



**TALENT CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
TOWN HALL  
November 15, 2017 – 6:45 P.M.**

*Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website.*

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, November 15th in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

**REGULAR COUNCIL MEETING- 7:10 P.M.**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-Agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

**1. Call to Order/Roll Call**

**Members Present**

**Mayor Ayers-Flood**

**Councilor Baker**

**Councilor Berlant**

**Councilor Dolan**

**Councilor Harrison**

**Councilor Land**

**Councilor Pederson**

**Members Absent**

**Also Present**

**Leigh Byerlee, Minute Taker**

**Ryan Martin, Finance Director**

**Bret Marshall, Public Works Director**

**Zac Moody, Community Development Director**

**Curtis Whipple, Chief of Police**

**2. Pledge of Allegiance**

**Adjourn to Executive Session**

**Per the Council consensus, an executive session will be held pursuant to ORS 192.660(2)(f). The Council will conduct a closed Executive Session to discuss issues that are exempt by law from public inspection.**

Mayor Ayers-Flood stated for the record that the Council discussed documents from the City's attorney which were under attorney/client privilege. This was just a review and as a result there was no decision to be made at this time.

**3. Community Announcements**

**3.1** Councilor Dolan announced that Talent Maker City will co-host, with the Talent Chamber of Commerce, a Holiday Maker Market on Saturday, December 9, 2017. During the day, the Holiday Maker Market will include local artists, food, fun, crafts, wine tastings and more. During the evening there will be both a silent and live auction. Councilor Dolan also stated that for more information go to [www.TalentMakerCity.org](http://www.TalentMakerCity.org).

**3.2** Mayor Ayers-Flood announced that on Friday, December 1<sup>st</sup>, 2017 the Phoenix-Talent Alumni Association will hold a fundraiser to provide scholarships for graduating high school students. The Mayor's Fund is supporting this as a new fundraiser. The donation will be given with the usual criteria that the fundraiser at least double the money pledged by the Mayor's Fund.

**3.3** Mayor Ayers-Flood announced that the Mayor's Fund will also support the Wine Down and Tool Up Fundraiser to benefit Talent Maker City on December 9, 2017 from 6:00 to 9:00 P.M. at the Talent Community Center.

The Mayor went on to say that she will work with the City's Finance Director Ryan Martin to build a report for the Mayor's Fund and document beneficiaries' programs including recipients such as the Talent Historical Society, the book writing effort from Jan Wright for the John Beeson story and others.

#### **4. Public Hearings**

*Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.*

##### **4.1 Adopt Ordinance 17-939-O Establishing a Program for the Maintenance and Operation of Talent City Parks and Imposing a Surcharge for Ongoing Funding. Repealing Ordinance 16-915**

Finance Director Ryan Martin addressed the Council. This ordinance provides a surcharge increase for the City of Talent Parks Commission from \$3.00 to \$5.00, an increase of \$2.00. The needed Parks Commission increase was identified in a spreadsheet compiled by Mr. Martin which projected a small positive cash flow for 2018, a breakeven scenario for 2019 and negative cash flow by the year 2020. The State of Oregon PERS retirement program presents a great drain on annual cash flow.

Mayor Ayers-Flood spoke briefly about the history of the Parks funding and detailed that the last Parks surcharge increase was 13 years ago in 2004.

Currently, the greatest concern for the Parks Commission is capital improvements. The additional funds will be allocated as one dollar each for parks maintenance and for capital improvements. The ordinance proactively provides funds for increased maintenance costs, as well as, shade structures and other Parks improvements. This may eliminate the need to transfer monies out of the general fund and eliminate the need for an end of year special request for supplemental money.

Grammar and typographic errors were noted. A content edit was offered on section 4B (second sentence from the end) of the Ordinance by Councilor Dolan to read, "This fee schedule shall reflect reasonable and necessary costs to pay for the maintenance and operations of public parks." Hearing no objections to this suggested amendment and no citizen speakers for the public hearing Mayor Ayers-Flood entertained a motion from Councilor Baker to adopt Ordinance 17-939-O, as amended, and repealing Ordinance 16-915. Second by Councilor Harrison. Motion carried unanimously.

Mayor Ayers-Flood offered her commendations and thanks to staff for excellent preparation of this meeting packet.

##### **4.2 Adopt Resolution 17-964-R of the City of Talent Authorizing a Loan from the Safe Drinking Water Revolving Loan Fund by Entering into a Financing Contract with the Oregon Infrastructure Finance Authority**

Finance Director Ryan Martin addressed the Council. On October 6, 2017, the City of Talent was approved by the Business Oregon Board of Directors for a loan of \$3,139,000 for a two-million gallon treated water reservoir, Project Number S18005, with a one percent interest rate. The contract also provides \$1,030,000 as a forgivable loan. Mayor Ayers-Flood voiced how fortunate the City of Talent is to obtain this million-dollar forgivable loan. Mr. Martin clarified that the Business Oregon finance contract offer is valid for 60 days and must be signed and returned by Friday, December 8, 2017.

The City of Talent's crumbling water infrastructure has been a concern for years and the City now has variances in place to begin construction of a reservoir. The budget for the reservoir stands at \$3.139 million, which includes a \$300,000 contingency. Mr. Martin cautioned that there are guidelines to which the City must adhere. The contract stipulates construction must be completed within 36 months of the date of signature. City of Talent loan payments commence upon completion of the reservoir.

Councilor Baker queried, "How comfortable are we that we can build the reservoir for this price?" Public Works Director Bret Marshall relayed that through discussions with the project engineer, he is confident in the numbers, timeline and planning set forth.

Councilor Pederson referenced Section F regarding forgiveness and questioned whether the water rate increase of \$3.56 is adequate?

Mayor Ayers-Flood summarized that the affordability ratio is cited as \$38.05 per 7,500 gallons, i.e. a five-cent variance. How might this affordability ratio fluctuate? Finance Director Ryan Martin stated that if the residential water rate at the completion date is not **at or above** \$38.05/7,500 gallons, then \$500,000 debt will not be forgiven.

Hearing no citizen speakers for the public hearing, Councilor Dolan made motion to adopt **Resolution 17-964-R**. Seconded by Councilor Pederson. Motion carried unanimously.

## **5. Citizens Heard on Non-Agenda Items**

*Limited to 5 minutes or less per Mayoral discretion*

None.

## **6. Public Presentations**

*Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.*

None.

## **7. Consent Agenda**

*The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.*

**7.1 Approval of Regular Council Meeting Minutes for November 1, 2017**

**7.2 Approval of Special Council Meeting Minutes for November 2, 2017**

**7.3 Acknowledge Receipt of the Together for Talent Minutes for October 3, 2017**

Councilor Pederson moved to approve the Consent Agenda. Councilor Baker seconded. Motion carried unanimously.

## **8. Regular Agenda**

*Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.*

### **8.1 Adopt Resolution 17-965-R Establishing a Fee Schedule for the City of Talent Parks Utility Surcharge**

Finance Director Ryan Martin addressed the Council. The resolution provides a \$5.00 Parks utility surcharge which represents a \$2.00 increase. Councilor Baker reminded the Council that this fee schedule is to be reviewed annually.

Councilor Pederson suggested an edit at the second "Whereas" to read, "Whereas the total Parks utility surcharge will be \$5.00 per EDU per month with a minimum of one dollar per EDU per month being allocated to capital improvements."

Councilor Pederson made a motion to adopt **Resolution 17-965-R, as amended**. Councilor Baker seconded. Motion carried unanimously.

Mayor Ayers-Flood commended Councilor Baker for his exceptional work as liaison for this resolution.

### **8.2 Interim City Manager Options and Potential Appointment**

Finance Director Ryan Martin addressed the Council. Due to the vacancy as of Thursday, November 2, 2017 of the City Manager, current staff have pulled together to fill the gaps. However, staff are unable to approve purchases beyond the limits of the City Purchasing Policy and cannot sign contracts or leases. Staff recommends the appointment of a current staff member to facilitate the duties regularly allocated to this vacant post rather than fund two salaries.

Councilor Pederson expressed appreciation on behalf of the Council to both Finance Director Ryan Martin and Community Development Director Zac Moody for their exceptional job and picking up extra duties. Councilor Baker voiced a concern about staff being overworked and requested a monthly report to Council summarizing effective workload progress and concerns. He stressed the importance of balance of work and home life.

Councilor Baker made a motion to appoint Ryan Martin as Interim City Manager effective November 15, 2017. Councilor Dolan seconded. Councilor Dolan further suggested a review of compensation in view of the tremendous workload in shouldering the duties of two posts. Mayor Ayer-Flood directed that this may be discussed after disposition of the current motion. The Mayor went on to say that she has been impressed with exceptional office productivity and is most confident that workload can be reallocated to maximize the talents of underutilized staff. In particular, she thanked Mr. Martin for his immediate grasp of the situation and incredible work. Councilor Harrison echoed these observations. With no further deliberation, the motion carried unanimously.

### **8.3 South Second Street Safety Update**

Community Development Director Zac Moody addressed the Council. As discussed at the last Council meeting there has been some delay with needed cost estimates from engineering firms. After the initial study estimates came in quite high, Mr. Moody reached out to both Southern Oregon Transportation Engineering Group and Sandow Engineering of Eugene, Oregon. Steps outlined for the study include project background, site visit, field data, request residents' opinions, conduct a speed hump study to determine if this strategy would, in fact, be traffic calming and determine the implications for adjacent streets. Mr. Moody may seek one or two more engineering estimates.

Area residents have suggested and staff recommends a four way stop at the intersection. The cost should be under \$1,000, i.e. approximately \$200 per stop sign with installation. However, Council is informed that stop signs control the flow of traffic and not the speed of traffic. It may be beneficial to install the four-way stop signs, with traffic control change ahead signage and painted roadway stop-bar warnings, as a temporary measure while the study, options and recommendations are completed. With no objections, Mayor Ayers-Flood declared a consensus in favor of this action. The Council may consider funding the study and stop signs from the 2018 budget.

**Talent resident Shawn M Flot of 109 S. Second St. addressed the Council.** Mr. Flot thanked Mr. Moody for his efforts in this safety endeavor. Mr. Flot has volunteered to work with Mr. Moody to create a school zone information flyer which will be distributed by hand in specified areas and via the parent email roster at Talent Middle School. Mr. Flot observed that the higher estimate of \$3,620 from the Southern Oregon Transportation Engineering Group also included a study of 1<sup>st</sup> Street in its analysis. The other estimate from Sandow Engineering of \$2,880 does not specify study of 1<sup>st</sup> Street. Separate studies of 1<sup>st</sup>, 2<sup>nd</sup> and Front Streets may potentially double costs. Mayor Ayers-Flood noted for the record that the \$3,620 figure is Task 3 – Speed Hump Investigation on Exhibit A. In conclusion, Mr. Flot stated that he would welcome the opportunity to contribute to any citizen input survey and thanked the Council for their time and consideration.

### **8.4 Amendment of Community Development Fee Schedule**

Community Development Director Zac Moody addressed the Council. Although the City has not had any land divisions recently except for partitions, House Bill ORS 197.375 (6) – AB 3223 from 2015 legislative session shifted responsibility to local government to advise applicants of the expedited land division option. Accordingly, the City will now distribute a handout along with its standard land division application which describes the criteria for an expedited land division application and presents a comparison of timelines (standard vs. expedited). Staff suggests that the Council adopt Resolution 966 amending the 2017 fee schedule by adding an expedited land division fee for partitions, flag lots and subdivisions. The which will help balance the cost of hearing fees should an application be challenged.

Councilor Baker asked that the Council consider the Sunday, November 12, 2017 email with a word of caution from Commissioner Joi Riley. Mayor Ayers-Flood read for the record: "There is a wording conflict between the attorney opinion and the staff report. The attorney points out that because the Land Use Board of Appeals does not hear expedited land use cases after the local appeal decision the next step would be the Court of Appeals. Staff report refers to this step-in litigation as the Board of Appeals which is how people commonly refer to LUBA. This may seem trivial but the costs of taking or defending a decision in a higher court may be quite different than the cost of going before LUBA. I hope enough time was invested in researching the cost. To be fair, to all the participants, in the interest of fairness maybe part of the fee could be refunded if there isn't an appeal, like a bottle deposit or a deposit on a rental. Padding our fees is it going to encourage infill or create lower cost housing which appears to be the reason for the expedited process. It would be interesting to know what prompted the request for the opinion."

Mr. Moody responded that there have been multiple questions not only about the appeal process and fees but about the statute itself. He went on to say that there is a potential inquiry regarding a subdivision for which he would like to be prepared. There is a maximum \$500 appeal fee. The City cannot charge an unreasonable appeal fee as a means of discouraging an appeal. Staff suggests a hierarchy of fees needs to be integrated into the application documentation and process to provide the means to address the liability of possible appeals.

Councilor Pederson and Mayor Ayers-Flood both thanked Mr. Moody and the Staff for this proactive approach to a potential financial liability.

Councilor Pederson made a motion to adopt Resolution No. 17-966-R, Amendment of the City of Talent, Community Development Fee Schedule. Seconded by Councilor Baker. Motion carried unanimously.

### **8.5 Request for Neighborhood Association Recognition**

Community Development Director Zac Moody addressed the Council. Currently, the City has no policy regarding neighborhood association recognition. With the potential for development per the Railroad District Master Plan, there is a request to recognize and notice a group of residents as the South Talent Neighborhood Association, consisting of approximately 800 individuals, when a land use action occurs in their area. Staff recommends expanding the given map to include the proposed development area for more complete representation and communication.

Councilor Baker had concerns about both the size and inclusion within the designated "neighborhood." The observation was made that the map details areas which do not have contiguous streets and begs the question as to whether the total area may even be considered a neighborhood? Mayor Ayers-Flood spoke to the common development history of the area.

The need for a City policy regarding recognition of neighborhood associations was discussed, with the provision that should the South Talent Neighborhood Association be recognized this evening the Association would be required to meet the terms of the policy once established. Some held that it would be premature to recognize an association without a policy in place.

Mayor Ayers-Flood summarized aspects of the policy which would include the City's legal obligation to give proper notice to residents within a 250-foot proximity. The City will also respond to parties who make a written request for notice of land use actions on specific parcels/ tax lots. Additionally, the City would notice the leadership of recognized neighborhood associations and community organizations. In turn, the association/community organization would communicate to its membership. The Zoning Code does provide that neighborhood associations, as long as they are recognized by the City Council, may be noticed as a group.

**Talent citizen and South Talent Neighborhood Association representative Vern Davis of 1916 Talent Avenue** stated that the neighborhood association has operated informally for ten years and has only recently determined to seek official recognition. Although the defined area is large, it encompasses both recreational and esthetic assets for the Association. The Association would take on the responsibility to disseminate information to its membership but would not take on any legal obligation.

**Talent citizen and member of the City of Talent Planning Commission Dorian Hastings of 100 N. Pacific Highway #73** relayed that the Planning Commission is aware of the need and will develop a proposed policy to recognize neighborhood associations. Ms. Hastings went on to say that the map offered reflects properties and persons outside the boundaries of the City of Talent and thereby it would set a poor precedence to recognize a group whose members reside outside the City limits. Will the City of Talent recognize properties and persons which extend to the Urban Growth Boundaries? She also suggested an alternate name to reflect a community organization, for instance, the South Talent Improvement Association since, in her estimation, the map indicates an area larger than that which might be considered a neighborhood.

Councilor Berlant made a motion: Move to recognize the South Talent Neighborhood Association as (*an interim*) formal neighborhood organization and accept the boundaries of that organization as shown in the proposed boundary map provided with the understanding that when a policy is developed for neighborhood associations that this Association would go through that process and adhere to that policy. Seconded by Councilor Harrison.

Councilor Pederson stated he would be supporting the motion even though the neighborhood area is so large in the interest of good notice to our citizens. He stated even with the conditions proposed by Councilor Berlant he is still comfortable with the recognition.

Council Dolan stated she would not support the motion because it was premature.

Councilor Baker stated he would not support the motion for two reasons; one to get the policy in place first and second because this area is so large that they are not a neighborhood.

Councilor Berlant agreed the boundaries are large, but stated that even if a property owner is on the far north or south portion of the boundary, and they come to the meetings, they are in the neighborhood and should be recognized as such. She stated the City needs a policy in place, but that the City is just acknowledging that this group wants to be heard and notified.

Mayor Ayers-Flood offered a friendly amendment to add the adjective “interim.” Amendment accepted as friendly by Councilor Berlant.

Councilor Dolan added that she doesn’t feel confident that (only 13 out of approximately 140 houses) all of the citizens within the proposed boundary consider themselves part of the neighborhood. She stated she would feel more comfortable if there was more information from a larger percentage of the citizens within the proposed boundary.

Aye – Councilor Berlant, Councilor Harrison, Councilor Land and Councilor Pederson

Nay – Councilor Dolan and Councilor Baker

Motion carried.

## **8.6 Local Government Personnel Institute (LGPI) Costs and Provided Services**

Finance Director Ryan Martin gave a staff report. The last time LGPI was used for any paid services was in 2010 for an employment background check. The annual cost of membership dues for LGPI is \$1,039 and does include some services at no cost. However, the City has not utilized any of these services in the past.

Mayor Ayers-Flood noted exhaustive discussion of this item during previous meetings. Councilor Dolan made a motion: Move to direct staff to stop paying LGPI annual membership dues beginning in FY2018-19.” Seconded by Councilor Berlant. Motion carried unanimously.

## **9. Information Items**

### **9.1 Update on City Records and Missing Ordinances**

Interim City Manager and Finance Director Ryan Martin addressed the Council. At the direction of the Council, an update of City records has been undertaken using the institutional wisdom of veteran employee Leslea Heiken. Of the latest 61 ordinances, only 17 are complete and without issue. Staff are currently working to make corrections to ordinances on a case by case basis.

Mayor Ayers-Flood asked that a remedy plan be drafted to detail what and how corrections are to be made along with a realistic projected timeline to affect this work. The Mayor also suggested “three -eyes” on documents to ensure consistency and quality. In so doing, the City applies to the record due diligence for immediate and future progress. This remedy plan would also serve as a guide for an incoming City Recorder. Additionally, the Mayor recommends that during the first quarter of FY 2018-19 that a policy be written to ensure correct and complete recording of ordinances and Council business.

### **9.2 Urban Growth Boundary Alternatives Analysis Workplan**

Community Development Director Zac Moody addressed the Council. A workplan has been devised and will be presented to the Planning Commission tomorrow, Thursday, November 16, 2017.

Mayor Ayers-Flood asked for a motion to extend the meeting for 30 minutes. Councilor Dolan made a motion to extend the meeting for 15 minutes, with an option to extend again if needed. Councilor Baker seconded. Motion carried unanimously.

### **9.3 Water Testing for Town Hall and Options for Water Dispenser Services**

Public Works Director Bret Marshall addressed the Council. Samples have been taken to test the water in the Town Hall. Final results should be available within a month, at which time actions may be determined.

### **9.4 Wagner Creek Streamside Planting Update and Blackberry Removal**

Interim City Manager and Finance Director Ryan Martin addressed the Council. Plant Oregon has been working hard at removing blackberry bushes along Wagner Creek and will begin planting in the near future.

## 9.5 BlueSky Grant Application for Potential Solar Panels at Public Works

The City of Talent has applied for Blue Sky Renewable Energy Project Funding to install a solar array at 200 Suncrest Road. Pacific Power will notify selected grantees in February of 2018. Minute Mart demolition will proceed as planned.

## 10. City Manager & Other Department Reports

*Items for discussion by the City Manager and Department Heads as needed.*

Interim City Manager and Finance Director Ryan Martin addressed the Council. The vacancy for City Recorder has been posted on numerous job sites. Applications are coming in and the position will close on Wednesday, December 6, 2017.

The Council is unofficially informed that the City of Central Point no longer wants to provide services to the City of Talent. A contractor has been identified to potentially provide IT services.

Mr. Martin spoke about the Pacific Power franchise agreement and that there is a budgetary shortfall of \$30,000 due to a new agreement not being signed. Mayor Ayers-Flood asked whether the Council needs to look for a place to cut, re-allocate or generate funds to address the shortfall. Mr. Martin said not at this time.

## 11. Other Business

Community Development Director Zac Moody met with the Oregon Department of Transportation- regarding the Oregon Highway 99 project. ODOT has engaged a couple of contractors for this project and all utility work should be completed by the end of the year. ODOT anticipates a March 2018 start date for its portion of the project. There is concern about auto safety during the winter months and the City of Talent has asked ODOT to employ reduced speeds.

Mr. Moody went on to report that the weekend leaf pick-up was over 60 yards of leaves or 375 bags. All the leaves were subsequently donated to local farms to be composted.

## 12. Mayor and Councilor - Committee Reports and Councilor Comments

No additional reports or commentary.

Rogue Valley Area Commission on Transportation – Councilor Harrison – Mayor Ayers-Flood (alternate)

Together for Talent Committee – Councilor Dolan and Councilor Berlant

Metropolitan Planning Organization – Mayor Ayers-Flood – Councilor Harrison (alternate)

Planning Commission – Councilor Dolan – Councilor Harrison (alternate)

Public Art Advisory Committee – N/A

Parks Commission – Councilor Baker

Traffic Safety & Transportation Commission – Councilor Harrison

Rogue Valley Council of Governments – Mayor Ayers-Flood

Talent Historical Society – N/A

Harvest Festival Committee – N/A

Economic Development - Councilor Pederson

Chamber – Councilor Pederson

SORED I - Councilor Pederson

## 13. Adjournment 9:45 P.M.

### The City of Talent is an Equal Opportunity Provider

*Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website ([www.cityoftalent.org](http://www.cityoftalent.org)) in advance of each meeting.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.*