

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
January 11, 2010**

CALL TO ORDER

Mayor Gary Williams called the meeting to order at 7:30 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

COUNCIL PRESENT: Mayor Gary Williams, City Councilors Mike Fleck, Jeff Gowing, Thomas Munroe, Heather Murphy, Wayne Clark and Diane Conrad

YOUTH REPRESENTATIVE: None

STAFF PRESENT: City Manager Richard Meyers, Police Chief Mike Grover, Public Works Director Jan Wellman, Community Services Director Pete Barrell, Community Development Director, Howard Schesser, Finance Director Bert McClintock and City Engineer Ron Bradsby

CITY ATTORNEY: Sean Kelly

OTHERS PRESENT: Cameron Reiten, KNND Radio

Mayor Williams recognized the Sons of Union Veterans of the Civil War (SUVCW) and read a statement about their organization. The Color Guard presented the flags and led the Pledge of Allegiance.

Mayor Williams recognized several individuals and groups who had been a part of the community and made great contributions in history, heritage and tradition and presented each of them with a Mayoral Certificate of Appreciation.

Diane O'Renck was recognized for her work with Western Oregon Exposition.

Sharon Jean was recognized for her work with the Bohemia Mining Days.

Marcia Allen was recognized for her work with the preserving the history of Cottage Grove.

The Village Green and Melinda Thompson were recognized for the resurrection of the Village Green.

Kennedy Conservation Corps from the Kennedy Alternative High School was recognized for their work with the restoration of the wetland west of the Cottage Grove Industrial park.

Matt Parsons was recognized for his service on the Planning Commission from January 1, 2002 to December 31, 2009 and was also given a plaque from the Planning Commission.

STATE OF THE CITY ADDRESS

Mayor Williams gave his State of the City Address. (Attached as Exhibit A)

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

None

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

(a) Resolution to Appropriate Specific Purpose Grants

Finance Director, Bert McClintock, advised Council the City had received a federal grant in the amount of \$14,686 from the Edward Byrne Memorial Justice Grant Program for the purpose of upgrading the existing jail cells. In order to lawfully spend the money, the City must comply with the requirements of Local Budget Law and appropriate the money, which was allowed by law as the money was not known when the budget was put together.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT RESOLUTION NO. 1725 BE ADOPTED.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) First Reading Ordinance Establishing Penalties and Procedures for Building Violations

Community Development Director, Howard Schesser, reported to the Council that the Legislature in 2009 passed SB915 that required cities to establish processes for civil violations and penalties associated with the enforcement of building code and speciality code violations. Council was provided with additional information in a separate Memorandum that provided some of the background as well as the information on the draft model ordinance. He advised the City hadn't needed to use violations in that manner through the implementation of the City's building program, however, it went through the Legislature because some other cities had. The ordinance before Council was based on a model ordinance developed by the League of Oregon Cities and other jurisdictions, relating to providing the establishment of penalties and procedures for violations of the building and speciality codes. Currently civil penalties were \$5000 and \$1000 which were provided in the State Statute. There had been only one instance in the last ten years that the City had to use this violation as the City normally got volunteer compliance in meeting code requirements. In the instance where they didn't get compliance the State Electrical Inspector was called in. The building official was the one that would, after reasonable efforts had been made to get volunteer compliance, issue the notice of violation specifying what the penalty was and then the City had to have an appeal procedure but it couldn't be the building official because it would be on him to prove his case. Staff recommended that the ordinance be read first time and brought back to council for further consideration at the next meeting.

Council Munroe said when he looked at Section 15.040.050 Violations, Penalties and Remedies, it confused him because if you looked at the process, it didn't specify commercial versus residential, it just simply stated you would not alter, repair, etc. and he didn't understand. Howard had clarified for him that under the City's Building Code, which he had misinterpreted part of it because he had looked the Development Code which dealt strictly with land use, that there was partial points that overlapped in the two codes. He looked at the penalty clause which described it as an unclassified misdemeanor and it was his hope that under the building code that any penalties derived would not be classified as that. Howard assured him that wasn't the way it was. The one part that still puzzled him was the other document given to Council which stated that City's could no longer issue citations to Municipal Court for building code violations and in the proposed ordinance it stated that it would be done by an appeals process. He asked Howard if it was done through the process and there was a fine, if the lien was put on the structure as there would be no court direction to take it to?

Howard said if in the end, it had gone through either appealed or not appealed but the thirty day time period had expired, then there were provisions in the ordinance which would place it in a city lien docket for whatever the violation was and what the amount of the violation was, so it would be a lien situation.

Councilor Munroe said under 15.040.070, the appeals procedures, it stated that the \$250 appeal fee was not returnable, however in another part of the document it stated that it was the hearings officers sole discretion that the appeal could be refunded if found to be frivolous and asked if that was correct.

Howard said that was correct. In subsection (A) it said that it was not returnable except as provided in subsection (E) which talked about the appeals officer making that determination, taking into consideration if it was a valid appeal and wasn't frivolous, the appeal fee could be returned.

Councilor Munroe said when he looked at that, it stated that the Community Development Director or his designee, etc. made the decision which to him meant that in reality there was no recourse to the court, that it was the police officer writing a ticket and the chief taking care of it.

Howard said the under the provisions the appellant could still go to court once the process had been gone through. Currently, if there was a violation, that was the ultimate way he had to go if he didn't go through the state process, was to go to the Court. The City didn't do that a lot because of volunteer compliance and also the cost and time it took to go through Municipal Court.

Councilor Munroe said he was curious in order to keep staff and the City Council in process together if it would be viable to have an appeals board with two councilors and the community development director.

Howard said the appeals board the ordinance was referring to was made up of people involved in the industry so it was a little different, however Cottage Grove was too small to meet the requirements to have such a board, so if someone was appealing an interpretation, there were sections under the Building Code where it would be appealed to the State Appeals Board.

Councilor Munroe asked if what he was saying was that it wasn't a viable thing to take council and staff to create an appeals board.

Howard said no, the City would not qualify under the State Building Codes. There was a Plumbing Appeals Board, Building Codes Appeals Board and Electrical Codes Appeals Board, that anyone at anytime could, if they disagreed with the interpretation of the requirement of the building official, could appeal to those boards and get a ruling. Some cities that were big enough had their own local appeals, like Portland, that could get people that were required to have a competent board.

Councilor Fleck said he appreciated the extra information. He said when he saw the \$5000 and \$1000 figures, it caught him off guard and wondered if the City was increasing fees or not but it looked like the City was just going by what's at the state. He asked if there was a guideline for how the fees were assessed? He also read that when imposing penalties there were certain things the buildings official should consider and wondered if the state had guidelines for imposing penalties.

Howard said it was right that the \$1000 and \$5000 came out of the State Statute. He said there was no guidelines at this time, that it was his understanding that Building Officials Association and the Building Codes Division were going to be looking at that because part of the purpose for the ordinance was to get a uniform process throughout the State and they would be looking at the

fees. That was why cities that used it a lot were probably the ones who had major issues and the City hadn't had that.

Councilor Fleck said he assumed if there were life safety issues they would obviously impose heavier penalties as well.

Howard said that was correct and for life safety issues the City would be looking for immediate correction.

Councilor Conrad asked about 15.040.070(E), the appeals procedures, and the wording that said the appeals fee could be refunded if the appeal was not frivolous. Frivolous to her was a very subjective word and she wondered if it could be made it more objective and fair by saying something like the appeals fee could be refunded if the appeal decision was in favor of the appellant.

Howard said that was possible, there was no guidance with regard to the information that was sent to the City, it was how the model was developed.

Councilor Conrad asked how he perceived that, would the change be more objective and fair and could Council reach a consensus and reword it for the second reading.

City Attorney, Sean Kelly, said he could see if there were three or four issues and the appellant could be correct on one and maybe not win the whole appeal but it wasn't frivolous to appeal it because there were things to talk about, in that circumstance they may not then be entitled to a refund.

Councilor Conrad said under 15.040.060(J), it referred to the failure to pay a penalty imposed herein within ten days and she wanted to know if it might be a financial burden for some people to pay that penalty and wondered if that wording could be changed to consider allowing time payments.

Howard asked Sean if language to that affect or the fact that if they paid a portion of it and the rest went as a lien, then interest and everything else would apply and they could pay that over time. He said in most cases if there was a violation, they were going to take care of it because it was going to stop the development and they would not be allowed to finish until the penalty was paid.

Councilor Conrad said she understood that was correct in most cases but in a public ordinance the City should approve that time payments would be acceptable.

Sean said there would have to be something along with their correction. The reason for the short time line was the penalties were for health and safety issues. If there was wording that if the corrections were made and the fines were so imposed he would feel more comfortable.

Councilor Conrad asked about 15.040.060(F) where it talked about notice, first class mail was

included and she thought the City should only rely on registered or certified mail.

Howard said the reason first class mail was used was because a lot of times certified mail was refused but if the first class didn't come back, the Courts and Judges have looked at that as being delivered.

Sean said it was common in these types of cases because people try to avoid being served and do not pick certified mail up.

Richard said the City would do both, first class and certified and registered mail.

Councilor Conrad said under 15.040.060(E)(6), where it said the violator's cooperativeness, that too was a subjective item and to make it more subjective and fair she suggested to eliminate the word cooperativeness.

Sean said that the difficulty would be that the City needed to work with them and cooperation was the shortest way to sum up working together towards a resolution. Without their cooperation, it couldn't effectively be resolved.

Councilor Conrad asked if it wouldn't be addressed when the fines just kept increasing.

Sean said he interpreted it as cooperating not the lack thereof.

Councilor Conrad said she read Section D to say that the City could impose penalties without issuing an order to correct the violation.

Howard said if it were a life safety issue such as electrical that needed to be addressed, he could issue it then. Right now what was done was if the electrical inspector made the determination that it was unsafe, the City called in the power company to cut the power which was more effective than issuing a violation.

Councilor Conrad asked if it could be worded to add that under issues of safety.

Sean gave an example of a situation that had occurred that warranted imposing a penalty without an order to correct.

Councilor Conrad said she understood but Section D as written could be written to address under what circumstances a penalty can be imposed without an order to correct.

Sean said the difficulty with that was if it was a repeated and intentional act, but he could take a look at it a little more.

Councilor Conrad said she was looking at it from a citizen's prospective in that they weren't given a chance to correct the violation without receiving a penalty.

Under Section B she asked about the time for correction being less than five calendar days and if it shouldn't read being more than five calendar days.

Howard said no, that if a correction notice was given, it had to be in writing and they had to cite the section in the Building Code that they were in violation of. Unless it was a life safety issue, there was no time frame to have it corrected by because the permit was only good for a certain length of time and they needed to get it corrected because they were not able to proceed until the correction had been made.

Councilor Conrad said the ordinance said the correction shall not be less than five calendar days so if you could do it in less than five days it would revoke that.

Howard said they could still do it in less than five days, but the City couldn't require it any sooner than the five days.

Richard said the City couldn't make something be corrected in a day that might take actually two or three days.

Sean said when the correction notice was given, they must be given a minimum of five days in order to make the correction.

Councilor Conrad asked if meant something other than the time for correction.

Sean said it meant the time that Howard would allow them, you had to give them a minimum of five days to make the correction unless it was taken to the next step and there was immediate safety issues.

Councilor Conrad asked if it could be reworded to reflect that, that the way it was worded she didn't feel it said that.

Richard said it was talking about the building official ordering the time for correction, not the time for correction that the contractor had to take. The City couldn't tell the contractor how long they could take to make the corrections and that was not what it was about. The entire section was saying what the building official could do. The building official could not tell someone that they had less than five days to do something, except if it had immediate threat to health, safety and environment or public welfare. The section was not talking about the contractor not being able to take less than five days to make the correction.

Councilor Conrad asked about 15.04.050 (C) where it talked about each day of the violation constituting a separate violation and said it seemed very harsh and asked if they were in the process of correcting the violation, would there still be a second violation.

Howard said the wording came from the State law and generally if the builder was cooperating with the City and making corrections, the City would not issue a violation notice. A violation notice would only be issued if all reasonable steps had been taken to get voluntary compliance.

Sean said the reason for the section was it dealt with housing and the stakes were very high when people would be occupying the building and that was why each day constituted a separate violation because those engaged in the business needed to understand the stakes were high for safety reasons.

Councilor Clark said it was helpful to keep in mind that the ordinance was not an enemy of the public and when it was read there had to be some understanding that the Staff was working with the developer to show good faith and there was always some gray area that Council couldn't word snap out. The ordinance was a very honest attempt to comply with State law.

Councilor Murphy said she was familiar with contracts and the language in the ordinance was typical language used in a contract of the same sort.

Councilor Fleck said he would support allowing someone to make payments for a penalty imposed under Section J of 15.04.060 and if staff had the latitude if someone were making payments to make them exempt from being charged a violation.

Howard said the thought we could but it was something that Sean and he would have to look at before it was brought back to the Council for a second reading.

Councilor Munroe said the main reason he wanted to go through the ordinance was when people did not comply with this or any other State regulation, sooner or later it affected the bonding and he personally thought the majority of it was a good document. He was a little confused about part of it to start with but he was in total agreement with Howard that when you have something that had strength enough in it, the stronger it was the less violations you were going to have. The first thing that spooked him was the \$5000 and \$1000 penalties but that was the maximum penalty.

Howard said that was correct, the State didn't fine those amounts as they went through the process. He said this was just one tool in the tool box, if they were dealing with a contractor they could revoke the license and a \$25,000 fine that the State could impose. So there were various tools that could be used if the City got to that situation with a contractor.

Councilor Fleck said it could also be someone who had done remodeling on their own home.

Howard said that was correct, however the City was more lenient in working with homeowners who were doing their own work because they didn't understand so it took longer working with them. Generally a contractor, especially one who had been in business a long time, should know what the code said and what was required. The City worked with them if they didn't understand it but if it was a continual repeated violation with the contractor then you had to wonder about their license.

Councilor Munroe asked if a homeowner was doing cosmetic work in their home if they needed a permit. He said when he first read the document he understood it to say a homeowner couldn't do anything.

Howard said they didn't need a permit for that type of work. There were other sections that defined what needed a permit and what didn't need a permit whether you were a contractor or a private citizen doing work on your own home.

Richard gave some examples of when a permit would be needed and when it wouldn't.

IT WAS MOVED BY COUNCILOR CONRAD AND SECONDED BY COUNCILOR CLARK THAT ORDINANCE NO. 2989 BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION IT BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION FOR ADOPTION.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 2989 once by title only.

(c) First Reading Ordinance Repealing Section 8.12.070(A) Related to Fences

Community Development Director, Howard Schesser, advised Council that when Section 14 was amended last year which related to fencing, it was also intended to come back to Council and take the section out of the Nuisance Ordinance that referred to fencing which was not done. The ordinance before Council removed Section 8.12.070(A) from the Nuisance Ordinance.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2990 BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION IT BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION FOR ADOPTION.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 2990 once by title only.

BUSINESS FROM THE CITY COUNCIL

(a) City Council Subcommittee and Liaison Appointments

City Manager, Richard Meyers, advised Council that the changes on the subcommittee and liaison appointments were to remove former Councilor Miller who had retired and add Councilor Fleck as the Chamber of Commerce alternative and remove the Economic Opportunity Analysis Committee from the list as it was no longer in existence.

Mayor Williams appointed Councilor Gowing as a floater on the list, to fill in on the committees whenever the appointed Councilor or alternate were unable to do so.

Richard said the other appointment that wasn't on the list that was later on in the agenda was the Vision Keepers Committee. On the new list it only listed one Councilor instead of two and a thought in filling this committee was to possibly put a representative from the Youth Advisory Council.

(b) Determination of Sidewalk Order - South River Road

City Engineer, Ron Bradsby, said that in preparing the preliminary report for the Chamber's Railroad Covered Bridge Project, he had talked with the Project Manager regarding the traffic control plan of the area and it was discovered that a sidewalk was missing across the street from the project. Because of the project, they would be narrowing down the travel lanes and putting up a barrier or some kind of wall between the traffic lanes and the temporary sidewalk and it would cost the City less money if the sidewalk were installed prior to the commencement of the project. Staff surveyed the area and there was one other property that did not have a sidewalk. These sidewalks should have been installed when the high school was built.

He said Council could declare an order to install sidewalks to the property owners, who would be notified and given a minimum time line to install them and if not the City would hire a contractor to install the sidewalks and the property owners would then be billed. Staffs recommendation was for Council to declare an order.

Mayor Williams asked if the homeowners had been notified.

Ron replied yes, letters had been sent out last week.

Councilor Conrad asked if other properties in the City were surveyed to see if sidewalks needed to be installed.

Ron said engineering had a survey from several years ago which showed where sidewalks either needed to be installed or repaired.

Councilor Conrad said she was concerned that the two properties were being notified to install

the sidewalks and there might be similar situations with other property owners throughout the City and they weren't getting the notice.

Ron said that was correct and eventually because of new ADA laws, the City will have to do more and more of that.

Richard said there were a number of places that did not have sidewalks and should and it was the property owners responsibility to get them installed. The City was taking the approach that the two sidewalks in question needed to be in place. The pedestrian traffic was there and used it on a daily basis during school and people had to go out into the road. Also the construction in the area warranted the sidewalks being installed.

Richard said if Council wanted to have a regular session of ordering sidewalks throughout town for those that didn't have them, staff could put that information together.

Councilor Conrad said she wanted to make sure the two residences were not being singled out.

Richard said they were not being singled out but there was something that warranted them to install the sidewalks on their property.

Ron said if someone was the first homeowner on the street and the whole street didn't have sidewalks, the City could defer that through an LID, there would be a time and a place with enough development that the sidewalk would be put in.

Councilor Conrad said she would vote in favor but with the concern that the City should address the issue in the future.

Councilor Clark declared that he worked for the South Lane School District. He asked if there had been any estimates on what it would cost the property owners to install the sidewalks.

Ron said he did a quick estimate without prevailing wages and estimated Mr. Wright's property to be between \$2000 and \$2700 and that he had trees in the right of way that would have to be removed. He estimated Ms. Higgins property to be between \$1960 and \$2500. They both had concrete driveway approaches so that was accounted for in the estimates.

Councilor Clark said it seemed a little odd timing that this was being done due to the bridge construction and that he had a little bit of an issue with it.

Richard said the bridge drew attention to it, however it should have been pointed out when the school was built and ordered then.

Ron gave an example of another issue the City had several years ago when only one sidewalk was ordered to be installed.

Councilor Clark said it wouldn't have come up now to order these sidewalks be installed if it

weren't for the bridge project.

Richard gave a couple of examples as well when other sidewalks were installed due to a particular project and said as the City saw that they needed to be installed they were taking care of them.

Councilor Munroe said the main reason to install the sidewalks right now was due to safety factors. As construction went on, there was nowhere for pedestrians except in the street and lane of traffic.

Richard said that was a big issue and Ron had eluded to the fact that because of the Federal Highway Administration and the rules associated with the construction area, they had to construct a pedestrian way around in addition to doing the project.

City Attorney, Sean Kelly, asked when the notices had been sent and what the content of the letters had been.

Ron replied that they had gone out January 7, 2010 and had said the Council was going to discuss the issue at the January 11, 2010 Council meeting but provided no estimated costs.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE THAT THE CITY COUNCIL ORDER THE PLACEMENT OF SIDEWALKS ON TWO PROPERTIES ALONG SOUTH RIVER ROAD BETWEEN HARRISON AVENUE AND COTTAGE GROVE HIGH SCHOOL.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(c) Infrastructure Worksessions

City Manger, Richard Meyers, said the work sessions to discuss wastewater and stormwater needed to be scheduled. After discussion, the wastewater work session was scheduled for Friday, February 19, 2010 at 1:00pm and the stormwater work session was scheduled for Friday, February 26, 2010 at 8:30am.

(d) Audit Committee Re-Appointment

Finance Director, Bert McClintock, said the term of Karen Winters expired July 31, 2009 and she was interested in being re-appointed to another three-year term. Staff recommended re-

appointing Karen Winters with a term to expire July 31, 2012. The Audit Committee was scheduled to meet January 26, 2010.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR CLARK THAT KAREN WINTERS BE RE-APPOINTED TO THE CITY'S AUDIT COMMITTEE WITH A TERM TO EXPIRE JULY 31, 2012.

Councilor Conrad said she didn't have a problem with recommending this appointment but thought future committee appointments should be opened to the public to apply.

Mayor Williams asked if this was time sensitive due to the Audit Committee meeting on January 26, 2010 to meet with the Auditors.

Bert said yes, they were scheduled for 11am on January 26th and she would like to have the exit interview with the Audit Committee as quickly as possible following the issue of the audit.

Mayor Williams said typically Council advertised for openings with a thirty day window but Karen had served on the Audit Committee for quite some time and was good at it and had expressed a desire to continue but he understood what Councilor Conrad was saying.

Councilor Fleck said he was comfortable with re-appointing Karen to the Audit Committee.

Richard said the Audit Committee was a little more technical as the members needed to know and understand accounting procedures.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(e) Vision Keepers Committee Appointments

City Manager, Richard Meyers, said there were several of the lead partner's representatives that needed new appointments. The Chamber of Commerce had nominated Jim Gilroy to complete the term of the previous director and Ann White had been nominated to complete the term of the prior representative for the Community Foundation. Rob Currier from EPUD, Pastor Jim Markus from the Ministerial Association, Cindy Vitelli from Family Relief Nursery and Tom McVey from the South Lane School District, had all been nominated for two-year appointments.

Richard said the City had advertised for two at-large positions with expired terms and received

applications from Gloria Campuzano, a current member who had reapplied and Sharon Jean who had applied, both for two-year terms. There was also the other Council position that needed to be filled and it was suggested to fill that position with a Youth Advisory Council (YAC) representative.

Councilor Clark asked how the YAC representative position would work.

Councilor Murphy disclosed that she was the Council representative on the committee but also the Director for the Relief Nursery and had appointed Cindy Vitelli to the committee as the Relief Nursery representative.

Councilor Munroe said he thought it was imperative to have a youth representative on the committee, it was their future that was being discussed and they should be a part.

Councilor Clark said he didn't have a problem with that, he just wasn't sure how it would work since they rarely attended the Council meetings.

Richard said that was partially his fault, that the YAC hadn't had a meeting for a while, however there were several that were interested in being part of the Vision Keepers.

Councilor Clark asked if there could be an alternate.

Richard said yes, that would be easy to do.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE TO APPOINT THE FOLLOWING PERSONS TO THE VISION KEEPERS COMMITTEE: JIM GILROY, CHAMBER OF COMMERCE, TERM TO EXPIRE 12/31/10; ANN WHITE, COMMUNITY FOUNDATION, TERM TO EXPIRE 12/31/10; ROB CURRIER, EPUD; PASTOR JIM MARKUS, MINISTERIAL ASSOCIATION; CINDY VITELLI, RELIEF NURSERY; TOM MCVEY, SOUTH LANE SCHOOL DISTRICT; GLORIA CAMPUZANO, AT LARGE AND SHARON JEAN, AT LARGE WITH TERMS TO EXPIRE 12/31/11 AND RECOMMEND APPOINTING A YOUTH ADVISORY COUNCIL REPRESENTATIVE TO THE COMMITTEE.

Discussion was held on the YAC position, if it should be the other Council representative or a liaison and then appoint another Council representative to the committee.

COUNCILOR FLECK RESTATED HIS MOTION WITHOUT THE APPOINTMENT OF A YOUTH ADVISORY COUNCIL REPRESENTATIVE WHICH WAS SECONDED BY COUNCILOR CLARK.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
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AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Richard asked Council if they wanted to appoint another Councilor to the committee and then have a YAC representative as a liaison to the committee.

Councilor Gowing was asked if he was interested in being the other Council representative on the committee.

IT WAS MOVED BY COUNCILOR CLARK AND SECONDED BY COUNCILOR MUNROE TO APPOINT COUNCILOR GOWING AS THE OTHER COUNCIL REPRESENTATIVE TO THE VISION KEEPERS COMMITTEE.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(f) Concerns from City Council

Councilor Conrad said regarding the trimming of the trees on the golf course and two letters that the City had received, it was obvious that there was some tension and she stated that every citizen had the right to contact their elected officials.

Councilor Fleck said he spoke with a citizen about the door at the Community Center and how loud it was and wondered if City staff could look at it.

Councilor Gowing said he was walking on Woodson Bridge and noted that the sidewalk was in need of repair and a safety hazard and that the lighting was really poor in that area of the street. He also said on the other side of Hwy 99 there were no sidewalks.

Councilor Munroe said the stretch of road between 2nd and 1st Streets on W. Harrison had no sidewalks and it was heavily used and was a safety hazard as well.

Councilor Murphy said January 19th was the Vision Keepers Community Fair.

BUSINESS FROM THE CITY MANAGER

(a) Appointment of Historic Landmark Commissioners

Community Development Director, Howard Schesser, said there were two positions that had expired December 31, 2009 and they were advertised and two applications had been received, David McClean and Marie Longfellow, both incumbents.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK TO APPOINT DAVID MCCLEAN AND MARIE LONGFELLOW TO THE HISTORIC LANDMARKS COMMISSION WITH TERMS TO EXPIRE DECEMBER 31, 2012.

Councilor Fleck said both individuals had served on the Planning Commission and were excellent for the positions.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Local Wetlands & Riparian Inventory - Environmental Protection Agency (EPA) Grant Update

Community Development Director, Howard Schesser, gave the Council an update on the Local Wetlands & Riparian Inventory (LWI) EPA Grant that LCOG had been administering.

(c) Report from City Manager

City Manager, Richard Meyers, advised Council that there would be two CG WiFi Workshops at City Hall on Tuesday, January 12th from 3 to 7pm and Saturday, January 16th from 11am-2pm.

The Community Fair was scheduled for Tuesday, January 19th from 5 to 8pm in the high school cafeteria and there were 29 groups signed up for booths. The City would have a booth and the engineers for the Chambers Railroad Bridge would have information available.

There was a list of grants handed out to Council showing which grants the City had received and the amounts of the grants which did not include stimulus funds.

The Chamber of Commerce Banquet would be on January 22nd and if Council was interested in attending to let him or Trudy know.

Also the LCOG Appreciation Dinner would be on January 28th and if Council was interested in

attending to let him or Trudy know.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Margie and Don Miller, 117 Village Drive, Cottage Grove, thanked Council for listening to their concerns about the noise and visual impacts from the tree trimming at the golf course. They had received a letter from the City Manager which was very well reasoned, however the letter failed to resolve the problem from their perspective. He thanked Councilor Munroe for coming to his home and he had seen from the Miller's perspective the impact since the trees had been trimmed.

He said the Council had received a letter from Cy Bombard from the Middlefield Home Owner's Association and the letter claimed that he was the spokesman for Mr. Miller and reasoned that they had failed to follow an established protocol and asserted himself as the liaison for the Millers. He said the Millers were not intelligent to understand the arrangements as set forth in the Memorandum of Understanding which was signed with the City of Cottage Grove last year. He did read the Memorandum of Understanding and there was no such present or inferred arrangement in it for Cy to speak for him. It talked about maintenance issues and how they were divided, nothing to do at all with a private citizen bringing an issue to the Council.

He reserved the right as a taxpayer, property owner and a citizen in Cottage Grove to bring anything before them that he felt they should hear, he did not give his proxy to anyone and not Cy Bombard. They first appeared before the Council at the advice of the Mayor. He said Cy has overstepped his position and injected himself into the matter in a rude and ill informed way and he bet that the majority of residents that he spoke for that concurred with him, had never been polled. The board's meetings were closed, the minutes were not reported and they didn't ask for any input in decisions made. He said Cy Bombard needed to take care of his own house and needed to keep his references to the Millers and to members of the homeowner's group, civil and respectable and especially letters written to the City Council and other public officials. He believed that as a result of his actions, several of the landscaping staff at the golf course were criticized for trying to do their jobs and he and his wife had the utmost respect for the golf course staff.

He asked the Council to reconsider and keep thoughts on the noise issue and if there was a solution that they could work toward making it a win-win solution.

The Mayor said the microphone was always open to any citizen in the community.

CONSENT AGENDA

- (a) Minutes of the November 2, 2009 Special City Council Meeting
- (b) Minutes of the December 14, 2009 Regular City Council Meeting
- (c) Acceptance of Water Line Easement from Dave Hemenway
- (d) Acceptance of Public Easement - South Lane School District 45J

IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MUNROE TO APPROVE THE CONSENT CALENDAR.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Miller	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Mayor Williams adjourned the regular meeting of the City Council at 10:06pm.

The next regular City Council Meeting will be held January 25, 2010 at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor