



MYRTLE CREEK CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
MYRTLE CREEK COUNCIL CHAMBER

AGENDA PACKET 4/4/2023

All city public meetings are being digitally recorded for sound and video camera surveillance.

The City Council of the City of Myrtle Creek will meet on **Tuesday, April 4, 2023, at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street, Myrtle Creek, Oregon.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for other accommodations for persons with disabilities, or for remote access should be made at least 48 hours in advance of the meeting to the City Recorder at 541-863-3171.

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 – 5:30 PM

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

2. Pledge of Allegiance

3. Public Presentations – Items that do not require immediate council action, such as presentations, discussions of potential future action items.

Serena Theiss – Community Garden

4. Consent Agenda – Requires a motion

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 upon request.

4.1 Approval of minutes of the Regular City Council Meeting for March 21, 2023

5. 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.

5.1 Request from Myrtle Creek Lions Club for Hanging Flower Basket Donation

5.2 Budget Committee Resignation Letter – Robert Chaney Sr., Diana Larson

5.3 Budget Committee Applications

* Olivia See – Budget Committee Parks Commission

* Sharon Umphlett

* Lori Proctor

* Cathy Wragg

5.4 Discussion to Rescind Motion to Pursue RFPs for Creekside Parking Lot

6. Ordinances and Resolutions

6.1 Ordinance 847 – SECOND READ – An Ordinance Establishing a Public Safety Fee to Equitably Spread the Cost of Public Safety Services

7. Citizens Heard on Non-Agenda Items

8. City Administrator Report

9. Mayor and Councilor – Committee Reports and Councilor Comments

10. Executive Session

The Myrtle Creek City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660 but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

11. Adjournment



CITY OF MYRTLE CREEK

REGULAR MEETING OF THE CITY COUNCIL

DATE: March 21, 2023

PLACE: Council Chambers, 207 NW Pleasant St., Myrtle Creek, Oregon

PRESIDING OFFICER: Mayor Matthew Hald

COUNCILORS PRESENT: Councilors: Robert Chaney, Sr., Luke Dillon, Diana Larson, Susan Harris, Bill Burnett

COUNCILORS ABSENT:

A quorum was present throughout the meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey, Police Chief Jonathan Brewster, Fire Chief Manie Pires, Finance Officer Lesley Hiscocks

CALL TO ORDER: Mayor Matthew Hald called the March 21, 2023 meeting to order at 5:30 PM

PUBLIC PRESENTATION

No Public Presentation

CONSENT AGENDA

Parts I & II

Motion was made by Councilor Burnett and seconded by Councilor Larson to accept Consent Agenda Parts I & II. Discussion: No discussion followed

Vote: Motion passed unanimously.

DEPARTMENT REPORTS

Community Development/Planning Department

City Administrator Lonnie Rainville submitted the Community Development/Planning Department Report into record as written. Councilor Dillon asked about the progress of the Klimback subdivision. Councilor Chaney asked if we have a deadline for the demolition of the old hospital.

Finance Report

Finance Officer Lesley Hiscocks submitted the Finance Report into record as written. Councilor Larson asked if there was a way to see just what is spent on gas (fuel) over a period of time.

Police Department

Police Chief Jonathan Brewster submitted the Police Report into record as written. Chief Brewster shared with Council the costs associated with hiring a new officer. Councilor Harris commended Officer Smith on Police Officer of the year.

Fire Department

Fire Department Report submitted into record as written.

Public Works

City Administrator Lonnie Rainville Submitted the Public Works Report into record as written. Councilor Chaney asked if the lift station was on track. There was a small delay because of ground saturation. Councilor Larson and Harris asked about the recent graffiti around town.

REGULAR AGENDA

Budget Committee and Planning Commission Application - Cecil Earp

Cecil “Tommy” Earp submitted an application to be on the Budget Committee and when asked by staff if he would also like to volunteer for the Planning Commission he kindly agreed.

Motion was made by Councilor Burnett to accept Tommy Earp’s application to the Budget Committee and to the Planning Commission. Motion was seconded by Councilor Harris. Discussion: none

Vote: Motion passed unanimously.

Citizen of the Year Banquet

In years past the City has paid for the Councilors to attend the Citizen of the Year Banquet with the Councilors paying for their guests. When asked the Councilors who were attending stated that they would be purchasing their own tickets this year.

No motion was made.

CITIZENS HEARD ON NON-AGENDA ITEMS

Lori Proctor, Riverside Drive, Myrtle Creek, OR 97457

Lori Proctor shared her opposition to City funds being spent on a parking lot at this time.

CITY ADMINISTRATOR REPORT

City Administrator Lonnie Rainville shared about a new process for developing a problem statement and generating pros and cons to working through the problem areas in the city. We will be able to present an issue to Council for review prior to it being on the agenda and prior to making any decisions. This will give Council more time to review issues. The attorney has returned the ordinance that the Homelessness Review Committee was working on. We will be making the suggested changes, have the Myrtle Creek City Council Minutes

March 21, 2023

Page 2 of 3

committee review it, and schedule it for the April Planning Commission meeting. If the Planning Commission is good with the changes it will be brought to Council for adoption. The City Administrator also shared that City Hall currently has a legacy phone system which is not supported any longer. DFN will be our new phone carrier and we will be deploying the new phones next week. There will be a couple of hard phone lines remaining that are needed for specific items. The Riverside Lift Station is on track. The new website is up and live. One of the key changes is a citizen comment page. This allows citizens to submit questions or comments directly to department heads.

MAYOR AND COUNCILOR – COMMITTEE REPORTS and COUNCILOR COMMENTS

Councilor Bill Burnett shared that cleanup is under way at the Golf Course. Reminder of the Public Meeting scheduled for Thursday at 6:00 PM at the Community Center.

ADJOURNMENT

Mayor Matthew Hald adjourned the regular meeting of the City Council for March 21, 2023 at 5:55 P.M.

Matthew Hald, Mayor

Attest:

Joanna Bilbrey
City Recorder



March 8, 2023

Dear Friends,

Spring is just around the corner and preparations have started for the beautiful hanging flower baskets that line our city streets each year. We are excited to announce that this year we will be purchasing our hanging baskets locally from Littleriver Greenhouse in Glide.

The hanging flower basket program is accomplished solely through donations from generous supporters like yourself. Each year the Myrtle Creek Lions Club collects donations to order flower baskets and arrange for their watering and care as a way to give back to the community.

This is a volunteer program, sponsored by the Myrtle Creek Lions Club. All funds raised go to the purchase of the flower baskets, delivery fees, and to hire someone to water the baskets throughout the season.

Sponsorship for the cost of a full basket is \$100 or \$50 to sponsor half the cost of a basket. Donations of any amount are appreciated and help to cover the costs of the flower baskets, fertilizing, and watering.

If you would like to partner with us, please make your check **payable to the Myrtle Creek Lions Club** and mail to City of Myrtle Creek, Attn: Flower Baskets, PO Box 595, Myrtle Creek, OR 97457 by June 1, 2022. If you have any questions, please feel free to contact me at jbilbrey@myrtlecreek.org.

Thank you for your support and donations. This wonderful project only continues through donations from generous donors like you.

Sincerely,

Joanna Bilbrey
Fundraising Chair
Myrtle Creek Lions Club



December 6, 2022

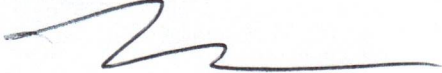
City of Myrtle Creek
207 NW Pleasant St.
Myrtle Creek, OR 97457

To Whom It May Concern:

My recent appointment to City Council Position #5 has made it necessary for me to resign my position on the Myrtle Creek Budget Committee.

I know as a city councilor I will still be a member of the Budget Committee but the position I hold is as an appointment by city council therefore please accept this resignation effective immediately.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Robert L. Chaney, Sr.', written in a cursive style.

Robert L. Chaney, Sr.

Wednesday, March 22, 2023

Dear Lonnie and the Myrtle Creek Budget Committee:

Please accept this letter as formal notification that I must resign my position on the Myrtle Creek Budget Committee, effective immediately.

It was a pleasure to serve on the Myrtle Creek Budget Committee. I look forward to serving the City of Myrtle Creek in my role as Myrtle Creek City Counselor Position #4 and in that position, continuing to be a voice on the Budget Committee.

I would like to thank the Budget Committee for their continued service. It was a pleasure serving with you.

Diana Larson

1301 SW Pioneer Way
Myrtle Creek, Or. 97457
planetsky@charter.net
541-643-7209

APPLICATION TO SERVE ON A CITY OF MYRTLE CREEK
BOARD, COMMITTEE, COMMISSION OR TASK FORCE

Application **MUST** be completed to be valid

RECEIVED
3/24/23 JLB

RECEIVED
3/22/23

Name: Olivia RAE SEE Date: 3/22/23

Address: [REDACTED] - [REDACTED]

City: MYRTLE CREEK State: OR Zip: 97457

Home Phone: [REDACTED] Cell Phone: [REDACTED] Work Phone: [REDACTED]

Email Address: RAESEESPLACE@MSN.COM

Occupation: FILM TECH Place of Employment: BOYRS - RETIRED

Are you a registered voter? Yes ☒ No ☐ in Calif.

Please mark all Boards, Commissions and Committees for which you are applying:

- ☐ City Council..... (Vacancies appointed by Council)
- ☒ Park Commission... (3 year term, appointed by Council)
- ☒ Budget Committee..... (3 year term, appointed by Council)
- ☐ Planning Commission..... (4 year term, appointed by Council)
- ☐ Friends of Pool Task Force (until project complete, appointed by Council)

I AM CURIOUS ABOUT THE OTHERS

Please briefly state why you are interested in serving on the board(s), committee(s), task force and/or commission(s) that you have selected:

I WAS INVITED BY BEV. TO MAKE A QUORUM. I ALSO LOOKED AT TAICHI & GARDEN CLUB. I STAYED THRU THE CHANGES

I LOVE PARKS MY WHOLE LIFE YOU HAVE (4) MY HEARTS DELIGHT. I THINK I COULD CONTRIBUTE. I'M SMART ENOUGH I CATCH ON QUICK. I FELL IN LOVE WITH M.C. HOWEVER THERE ARE A LOT OF PEOPLE DYING THAT I JUST MET.

Do you have any experience serving on City boards, committees, task force or commissions? (Prior service is not a requirement for appointment). If you do, please describe the experience, and your length of service:

NOPE. I HAVE 30 YRS IN THE FILM INDUSTRY AND AM RETIRED RAISED 2 KIDS AND THEY HAVE KIDS.

Any additional information you would like to provide:

I GOT HERE, MY HOME AND EVERYTHING BURNED DOWN IN THE PARADISE, CALIF IN 2018. I STAYED BUT SO MY INSURANCE DOESN'T GET LOST IN THE MAIL. I LOVE THE PARKS, BOUGHT SMALL HOUSE

Volunteer service on boards, committees, task force and commissions does require effort and time from members.

Your interest and participation can help your community, and is greatly appreciated.

Appointments to committees and commissions are made by the Mayor with the consent of the City Council.


Applicants Signature

The City of Myrtle Creek
P. O. Box 940
Myrtle Creek, Oregon 97457
www.cityofmyrtlecreek.com

Phone: 541-863-3171
Fax: 541-863-6851

APPLICATION TO SERVE ON A CITY OF MYRTLE CREEK
BOARD, COMMITTEE, COMMISSION OR TASK FORCE

RECEIVED
3/24/23

Application **MUST** be completed to be valid

Name: Sharon Umphlett Date: 3/24/23

Address: [REDACTED]

City: Myrtle Creek State: OR Zip: 97457

Home Phone: [REDACTED] Cell Phone: [REDACTED] Work Phone: [REDACTED]

Email Address: Umphlett@verizon.net

Occupation: retired Place of Employment: [REDACTED]

Are you a registered voter? Yes ☒ No ☐

Please mark all Boards, Commissions and Committees for which you are applying:

- ☐ City Council..... (Vacancies appointed by Council)
- ☐ Park Commission... (3 year term, appointed by Council)
- ☒ Budget Committee..... (3 year term, appointed by Council)
- ☐ Planning Commission..... (4 year term, appointed by Council)
- ☐ Friends of Pool Task Force (until project complete, appointed by Council)

Please briefly state why you are interested in serving on the board(s), committee(s), task force and/or commission(s) that you have selected:

I have a passion for numbers and feel
I can contribute to the Budget Committee.

Do you have any experience serving on City boards, committees, task force or commissions? (Prior service is not a requirement for appointment). If you do, please describe the experience, and your length of service:

Currently serving on the MC Planning Commission

Any additional information you would like to provide:

Volunteer service on boards, committees, task force and commissions does require effort and time from members.
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APPLICATION TO SERVE ON A CITY OF MYRTLE CREEK
BOARD, COMMITTEE, COMMISSION OR TASK FORCE

Application MUST be completed to be valid

RECEIVED
3/24/23

Name: Lois Proctor Date: 3-24-23

Address: [REDACTED]

City: Myrtle Creek State: OR Zip: 97457

Home Phone: NA Cell Phone: [REDACTED] Work Phone: NA

Email Address: LWin97@aol.com

Occupation: Retired Place of Employment: _____

Are you a registered voter? Yes ☒ No ☐

Please mark all Boards, Commissions and Committees for which you are applying:

- ☐ City Council..... (Vacancies appointed by Council)
- ☐ Park Commission... (3 year term, appointed by Council)
- ☒ Budget Committee..... (3 year term, appointed by Council)
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Please briefly state why you are interested in serving on the board(s), committee(s), task force and/or commission(s) that you have selected:

Spent my life accounting + tax prep.


Do you have any experience serving on City boards, committees, task force or commissions? (Prior service is not a requirement for appointment). If you do, please describe the experience, and your length of service:

yes Skyline ranch, San Diego HOA

Any additional information you would like to provide:

want to be proactive in community

Volunteer service on boards, committees, task force and commissions does require effort and time from members.
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APPLICATION TO SERVE ON A CITY OF MYRTLE CREEK
BOARD, COMMITTEE, COMMISSION OR TASK FORCE

Application **MUST** be completed to be valid

Name: Cathy Wragg Date: 03/26/2023

Address: [REDACTED]

City: Myrtle Creek State: OR Zip: 97457

Home Phone: _____ Cell Phone: [REDACTED] Work Phone: [REDACTED]

Email Address: wraggcathy@gmail.com

Occupation: Dog Trainer Place of Employment: From Home

Are you a registered voter? Yes ☒ No ☐

Please mark all Boards, Commissions and Committees for which you are applying:

- ☐ City Council..... (Vacancies appointed by Council)
- ☐ Park Commission... (3 year term, appointed by Council)
- ☒ Budget Committee..... (3 year term, appointed by Council)
- ☐ Planning Commission..... (4 year term, appointed by Council)
- ☐ Friends of Pool Task Force (until project complete, appointed by Council)


Please briefly state why you are interested in serving on the board(s), committee(s), task force and/or commission(s) that you have selected:

I am interested in participating in city government. I have ten units of accounting and several other units in Business Administration. I want to gain a better understanding about how the city budget works for our city.

Do you have any experience serving on City boards, committees, task force or commissions? (Prior service is not a requirement for appointment). If you do, please describe the experience, and your length of service:

Any additional information you would like to provide:

Volunteer service on boards, committees, task force and commissions does require effort and time from members.
Your interest and participation can help your community, and is greatly appreciated.
Appointments to committees and commissions are made by the Mayor with the consent of the City Council.


Applicants Signature

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**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 847**

**AN ORDINANCE ESTABLISHING A PUBLIC SAFETY FEE TO EQUITABLY
SPREAD THE COST OF PUBLIC SAFETY SERVICES**

The City of Myrtle Creek ordains as follows:

SECTION 1. FINDINGS: The adoption of this ordinance and the levying of charges and fees hereunder are adopted pursuant to the authority contained in the Oregon Constitution, Article XI Section 2.

SECTION 2. DEFINITIONS: For the purposes of this chapter, the following terms are defined as follows:

Developed Property or Developed Use. A parcel or lot of real property upon which any improvement exists, and upon which activities occur that generate or receive motor vehicle traffic. Improvement on developed property includes, but is not limited to, buildings, parking lots, landscaping and outside storage.

Dwelling or Dwelling Unit. One or more habitable rooms that are occupied or that are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, sanitary facilities, cooking and eating.

Multi-family Residential. Property with a building consisting of two or more dwelling units, including, but not limited to, apartments, townhouses, condominiums and duplexes.

Non-Residential. A use of property that is primarily not for single-family or multi-family dwellings.

Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example, an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use with City utilities turned off is not considered an occupied unit.

Person Responsible. The utility customer or the person or persons who by usage, occupancy or contractual arrangement are responsible to pay the City utility bill for an improved premise.

Single Family Residential. Property with a building consisting of a single, detached dwelling unit.

SECTION 3. PUBLIC SAFETY FEE ESTABLISHED

A public safety fee is hereby established, in an amount to be determined, and adjusted from time to time, by resolution of the City Council. Fees charged to the person responsible shall be based on a per occupied unit. Such fee shall be established in such amounts which will provide sufficient funds to properly supplant the property tax funding directed to other departments.

SECTION 4. EXCEPTIONS TO PUBLIC SAFETY FEE.

The following shall not be subject to the public safety fee:

1. City-owned parking lots, which are not associated with public services other than parking.
2. Publicly owned parkland, open spaces, and greenways, unless public off-street parking designed to accommodate the use of such areas is provided.

SECTION 5. USE OF FUNDS

All funds collected pursuant to this Chapter shall be paid into the General Fund. Such revenues shall be used to pay costs of operations of the Police Department associated with equipment, vehicles, training, and contractual services. It shall not be necessary that the use and expenditures from the General Fund specifically relate to any particular property from which the fees for said purposes were collected.

SECTION 6. PUBLIC SAFETY FEE STRUCTURE

1. The public safety fee shall be based on a per unit fee on developed property. Each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. Property that is undeveloped or, if developed, is not in current use with City utilities turned off is not considered an occupied unit. The following is an example representing a \$4 per unit fee:
 - a. Single Family Residential Unit: 1 unit x \$4 = \$4 per month
 - b. Multi-family Residential Unit with 4 units: 4 x \$4 = \$16 per month
 - c. Commercial/Industrial Unit with 3 retail shops: 3 x \$4 = \$12 per monthAn industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit.
2. The City Administrator shall determine the unit classification for developed property.

SECTION 7. BILLING AND COLLECTION OF FEES.

1. The Public Safety Fee shall be billed and collected with and as part of the monthly water and sewer bill for those lots or parcels utilizing City water and/or sewer, and billed and collected separately for those lots or parcels not utilizing

City water and/or sewer. In cases where a developed property is subject to water and sewer utility charges, the Public Safety Fee bill shall be directed to the same person as the bill for water and sewer charges. In the case of those lots or parcels which are not occupied by the owner, the fee shall be billed with the monthly water and sewer bill, if any, which is billed to the resident of the property, unless the owner of the property requests that the combined utility bill be sent to another address. If a tenant in possession of any premises pays such fee, such payment shall relieve the owner from such obligation and lien, but the City shall not be required to look to any person other than the owner for the payment of such fees. All such bills shall be rendered monthly and shall become due and payable upon receipt.

2. All charges for public safety during any month shall be paid no later than thirty (30) days after the billing date. Bills which remain unpaid for more than thirty (30) days after the billing date shall be considered delinquent. If a customer's account remains delinquent for more than ten (10) days, the water service may be turned off at the premises against which the delinquent street charges owed. When so turned off, the water shall not be turned on again until a reconnect fee established in the City of Myrtle Creek Handbook of Fees and Charges, plus the delinquent portion of the customer's street account balance has been paid. If the customer's account remains delinquent for more than thirty (30) days, the amount owed shall be deducted from the customer's water service account deposit, the customer's account deposit, the customer's street, sewer and water accounts may be closed and any remaining deposit balance shall be returned to the customer at the customer's last known mailing address. The customer shall be responsible for keeping the City informed as to the customer's current mailing address. The customer shall be defined as the person or persons in whose name the utility service account is registered.
3. If the Public Safety Fee is not paid when due, the City Administrator may proceed to collect such charges in any manner provided by law.
4. Public safety fees shall continue to be levied against the customer's account until a vacancy occurs, or in the case of a delinquent account, until the City turns off the water service.

SECTION 8. WAIVER OF FEE IN CASE OF VACANCY

1. When any property within the City becomes vacant, and water service is discontinued, a waiver of the Public Safety Fee may be granted by the City Administrator upon written application of the person responsible, including a signed statement, affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding water, sanitary sewer, and street utility charges;
2. For purposes of this section, "vacant" shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. "Vacant" shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

3. Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether water service is restored.

SECTION 9. APPEAL

1. Any property owner who disputes any interpretation given by the City as to the assigned billing category may appeal such interpretation. A property owner or their agent desiring an interpretation or other examination of the property owner's Public Safety Fee shall submit a written application to the City Administrator. The application shall be submitted in sufficient detail to enable the City Administrator to render an interpretation.
2. Within 30 days of the submission of an application for interpretation together with the required information, the City Administrator shall cause a final decision to be made on the application. The decision shall be written and shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. A copy of the decision shall be mailed to the person submitting the request. The City Administrator shall maintain a collection of such decisions.
3. If the decision of the City Administrator affects the unit fee of the property owner requesting the interpretation, the City Administrator shall assign a new unit fee. If a change in unit fee is assigned, the appropriate change may be made in the applicable fee to charge in the future. Back charges or refunds shall be allowed up to 60 days, two billing cycles.
4. Decisions of the City Administrator may be further appealed to the City Council, and shall be heard at a public meeting. An owner, who disputes an interpretation made by the City Administrator as to the assigned unit fee under this ordinance, shall submit a written appeal to the City Council within 10 days from the date of the City Administrator's decision, together with a filing fee established by resolution in the Handbook of Fees and Charges. The application for appeal shall specify the reasons therefore. Appeals shall be limited to the issue of whether the appropriate unit number has been assigned to the particular property.
5. The City Administrator shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The Council shall conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the City Administrator. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council shall make a tentative oral decision and shall adopt a final written decision together with appropriate findings in support. The decision of the Council with respect to the unit or units shall be limited to whether the appellant has been assigned to the appropriate unit number. If the Council should determine that a different unit number should be assigned, it shall so order. Only where the

Council decision results in change in unit number will the filing fee on the appeal be refunded. The Council decision shall be final.

6. Appeals filed within 120 days of the effective date of this ordinance shall not be subject to paying a filing fee. The appeal fee is fully refundable should the appellant adequately justify and secure the requested reassignment in billing category.

SECTION 10. SEVERABILITY

1. In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the ordinance shall continue to be effective. If a court of competent jurisdiction determines that this ordinance imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the Public Safety Fee shall be created and the remainder of the ordinance and the fees imposed there under shall continue to apply to the remaining properties without interruption.

Passed by the City Council on its First Reading this 7th day of March 2023

Approved by City Council on its Second Reading this 4th day of April 2023

Approved by the Mayor this 4th day of April 2023

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder