineering has begun, with surveying starting earlier this week. Conceptual plans will be drawn over the next several weeks utilizing survey data and public input.

One item that should be addressed is whether or not

the City would like to have a volunteer advisory committee to help with the project. The overall purpose of this team would be very specific: to advise the City Council on the final design and layout of the project.

There are a number of benefits that could be realized by forming such a committee. For instance, it provides immediate feedback from the public on all of the relevant issues. The committee could also assist staff greatly with gathering public input, researching options, answering questions and formulating recommendations. Though staff time would be needed to serve the committee, it is hoped that the outcome would be much more successful and efficient because of the help provided from the volunteers.

The Council could appoint people to reflect a wide variety of sectors of our population. Staff would recommend that the Council consider representatives from the Historic Baker City Board of Directors as well as Baker High School's student population. However, staff does feel that property owners affected by this project should not be considered, as they may have a real or perceived conflict of interest. Because of this, a member of the Leo Adler Memorial Parkway, Inc. – the non-profit partner in this project – could be appointed as a non-voting ex-officio member should the Council wish to have this representation.

Dorrah then made a MOTION to advertise for a seven-person advisory committee, asking for membership from the high school and other organizations such as Historic Baker City and Leo Adler Memorial Parkway, Inc. The motion was seconded by Mr. Bryan and, with all in favor, the motion CARRIED.

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

Under City Manager and Department Comments, Mr. Brocato thanked the Council for addressing the fee structure. He also mentioned that staff is working on a parade for the Baker Bulldog's Boys Basketball State Champions. The parade is currently scheduled for March 23.

Ms. Watkins asked the Council to assist with the replacement of a Planning Commission member.

Mr. Van Patten indicated that crews had started the G Street Wastewater Line construction. In response to a question from Mr. Petry, Mr. Van Patten explained that the

street would be paved through to 17<sup>th</sup> Street, with a good share of the grindings going toward the base of the street.

Ms. Harryman explained that the water overcharge described in the Council packet was still being researched. It would be corrected as soon as possible.

Mr. Petry asked if water bills could be sent monthly with the remote water meters being installed. Ms. Owen said that it would definitely make it easier to go to a monthly billing.

**#11) Council  
Comments**

Under Council Comments, Mr. Schumacher congratulated the boys basketball team. He also asked for feedback from the community as to how the Council is doing so far.

Mr. Bass also congratulated the boys basketball team on their State Championship. Ms. Duman congratulated them as well.

Mr. Dorrah said that he was glad to see the Council approve the alley vacation, since it was recommended by the Planning Commission. He continued that the Council should utilize the boards and commissions to tackle issues more often.

Ms. Calder said that she was in Corvallis to watch the boys basketball team. She was very impressed with their sportsmanship and felt they represented the community very well.

Mr. Bryan said that there were differing views shared at this meeting on growth and development. However, he felt it was important that the group was able to reach a compromise. Secondly, Mr. Bryan congratulated the boys basketball team on their excellent season and state championship. Lastly, Mr. Bryan offered a donation to Chief Lohner for the drug canine program.

Mayor Petry stated that he, too, enjoyed the state basketball tournament and the boys' win. He would like to encourage everyone to participate in the parade. As Mayor, he will also proclaim a day as "Baker Bulldog Day." Finally, he would like the City to purchase the championship rings. He asked the Councilors and staff to contribute to this cause. Councilors Calder, Dorrah, Petry, Schumacher, Duman and

Bryan all offered to donate.

Mayor Petry made a MOTION to allocate funds to make up the difference for the championship rings from City funds. The motion was seconded by Schumacher and, with all in favor and Duman abstaining, the motion CARRIED.

**#12) Adjourn**

With no further business to discuss, the meeting was ADJOURNED at 9:25.

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

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