

CITY OF PRINEVILLE

MINUTES

July 24, 2007

The meeting of the Prineville City Council was called to order on July 24, 2007 at 6:30 PM in the Council Chambers at City Hall by Mayor Wendel. Present were Council Members Jack Seley, Gordon Gillespie, Bobbi Young, Steve Uffelman, Dean Noyes and City Manager Robb Corbett.

Present representing the press media was AnnMarie Knepper of the Central Oregonian and Rachael King of the Bulletin.

The meeting was opened with the flag salute.

CONSENT AGENDA:

- A. Minutes of July 10, 2007 regular meeting.
- B. Approval of golf cart purchase from Ez-Go.
- C. Renewal of Gaming License for the Eagles.

Council Member Young moved to approve the consent agenda. Council Member Gillespie seconded and the motion passed unanimously.

VISITORS, APPEARANCES AND REQUESTS: Steve Holliday from Prineville Disposal reported he has delivered most of the recycling carts to the Council Members for them to try out to see what they will be expecting of the citizens in the upcoming recycling program.

Steve also reported twelve trash barrels have been purchased through donations and will be placed around town. Prineville Disposal will be picking these barrels up as agreed upon with the City for a fee of \$1500 a year. He would like to revisit the fee next year, especially if they place more barrels that will need to be picked up.

Council Member Young suggested Steve communicate and coordinate with the Chamber of Commerce on this issue.

WORKSHOP - PUBLIC WORKS UPDATE: Public Works Superintendent Jerry Brummer provided an update on Public Works Projects to the Council.

Jerry reported they are looking at replacing the Street Sweeper every three years instead of five or six years as has been done in the past. They are sweeping more streets and they plan on sweeping more frequently than in the past. They are also looking at doing more street repairs in the coming year.

Jerry gave an update on the well situation. The new well at the airport was pumped at 825 GPM and they were able to fill the reservoir in four hours. They are presently getting bids on the piping of the new wells. They are looking at water sources and water rights for future growth. They will be putting out an RFP for 2,000 feet of waterline replacement.

Jerry reported they would be replacing 600 water meters. The plan is to go to automatic meter reading and this will change over 25% of the meters.

Jan Dodson informed the Council of the City's Cross Connection Program. Cross Connection or backflow devices are typically used with irrigation systems. They currently have 900 backflow devices in the City, of which 800 are residential. These devices need to be professionally tested annually to assure that they are in working order to protect the City's water quality. Notices for testing of the backflow devices are sent out and then they send out second and third notices to those that have not complied. They are looking into the possibility of putting the residential testing out to bid and have one company do the testing.

Jerry Brummer stated he would like Ray Johnson from the City of Redmond to come and give a presentation to the Council on how this has worked for the City of Redmond. If we choose to go this route, then we would need to increase the water rates to cover this testing.

Scott Smith reported he has been in contact with OTAK to hopefully acquire funds to replace the Elm Street Bridge. This bridge was tested in August 2006 and had a 49.6 deficiency rating. This is the only bridge where we have a low rating. OTAK assisted the City in securing funding for the Main Street and the Harwood Street bridges. Scott feels it is important to have the Elm Street Bridge replaced, since Elm Street is a lifeline route to the hospital and nursing home. The City would be looking at a 10% match.

ORDINANCE NO. 1144, ASSIGNING RESPONSIBILITY FOR SIDEWALKS, PUBLIC PLANTING STRIPS AND DRIVEWAY APPROACHES (Second reading, first reading 7-10-07): Council Member Young moved to read Ordinance No. 1144 by title only for the second reading. Council Member Gillespie seconded and the motion passed unanimously. City Manager Robb Corbett read Ordinance No. 1144 by title only for the second reading.

City Manager Robb Corbett reported the ordinance was changed as the Council directed at the July 10th meeting.

Council Member Seley stated he has a problem with #5 with the 20-day limit. He does not feel this gives the property owner adequate time to arrange for the sidewalk repair. It takes time to contact a contractor to do the work and they are not always available within the 20-day limit. He suggested 20 days to acknowledge the notice and 60 days to complete the repair work.

It was stated this concern was discussed at the last Council Meeting and it was explained the 20-day period was the time limit for the property owner to contact the Public Works Department and inform them they are working on the repair and when it is scheduled to be completed.

City Attorney Carl Dutli explained the change in the ordinance was made to allow time for property owners to arrange for the work, as discussed at the last meeting. If you get out there too far, then the sidewalk will become a hazard.

Scott Smith stated the intent was not to put a timeline on anyone. His experience is that within a week he has been able to have a contractor set up for the sidewalk repair.

Council Member Gillespie stated once the City notes there is a problem with the sidewalk, why should we go 60 days before the repair is done?

Scott Smith stated he is concerned about the damaged sidewalk being a potential insurance risk to the City.

Council Member Young stated the ordinance now reads that an agreement for repair needs to be made with the City in 20 days. She feels this is adequate.

City Attorney Carl Dutli stated #9 sets out an appeal process, if the property owner does not feel they have enough time.

Mayor Wendel stated he wants to leave it at 20 days, as it now reads. If it isn't reasonable and working, then we can change the ordinance at a later date.

Council Member Gillespie moved to adopt Ordinance No. 1144. Council Member Young seconded and the motion passed with Council Member Seley opposing.

ORDINANCE NO. 1145, ANNEXING CERTAIN PROPERTIES INTO THE CITY OF PRINEVILLE AND REZONING (Second reading, first reading 7-10-07): Council Member Young moved to read Ordinance No. 1145 by title only for the second reading. Council Member Gillespie seconded and the motion passed unanimously. City Manager Robb Corbett read Ordinance No. 1145 by title only.

After a brief discussion, Council Member Young moved to adopt Ordinance No. 1145. Council Member Gillespie seconded and the motion passed unanimously.

RESOLUTION NO. 1071, AMENDMENT TO FEE RESOLUTION: Council Member Young moved to read Resolution No. 1071 by title only. Council Member Noyes seconded and the motion passed unanimously. City Manager Robb Corbett read Resolution No. 1071 by title only.

Finance Officer Liz Schutte explained the last fee resolution that was approved June 26th had a clerical error. The lien search fee was omitted. The only change to Resolution No. 1071 is the addition of the lien search fee. This fee generates approximately \$20,000 in revenue.

Council Member Gillespie moved to approve Resolution No. 1071. Council Member Young seconded and the motion passed unanimously.

CONSIDERATION TO HEAR ODOT PLANNING APPEAL: Planner Josh Smith gave a staff report.

On June 5, 2007 the Planning Commission approved the Rivergate Project - a recreation/resort facility near the Fairgrounds. Subsequent to the approval, the Oregon Department of Transportation filed an appeal to City Council. This appeal is based upon ODOT's concern with traffic related conditions of approval. The entire record of the development will be provided to the Council for their review. Transcripts will be made available if the Council decides to hear the appeal. Should the Council decide to hear the appeal it must be heard at the August

14th Council Meeting to stay within the required 120-day time period.

ODOT is specifically appealing condition 10 as described in the appeal. ODOT disagrees with the applicant's Engineer about whether the volume to capacity ratio for the 3rd and Main Street intersection has been exceeded or not. The City Engineer believes that the applicant's traffic engineer has provided good data to show that the project does not exceed ODOT standards. There is a dispute over the facts and how to model the traffic at the intersection. Even though the applicant does not exceed the capacity of the intersection, they are offering improvements to the intersection electronics to improve flow and avoid impacts to two historic buildings. This includes modifying the signal heads to allow a dedicated left turn option for drivers traveling north and south instead of the long waits now suffered by motorists. This option requires analysis of the span wire to determine if the wire can support the new signals. If the existing span wire cannot hold the extra weight of the lights, then the applicant would be required to pay its proportionate share of \$9,376 to ODOT and \$30,000 to the City of Prineville to fund the upcoming TSP update to include the 3rd Street corridor study. ODOT disagrees with this mitigation as described in the attached notice of appeal. The other dispute is the timing of the improvement.

Josh reported staff has consulted with City legal counsel, Jeff Wilson, who recommends that the City Council hear the appeal on a de novo basis for the single purpose of adding the span wire data to the record. There is no other reason to broaden the scope of the appeal. By adding this data, we help protect the City from any potential LUBA appeal, should ODOT take the issue further.

Staff is actively working with ODOT to see if there are other alternatives to proceeding with the appeal. Staff is hopeful that ODOT's engineers will find that the applicant's calculations are feasible and satisfy all parties.

Staff and legal counsel recommend the City Council hear the appeal de novo on the limited scope basis. The appeal hearing has been noticed for August 14th.

City's legal counsel Jeff Wilson stated in regards to the question of a de novo hearing or limited to the record, he feels the engineer's report needs to be included in the record. He does not see any middle ground. We need to hear this appeal de novo. He recommends the Council hold this hearing at the August 14th meeting.

Mr. Wilson stated it is not a good idea to remand this to LUBA because the engineer's report is missing and it would just be sent back to the City Council.

City Attorney Carl Dutli questioned the 120-day time limit. He feels it needs to be completed before August 28th, which would be the second Council Meeting in August and normally when the written decision is accepted.

Josh stated the 120 days would be up the week after the hearing on August 14th.

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Senior Planner Scott Edelman stated he will work on the time issue and check with the applicant to see if the time could be extended.

Council Member Uffelman moved to hold the Rivergate appeal de novo on August 14th as recommended. Council Member Seley seconded and the motion passed unanimously.

COMMITTEE APPOINTMENT AND RESIGNATION: Mayor Wendel appointed Council Member Seley to the Traffic Safety Committee replacing Tim Harris.

Council Member Young submitted her resignation to be effective no later than September 30th. This could be sooner if her replacement is selected before that date. Council Member Young stated she will be moving out of the City limits in the very near future and will no longer be eligible to serve in this capacity.

Mayor Wendel thanked Council Member Young for serving in this capacity and stated that she truly will be missed.

There was no further business to come before the Council, the meeting was adjourned at 7:40 PM.

Mike K. Wendel, Mayor

Robb Corbett, City Manager
Recorder

