CITY COUNCIL STUDY SESSION MINUTES

June 3, 2014

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 3rd day of June, 2014, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Castleberry, Griffith, Heiple, Holman, Jungman, Kovach, Miller, Williams, and Mayor Rosenthal

ABSENT: None

Item 1, being:

DISCUSSION REGARDING THE FYE 2015 CITY OF NORMAN OPERATING AND CAPITAL BUDGETS.

BUDGET AMENDMENTS

Councilmembers discussed budget amendments for the FYE 2015 City of Norman Operating and Capital Budgets.

Recreation Fees

Mr. Jud Foster, Director of Parks and Recreation, said many recreation fees have not been increased in two to four years and Staff is recommending the following increases:

	Current Fee	Increased Fee
Junior Jammer Basketball	$ 64.00	$ 69.00
Baseball/Softball	$ 64.00	$ 69.00
Summer Camp (12th Avenue)	$125.00	$135.00
Summer Camp (Irving)	$ 95.00	$115.00
After School Programs	$135.00	$150.00
Sports Camps	$ 79.00	$ 85.00
Sports Camps	$ 55.00	$ 60.00
Daddy Daughter Dance	$ 10.00	$ 13.00
Mummy Son Dance	$ 5.00	$ 8.00
Tennis Court/Memberships	$ 3.00	$ 4.00
Facility Rentals	Varies	$ 5.00 per hour

Mr. Foster said Westwood Golf Course and Westwood Pool fees will also be increased for a total revenue increase of $18,225. He said the new fee structure places Norman in line with fees in other communities.

Councilmember Griffith asked why there was such a difference in fees between the Daddy Daughter Dance and Mummy Son Dance and Mr. Foster said the Mummy Son Dance has far less attendance.

Oil and Gas Fees

Mayor Rosenthal said there is a proposal to increase oil and gas fees. Currently, the drilling permit fee is $3,000 with an annual inspection fee of $225. It is proposed those fees be increased to $5,000 for the drilling permit fee and $450 for the annual inspection fee. She asked Staff if this increase would cover the City's costs and Mr. Terry Floyd, Development Coordinator, said the increase will provide approximately 80% cost recovery for current expenditures (compensation and vehicle/resources) for the Oil and Gas Inspector position.

Councilmember Williams said most communities have an application fee, permit fee, and inspection fee and asked if the City of Norman added an application fee how much would that fee need to be in order to cover costs 100%.

Oil and Gas Fees, continued:

Mayor Rosenthal asked if fee structures are reviewed routinely and Mr. Steve Lewis, City Manager, said based on what is being presented tonight, the answer is no. He said it would be a good practice to review fees every three to five years on a rotating schedule. Mayor Rosenthal said building and development fees should be reviewed as well because they have not been increased in eight years.

Councilmember Holman said he would like to see a fee comparison of other communities and Councilmember Williams agreed. Councilmember Williams would like to see the types of fees Norman charges compared to other communities including fees Norman does not charge that other communities do charge as well as what fees other communities do not charge that Norman does.

Mayor Rosenthal said Code Enforcement's administrative fees that are charged for abatement of violations should be reviewed because she does not believe those fees recover costs. She said Council may want to consider charging a penalty to repeat offenders and Councilmember Kovach agreed and said the City should be able to charge more to someone who is constantly in violation and has to be notified every two weeks to mow their yard. He said the City spends a lot of man hours enforcing violations.

Councilmember Castleberry asked if the City will be reviewing fees to find out if they are too high or too low or is the City only reviewing fees that can be increased and Councilmember Kovach said he is asking for a review of all fees comparing them to other communities to see if the City is high or low. He said if the City is high on some fees there could be some discussion on decreasing those. Mr. Lewis said a review would be two pronged, 1) looking at pier comparisons and 2) looking to see if the City is recovering cost for the service and determining if the fees are too high or too low.

Mayor Rosenthal said there seems to be a consensus to review fees regularly and make appropriate adjustments based on those reviews.

IMHOFF CREEK

Mayor Rosenthal said Councilmember Kovach requested discussion of a Capital Budget amendment regarding an expenditure for channel bank stabilization on Imhoff Creek.

Mr. Shawn O'Leary, Director of Public Works, said Councilmember Kovach and Staff have been approached by the property owner of 2802 Walnut Road regarding significant erosion occurring on the east bank of Imhoff Creek. The erosion has caused some property damage, most noticeably fencing and railroad ties that were used to form retaining walls. The property owner has requested immediate repairs to the Imhoff Creek channel. He said the top of the bank is 41.5 feet from the existing home and 16 feet from the drainage easement and sanitary sewer line, but there is no immediate threat to any structures.

Mr. O'Leary said Imhoff Creek is Norman's most chronic problem relative to stormwater channels. He said the Imhoff Creek Project is identified in the Storm Water Master Plan (SWMP) as a $6.5 million project. The purpose of the project is to provide bank stabilization, mechanically stabilized earth wall, rock riprap protection, rock grade controls, and rock toe protections for Imhoff Creek beginning north of Highway 9 and continuing upstream 4,200 feet or 2,000 feet north of the bridge at Imhoff Road. The project is ranked fifth in the 50 to 60 projects identified in the SWMP. He said there are approximately 54 residential parcels located along the project boundary and all those properties are currently experiencing channel erosion similar to 2802 Walnut Road.

Mr. O'Leary said in 2008-2009, channel maintenance work was completed directly north of Imhoff Road at the request of adjacent property owners. Imhoff Creek was stabilized and filled in with concrete rubble where the bridge was starting to undermine on the north side of Imhoff Road. The work continued upstream to the north for approximately 200 feet. The bottom was extremely sandy and completely unstable and there was concern that if the undermining was allowed to continue the structural integrity of the bridge could be compromised. He said it is uncertain whether these repairs had any impact on the property in question.

Imhoff Creek, continued:

Mr. O'Leary said there is a 50 foot public easement along the east side of Imhoff Creek at 2802 Walnut Road that would allow the work to be completed; however, there is no drainage easement on the west side of the creek because the adjacent parcel of land is unplatted. Without a drainage easement, work cannot be completed on the west half of the creek bottom and west bank and Staff would like both sides of the bank to be stabilized concurrently.

Mr. O'Leary said annual bridge inspections are done and there is currently no concern about the Imhoff Creek Bridge or structures nearby. He said Staff was unable to get enough information on such short notice to advise Council on what steps need to be taken for this location. Staff estimates the cost of the bank stabilization project at this location to range from $250,000 to $500,000. Mr. O'Leary said Staff has put together two alternatives for the bank stabilization project. Alternative No. 1 includes a construction project for 2802 Walnut Road only and Alternative No. 2 includes a design project for Imhoff Creek. Staff is recommending Alternative No. 2 that includes a budget amendment of $200,000 for a preliminary engineering design of this project. At the completion of that design process, a phased plan of improvements to Imhoff Creek could be authorized by Council in the City's Capital Improvement Program to include 2802 Walnut Road. He said Alternative No. 2 appears to be a prudent use of funds and will provide a comprehensive solution to stormwater concerns in Imhoff Creek.

Councilmember Griffith said if the design concept was applied to the entire project what would the timeline be for repairs and Mr. O'Leary said approximately six months for a preliminary design.

Councilmember Miller asked if the City would need to purchase the easement on the west side and Mr. O'Leary said yes. He said that property is undeveloped and unplatted, but the property owner is not a fan of the City of Norman. He said typically, property owners dedicate the easement but that property owner is not willing to do that. Councilmember Miller asked about possible unintended consequences of making repairs at 2802 Walnut Road and Mr. O'Leary said a good design project will give the City a phased approach on how the City could make repairs on small sections of the channel. Mr. O'Leary said he has walked the channel and there are worse conditions than those at 2802 Walnut Road.

Councilmember Williams asked about the original timeline for the channel project and Mr. O'Leary said this is one of the largest projects in the SWMP and is unfunded so the City was in a waiting stage to determine utility discussions and other sources of funding for this project as well as other projects in the SWMP. Councilmember Williams asked if a design process had been considered before now and Mr. O'Leary said no because this project is ranked fifth in the SWMP and there are four other projects ranked as more severe or have a higher priority. Mr. O'Leary said there is no funding for the project so no plans have been made for the project prior to the property owner coming forward with their request.

Mr. Scott Sturtz, Capital Projects Engineer, highlighted the top five projects in the SWMP as Lindsey Street/McGee Avenue; moving a mobile home park at the Little River east of Indian Hills that is in the floodplain; Main Street Bridge; Bishop Creek crossings at St. Clair and Beaumont; and Imhoff Creek. He said the Lindsey Street/McGee Avenue and Main Street Bridge projects are currently in process.

Councilmember Kovach said he walked the channel and witnessed the disappearance of land over time during his tenure on Council. He said erosion is not only happening, but it is accelerating. He said if you look south off the Imhoff Bridge you can see fence lines beginning to fall. He said there are also property owners in areas north of Imhoff Creek that have approached the City with erosion concerns. He wants to represent his constituents, but also understands the fiduciary responsibilities of the City. He is also aware that if you have a problem that becomes worse, it becomes more expensive and this problem is getting worse. He said this problem was basically caused by the City repairing the south side of the channel without fixing the north side at the same time. He asked Council to look at all the properties being affected because the property owners' back yards are disappearing and home values are dropping. He said the City has a responsibility to respond to that and he is all for a plan that repairs the entire channel, but felt a $200,000 plan would not make the problem go away.

Imhoff Creek, continued:

Councilmember Castleberry asked if the $200,000 plan will only tell the City what to do or would it fix the problem as well and Mr. O'Leary said it will tell the City what to do, but it still remains a $6.5 million project for the entire 4,200 feet. Councilmember Castleberry said if he purchased a piece of property along a creek bed, what would his assumption of risk be and Mr. Jeff Bryant, City Attorney, said the City is not liable for acts of Mother Nature, but the City would be liable for changing the course of the stream, which according to City engineers, is what happened.

Councilmember Griffith said Alternative No. 2 is a proactive step the City needs to pursue. Mayor Rosenthal agreed and said she would like to budget money for rights of access to be able to negotiate with property owners going forward. She said the City cannot respond to one property owner when there is a whole series of property owners who have similar complaints so a more comprehensive plan is needed.

Councilmember Williams asked why Bishop Creek is ranked ahead of Imhoff Creek and Mr. O'Leary said there was a ranking system that considered a number of things such as impact to properties, public safety concerns, land impact, etc. He said Bishop Creek's issue is more about flooding and having to close streets due to the safety concerns as opposed to a large channel eroding away land.

Councilmember Castleberry asked if there is a possibility the study may not be useful and the $200,000 would be spent for nothing and Mr. O'Leary said he does not see that happening. He said if the creek is going to be repaired there has to be a design plan. Councilmember Jungman said he would support the design plan.

Mr. Lewis asked Council if they wanted Staff to prepare a budget amendment item that also anticipates some easement acquisition and Mayor Rosenthal said she would like to be able to negotiate rights of access, which is preferred by property owners on the east side. She said the City is not ready to purchase easements until the design process for the entire 4,200 feet has been completed.

Items submitted for the record

1. Memorandum dated May 29, 2014, from Scott Sturtz, City Engineer, through Shawn O'Leary, Director of Public Works, to Steve Lewis, City Manager, with Alternative No. 1 and Alternative No. 2
2. Memorandum dated May 29, 2014, from Anthony Francisco, Finance Director, to Honorable Mayor and City Councilmembers
3. FYE 15 Proposed Recreation Fee Increases

* * * * *

The meeting adjourned at 6:25 p.m.

ATTEST:

Brenda Hall
City Clerk

Cindy Rosenthal
Mayor

CITY OF NORMAN CORPORATE SEAL OKLAHOMA