

City of Lakeside
Council Meeting Minutes
April 10, 2008

The Lakeside City Council held a Regular Council Meeting at Lakeside City Hall, 915 North Lake Road, Oregon, at 7:00 p.m. on Thursday, April 10, 2008.

Councilors Present: Mayor Orville Nelson, Jim Brown, Harlon Green, Mack Eubanks and Tim Crockett. Not present: Jim Farmer and Gary Wilson.

CALL TO ORDER: Mayor Orville Nelson called the meeting to order at 7 p.m.

PLEDGE OF ALLEGIANCE

The Mayor thanked everyone for attending the meeting.

CONSENT CALENDAR:

Approve Minutes of Regular meeting March 13, 2008.

MOTION: Jim Brown moved to accept the minutes of the regular meeting of March 13, 2008.

SECOND: Harlon Green

VOTE: Unanimous by all councilors present.

Expenditure Review March 14th, 19th and 27th, 2008.

MOTION: Jim Brown moved to adopt the expenditure report as presented for March 14th, 19th and 27th, 2008.

SECOND: Harlon Green

VOTE: Unanimous by all councilors present.

COMMISSIONER'S REPORTS:

Jim Brown – Nadine from the Library has asked that I remind everyone about the book sale this weekend. The Coos County Library system is sponsoring a series of meet the writer/author. A year or so ago the attorney general's office joined with other Attorney Generals from varying states and brought suit's against some of the music companies for false advertisement. Apparently Lakeside Library is the only one that read the notice, so in the settlement, the library received 400.00 for filing the paperwork showing what they had purchased. This money will be used for music CD's. The watershed is getting ready for the summer work, things are moving along very well.

Harlon Green – The handicap ramp in front of The Olde Stables has been completely taken out with cooperative work between Dennis and the County. Dennis and myself dug the sidewalk out. We have finally gotten the carpet in the senior building however it still needs work, as the seam is terrible. The same story in the library because

Nadine's office door still doesn't shut. None of this has been accepted until they make the necessary repairs. Dennis put 20 yards of $\frac{3}{4}$ minus in potholes this month and ordered 10 more bags of cold patch for patching the county road. We are also speaking with the County about getting prices from contractors to try and get good patches on 8th street and hopefully they will help in sharing the cost. Also Dennis is looking at the bike lane because it has settled in a couple of spots.

Mack Eubanks – On April 9th and March 12th City Hall had their safety meeting. There was an incident brought up, a man was watching through binoculars the children at Kid Zone. The solution was to write up an incident report and call 911. The carpet in the Senior Center building has been fixed. We don't know why the main breaker in the Senior Center tripped a few weeks ago, but if it happens again we will contact the electrician. The Sewer plant handrails are almost done and all the fire extinguishers have been inspected. The Garden Club had a work party two weeks ago and all the boxes are filled and ready. For anyone who wants to rent a box, get in touch with Diane O'Bryan and we will have another work party this weekend.

Orville Nelson – Orville said that Nadine has been in contact with Knutson regarding the carpet and they said that it would be fixed to our satisfaction. I told them that the seam was not going to work as it was done. Shutter creek paid for the new line we put in. We put an extension on the line so that there wouldn't be any spill and they paid for all the work. The contract has still not been signed and I don't know what the hold up is on that, but I will check on it this week. Regarding the Sheriff to patrol the lake, the state pays 80% and Andy pays 20% of the wages. He said he could probably get one hour a month for the city. I talked with Carol Seager in Hauser and the dunes deputy must be paid the same way because when they call him they have a hard time getting him out of the dunes. We would like to have Darline Atkin get a letter out or some other sort of announcement regarding the Sewer Assistance Program. We are getting some donations now and we hope to get this program up and running as soon as possible. On March 18th I took a class on wiring step systems and I found out that unless I am licensed I couldn't touch them. We are inspecting the STEG systems because they aren't hard wired. I called the City's insurance carrier, Harry Abel, and he said that no city employee who is not licensed would be permitted to do any electrical wiring, because it is a liability for the City. On March 20th I received a card from DEQ that discussed the rules and penalties. They are telling us that we are going to get the step/steg system inspections done or they will do it for us. On March 21st I received a call from DEQ regarding the step and steg systems and the maintenance agreements. I explained that the problem is the cost of pumps and pumping has gone up. In 1980 the cost of a pump was \$100.00 and pumping ran between \$100.00 to \$125.00, today a new pump will cost you, depending on horse power, approximately \$462.00 and as high as \$642.00. To have a system pumped costs anywhere from \$300.00 to over \$500.00. DEQ said that if you have two homes on one system, it is automatic abuse, according to DEQ. They also said that they don't care if you have to raise rates, pumps or pumping, they said they were not coming down to any meeting but we are telling you to get this done. I also explained that we have Ordinance 205, which some people feel is not valid because it is not signed, and he said that he didn't care what people think. Ordinance 205 is a DEQ ordinance that was sent to Lakeside in

1996 that was supposed to be implemented then and it will be implemented now. When they start inspecting I am to call DEQ because he wants to go to North Site treatment plant, the old sewer plant and if possible the Shutters Creek line and watch the inspection process. The city has been in violation for so long that we have to prove that we can be reliable.

The Lakeside Fire Department wants to thank us for our support of the Easter Egg Hunt.

Jim Farmer – not present.

Tim Crockett – it is getting close to summertime had 3 abatement issues on the books and I am down to one and found 2 more in my box today. I am dealing on a one by one basis and it seems to be working.

Gary Wilson – not present.

OLD BUSINESS:

Ordinance 08-260 an ordinance relating to regulating step systems for public sewers, authorizing administrative search warrants, and stating an effective date.

We read this by title only last time, however we hadn't had it posted for 30 days. This is the Ordinance that DEQ wanted in there and I am declaring this an emergency, because we need to start the inspections as soon as possible. When this Ordinance 08-260 was written up Rich wrote "municipal court judge" and it needs to be "circuit court judge" that it has to go to. Everywhere that "municipal court judge" is referred to needs to be changed to read "circuit court judge". This is because we don't have a municipal judge in Lakeside. The writing in this sounds like we are going to come in and kick people off their property and that is just not the case. It will allow the city access to those systems for inspection and maintenance. Question from the audience about the City going to the courthouse to get copies of recorded easements and Charlie said that Jim Farmer went there and he was told that he would have to do a title search to make sure that he got everything. The lady from the audience said that a resident in the city went there and was able to get that information.

MOTION: Jim Brown moved that we adopt Ordinance 08-260 tonight by reading it by title only.

SECOND: Harlon Green.

Orville Nelson then read Ordinance 08-260 an ordinance relating to regulating step systems for public sewers, authorizing administrative search warrants, and stating an effective date.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS: Section 1. Lakeside Ordinance #205, as amended, is hereby amended to read as follows: AN ORDINANCE PROVIDING FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SEWERAGE SYSTEM OF THE CITY OF LAKESIDE; PROVIDING FOR CHARGES FOR USE THEREOF; AND SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT

CONTRIBUTORS INTO THE WASTEWATER COLLECTION ALLOWING THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT OF 1977; DECLARING AN EMERGENCY; AND REPEALING ORDINANCES NO. 197. Ordinance 05-252 repealed Section 1 through 34, of Ordinance No. 205, inclusive on June 9, 2005.

There was some discussion from the audience and Orville called for the vote.

VOTE: Mack Eubanks opposed and motion carried.

Orville Nelson then read "AN ORDINANCE PROVIDING FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SEWERAGE SYSTEM OF THE CITY OF LAKESIDE; PROVIDING FOR CHARGES FOR USE THEREOF; AND SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION ALLOWING THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT OF 1977; DECLARING AN EMERGENCY; AND REPEALING ORDINANCES NO. 197. Ordinance 05-252 repealed Section 1 through 34, of Ordinance No. 205, inclusive on June 9, 2005."

Mike Armstrong asked if they were following the City Charter and Jim Brown said yes it was posted and has been read by title twice. Orville called for the vote.

MOTION: Jim Brown moved that we adopt Ordinance 08-260 tonight by reading it by title only.

SECOND: Harlon Green.

VOTE: Mack Eubanks abstained and motion carried.

MOTION: Jim Brown moved that we inact Ordinance 08-260.

SECOND: Harlon Green.

VOTE: Mack Eubanks opposed and motion carried.

Ordinance 08-261 an ordinance relating to code enforcement, creating an office and stating an effective date.

This is for the abatement officer and Tim asked the attorney to write these rules for the abatement officer so that he would have some guidelines to refer to.

MOTION: Jim Brown moved that we adopt for the first time Ordinance 08-261 having had it read by title only for the first time.

SECOND: Mack Eubanks

Orville read AN ORDINANCE RELATING TO CODE ENFORCEMENT, CREATING AN OFFICE AND STATING AN EFFECTIVE DATE.

VOTE: Unanimous by all councilors present.

MOTION: Mack moved that we adopt ordinance 08-261 by title only.

SECOND: Jim Brown

Orville read AN ORDINANCE RELATING TO CODE ENFORCEMENT, CREATING AN OFFICE AND STATING AN EFFECTIVE DATE.

VOTE: Unanimous by all councilors present.

MOTION: Jim Brown moved that we inact Ordinance 08-261 by title only.
SECOND: Mack Eubanks
VOTE: Unanimous by all councilors present.

Jim Brown said that the effective date would be thirty days from today.

NEW BUSINESS:

Resolution 08-01 to accept Department of State Lands Funding to conduct Tenmile Lake surveys.

This allows the state to give us money to test the algae in the lakes and it is a big help as it is very expensive to test for this.

MOTION: Jim Brown moved to adopt Resolution 08-01.
SECOND: Harlon Green
VOTE: Unanimous by all councilors present.

Internet Service – Charter.

Orville asked Charlie to give a report on this. Charlie explained that our current internet service provider is Harborside, which is dial up. This contract expires on 4/15/08 it is slow, we get kicked off and I feel that staff time is more valuable especially now that we have more internet activity such as reporting, etc. I am asking that the council allow us to get Charter high speed the cost is around \$ 959.88 a year. We are also going to be upgrading our computer systems and software in the future and we will need high speed at that time.

MOTION: Jim Brown moved that we adopt the recommendations for high speed service.
SECOND: Harlon Green
VOTE: Unanimous by all councilors present.

Change Order – Equipment Building.

Orville reported that we talked with Clem Singer from USDA and we have \$120,000.00 in the sewer fund. I would like to quickly explain how we ended up with that excess amount. Remember the old sewer truck that was broke down, that Harlon, Jim Farmer and I worked three months on? Then Phil Healy came on and finished it up and when we started taking the digesters down that truck was running, hauling sludge, basically from the time they got there until they went home, instead of having it hauled off by Heard Farms. We were saving roughly \$1700 a day by doing it ourselves. On the digesters John Waddill told me last week that what the guys had built down at the sewer plant had saved over \$30,000.00 on the two digesters by doing it in house. We came up with the \$120,000 and we have to spend it or we will lose it. The city paid \$100,000.00 for the land and we are going to be short to build that equipment building by about \$60,000.00 and that is what we had them put back in that fund. We need a motion made to use the money that was to be returned to the city to finish that equipment building.

MOTION: Jim Brown moved to approve the change order.
SECOND: Harlon Green

Mack had some questions and Orville answered him

VOTE: Unanimous by all councilors present.

Dyer Partnership Agreement #2.

Tied to this we got an extension to July 31 but we have to approve Dyer Partnership Extension. Charlie called DEQ to get an extension to July 31st so that we could get this building done.

MOTION: Jim Brown.

SECOND: Harlon Green.

VOTE: Unanimous by all councilors present.

Fill Vacancy on Budget committee

We have two vacancies on the budget committee and we have Ed Heikus, Phyllis Walsh and Michele Robison who submitted letters of interest. We need to fill two positions.

MOTION: Mack nominated Michele Robison for one of the positions.

MOTION: Jim Brown nominated Phyllis Walsh and Ed Heikus.

SECOND: Harlon Green

Orville asked for those in favor of Michele Robison.

VOTE: Mack Eubanks.

Orville asked for those in favor of Ed Heikus.

VOTE: Tim Crockett, Jim Brown and Harlon Green.

Orville asked for those in favor of Phyllis Walsh.

VOTE: Tim Crockett, Jim Brown and Harlon Green.

Russell & Nancy Hendrickson – Cozy Corner Sewer bill.

No one here nothing done.

We had several complaints after the last meeting and we are going to address this here tonight. If someone would like to address the council, they need to come to podium and they have 5 minutes or less to state what their business is. We are all volunteers here on this council and we don't need to be yelled at. If the meeting gets out of hand, I will dismiss the meeting. If it is something that we haven't covered in the meeting, you can make an appointment to speak with us.

Robert O'Bryan – Regarding letter of 3/06/08

I live on Kings Ave and I am totally confused as to what I am supposed to be paying for these step systems. I have been to a couple of meetings that have had lots of discussions on, so I've done a lot of research on my own. I've gone as far as this area all the way back to West Virginia, back to Glide and so forth. And I've learned a little bit about the step system, probably just enough to be dangerous. But I think I know enough to discuss it and hopefully halfway intelligently. One thing I did learn is when you have a step system; a step system only puts effluents down to the system. This

allows the city not to have to process at that time the solids, the suspended solids and the grease and oil. If you look at the study that was done at Glide and other places in the mid-west and if you look at the engineering documents when they get ready to design one of these systems, as they go to three different terms. Everybody, I think some of them have heard, some of them, which is the BOD rating for a step system, is approximately 58% less than a normal sewer system. When you look at those suspended solids, I think the number is 77%. These are not my numbers, these are actual tests that they have done in the state of Oregon and Washington and I think in Northern California. They have been published in the US for other people who are designing these systems. I talked to an engineer that designed these systems and my philosophy is hey, if I'm giving you 58% or less down there and you are not processing, I'm saving on your maintenance and your operations and everything else. The reason that I am bringing this up is because we talk about the Glide system here. Somebody told me is what you guys in the step system do not have to spend \$ 4,000.00 in order to put your systems in. Let me give you what the real numbers is. If you go to Glide, they pay \$31.00 a month for their sewer system, when you get ready to apply for that you have to pay \$ 4400.00, we don't have to do that. We thought that was a fee, it is not a fee. That \$4000.00 includes the tank, the control systems, it includes the pump, it includes everything. Then you have to go out and get a contractor to install it. Over there it costs roughly \$2000.00, which means that over there you are putting about \$6400.00 in order to get on the system by itself. This is what the individual has to put out. So then I did some little research to see what we have to put out here. I talked with Willamette where we buy the tanks from and I talked to an installer and I had to make an assumption on what the permit fees were. A tank costs us \$3,064.00 to install it about \$3500.00 and I am assuming the permit fees are somewhere around \$1500.00. That's \$8064.00; we actually put more money out for our step system. In Glide, over in Glide when that \$31.00 that includes everything, once you get it in you are done. That \$31.00 includes your pumping, includes your pump if it goes out, it includes your inspections and all to meet the DEQ requirements. They inspect 20 per month and they continually doing and that satisfies DEQ. So with that, if you look at that and you go back and right now I think the city is telling us they want us to pay \$55.00 plus they want us to pay for the pumping, the pumps and if the switch goes out and everything else. That means they are more than double dipping us. If you go back to look at some raw numbers, which I did, and you take and would inspect it every year. Pump it every five years, if you have to, DEQ says only if required, don't mean you have to every five years, cause I talked to the DEQ. And then if you figure your inspections, your pumps and pumping it and all that stuff up and divide it by all the property numbers, it turns out to be \$16.86 is what it would cost each of the step members and I'm using 81, because we have had numbers from in the 70's, the 81's and the other night when Roto Rooter was here they tells us 86. So we don't know what the real number is and by the way the Roto Rooter meeting was an excellent meeting, we learned a lot and they were very helpful. So if you look at all these numbers and you say okay we should put something less in the sewer system and I'm using 50% instead of 58% because engineering data says you can go anywhere from 30% all the way up to 60%. But the actual test that they run over at Orenco was part of it over in Glide was 58%. So if you say we spent 58% of their bill the normal sewer bill, then and you add the \$16 for it that is only \$39.00 a month. Yet the city wants to bill us \$55.00 a

month, now I'm assuming the extra \$10.00, and the statement was made by the Mayor before that the \$10.00 is for the inspection, much as I hate to pay out the extra \$10.00 because I think we have already paid out more than what we should have. I'm willing to put out the extra \$10.00 to get ourselves out of the jam with the DEQ. My \$10.00 a month for one year, but only for one year, will allow us to get those inspections done and then our people at our plant should be able to do those inspections. They do not have to break a connection or anything like that in order to do the inspections. I've been there and I've watched them. Therefore our own people can do those inspections and if our people can do it, they only have to do seven a month and get all 81 done. Why should we pay out after the initial \$9000.00 that we are going to be paying for Roto Rooter. Now am I telling you my facts are 100% right? No, but I am telling you that they are pretty darn close to being right. I've talked to a lot of engineers, I've talked to the DEQ, I've talked to Roto Rooter, I've talked to two different engineering companies and I think I'm pretty close to being right.

Orville said that he had the data right here from City of Elkton and the hook up fees are \$ 3500.00 and they put their complete system in and I have it right here from Robert Miller the engineer from Orenco pump company from Glide. Glide's system after you put the system in the hook up fee is \$3750.00. This is Robert Miller from Orenco. Phil and I went to Glide; this is data from Robert Miller the engineer over Orenco pumps that handles Glide's pumping. The reason our system is such a mess is because our systems have never been inspected. You've only been paying an extra \$10.00 a month since last July and before that it was \$6 and something. Robert said that some of us were forced in to this "step system". Robert said that all he wanted to do was to present to the people here that I have an easement agreement that says right in my documents, that I told Suzie I would bring down and she can copy it if she wants, it says the City of Lakeside is responsible for the maintenance and the service. That is the way that I understand it and I'm not a lawyer. But it is my understanding that it is a contract that I have with the City, the only way I know to change a contract is by amending my contract and everybody signs it. I have not signed anything amending my contract. I don't know if I'm right or wrong on that.

Resignation of Harlon Green.

Mr. Harlon Green said to the Mayor and Council Members, it is with regret that I resign my position as Councilman for the City of Lakeside. I have enjoyed working with each one of you and will miss working with you. My resignation is in protest of the requirements by the State Ethics Committee, they want me to list every job I do that is in any way related, that the City has any kind of working relationship with. If I was fully retired I wouldn't have any problem and I'm not going to hire a bookkeeper to track me down 24 hours a day so that I can keep the State happy. I really have enjoyed this job and would have like to stay and finish what we have all started together.

Orville said he wanted to say thank you to Harlon and every time you see his equipment out there I have been asked well gee what is he making. When Tina came out and did the audit the only thing that Harlon has made is the fuel for his machines, no wages or any other pay, he did this to help this City. I want him to know that we appreciate the effort that he has put forth and Harlon also said that he and his equipment would still be available for the City.

MOTION: Mack Eubanks moved to accept Harlon Green's resignation.
SECOND: Tim Crockett
VOTE: Unanimous by all councilors present.

Post Council Position opening.
Now we have to post the opening for Harlon's vacated position.

PUBLIC INPUT:
Michael Armstrong in regards to easement agreements, we found all of them and they are at the county clerks office. We even brought one of them tonight. DEQ requires them for your step and steg system and you have to get them or at least acknowledge them because they require an easement. The city attorney has already charged us 8000.00 for the last three months.

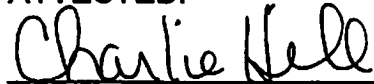
COUNCIL COMMENTS:
None

ITEMS NOT ON THE AGENDA:
Joan Anderson Chairperson for the Planning commission gave her report. The discussion on the fly zone that had been scheduled was tabled until they heard from the City Attorney.

Budget Meeting May 20, 2008 at 6:30 p.m.

ADJOURN: 8:22 p.m.

ATTESTED:



Charlie Hill, City Recorder

APPROVED:



Orville Nelson, Mayor