

COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
January 11, 2011

CALL TO ORDER

Mayor Gary Williams called the meeting to order at 7:31 in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

City Recorder Trudy Borrevik called the roll. The following were

PRESENT: Mayor Gary Williams, City Councilors Mike Fleck, Jeff Gowing, Jake Boone, Heather Murphy, Garland Burbach and Victoria Doyle

YOUTH REPRESENTATIVE: Ethan Boone

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

CITY ATTORNEY: Sean Kelly

OTHERS PRESENT: Cameron Reiten - KNND Radio, Jerry Thompson, The Sentinel

The presentation of the color was made by Holly Arnold, Alli Harvey and Rachel Meyers, 2010 delegates for the American Legion Girls State.

OATHS OF OFFICE

Oaths of office were administered to Victoria Doyle, Garland Burbach, Jeff Gowing, Jake Boone and Gary Williams by City Attorney Sean Kelly.

STATE OF THE CITY ADDRESS

Mayor Williams recognized in the audience Lane County Commissioner Faye Stewart and former Councilors Tom Munroe, Diane Conrad, Lindsey Haskell and Pat Patterson. He thanked everyone for attending.

Mayor Williams gave the State of the City Address which is attached hereto and marked Exhibit "A" and made a part hereof by this reference.

He recognized the following "bridge builders" and presented each with a Mayoral Certificate of Appreciation. The Cottage Grove Garden Club for their contribution to the All-America Park; Kitty Slack for operating the Cottage Grove Answering Service and providing valuable services to the community for thirty-one years; and Tom Chrestman for developing the Cottage Grove Disc Golf Course in the North Regional Park.

A video of the Armory was shown which will be placed on the city's website.

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

- (a) Public Hearing on Comprehensive Plan Amendment/Land Use Map Amendments for Ryan Sisson/Marcia Shorey (MCPA-4-10)

Community Development Director, Howard Schesser, said the application was to amend the Comprehensive Plan and zone the property from R-2 to R-1 for 2.63 acres located on North River Road. He said the Planning Commission held a public hearing on November 17, 2010 and only the applicant spoke and the Planning Commission voted to recommend approval to the City Council of the applications.

Mayor Williams opened the public hearing.

No one appeared to speak.

Mayor closed the public hearing.

PUBLIC COMMENT ON AGENDA ITEMS

None.

RESOLUTIONS AND ORDINANCES

- (a) Tall Grass, Noxious and Hazardous Vegetation Abatement Program - City Liens Resolution

Community Development Director, Howard Schesser, said the City had a tall grass, noxious and hazardous vegetation abatement program that was primarily operated during the summer using interns. He said in 2010 the City sent letters to property owners who violated the City's code

and the four properties in question hadn't complied with the order to clean up their property. The City public works crew cleaned up the property and an invoice was sent to the four properties. The invoices haven't been paid and staff was recommending adoption of the Resolution to place liens on those four properties.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY TO ADOPT RESOLUTION NO. 1764.

Councilor Fleck asked if the City charged a fee to have the Resolution recorded.

Howard said it was recorded through the City's own process but was not recorded with the County so no fee was included to record on the City's lien docket.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowling	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Second Reading for Ordinance No. 2999 Amending the Comprehensive Plan Land Use Map (MCPA-2-10) Shelter Resources

Community Development Director, Howard Schesser, asked the three new Councilors, Boone, Doyle and Burback, if they had read the minutes from the public hearing that was held at the last council meeting. All three indicated they had read the record. He asked if any Council member objected to the three new Councilors participating in the action. He asked if anyone in the audience had any objection to the three new Councilors participating. No one objected.

He said Ordinance No. 2999 amended the Comprehensive Plan which would re-designate the subject property on North 16th to Medium Density Residential. The Planning Commission recommended approval, the public hearing was held, the first reading was held on December 13, 2010 and it was now appropriate for Council to consider the ordinance for second reading and subsequent adoption. Staff recommended that Ordinance No. 2999 be adopted.

Mayor asked if there was any ex parte contact.

Councilor Fleck said Our Lady of Perpetual Help did an informational presentation to the congregation that had less detail than what was before Council and he also spoke with a former customer, Mr. Cardwell, and gave him some general information and neither would affect his opinion on the matter.

Councilor Murphy said she worked in the neighborhood close to the re-zone and was asked after the last meeting about what was going on and she talked about the re-zone, what was on the public record and she was asked some general questions and she explained what Council could base their decision on. She also expressed that she was disheartened by some of the comments that were made but it would not affect her decision.

Councilor Gowing was asked by some of the residents in the neighbourhood about the last meeting and the process but it didn't have an affect on his decision.

IT WAS MOVED BY COUNCILOR MURPHY AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2999 BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 2999 once by title only.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT ORDINANCE NO. 2999 BE ADOPTED.

Councilor Gowing said he had talked with the City Manager about his concerns which had to do with having to make land use decisions on the adopted criteria, even though a Councilor may not feel it was in the best interest of Cottage Grove. He said it felt like they were just rubber stamping it through and it took their ability to think out so why did some issues have to come to Council if they had no decision to make, they had to vote yes.

Councilor Fleck said the City had adopted a Comprehensive Plan and Development Code, Chapter 14, and both had criteria to follow on land use decisions. He said both documents had been checked and approved by the Department of Land Conservation and Development. There were also nineteen State wide goals that had to be met on land use applications if applicable to our area. He suggested that Councilor Gowing talk to the Community Development Director if he had concerns and discuss changes in the Code that would allow more discussion on these kind of issues.

Councilor Gowing asked why the Planning Commission passed it on a 3-2 vote and if they didn't have to follow the same criteria.

Councilor Fleck said apparently there were a couple of the Planning Commissioners that felt that the criteria did not pass the litmus test.

Howard said he wasn't at the public hearing but his staff said some of the Commissioners got caught up in some of the emotion and didn't look at the criteria. He said they never gave a reason, if you look at the minutes, why they were voting negative. He said for Council to deny the application, they would have to come up with findings that would show the negative reasons on why it wasn't meeting the standards and criteria for housing. When they dealt with housing, there was clear objectives that the City had to follow because the Council's decisions were subject to appeal.

Sean said some reasons Jeff was expressing his concerns were exactly the reasons why the process is what it is and there were certain boxes that had to be followed. He said Oregon was progressive in using land and land ownership, which had always been a priority in the State. He said in the case before Council there was a circumstance of low income housing but there would probably be times in the future where Council would be facing other things that you would probably not want to occur in the community or you may not want in another area. It was part of a dispassionate review where the same reason you wanted something here and did not want it was necessarily the appropriate part of the discussion. He thought part of the rules were why it was frustrating because it was taking the passion out of their ability to make a decision.

Councilor Murphy said she had read the Planning Commission minutes that were presented to Council and she has had some of the same question as Councilor Gowing and it was clear that they also knew it was going to come to the Council for a final decision so any questions would then be re-evaluated by Council.

Councilor Doyle said it came to her mind was it kept referring to public interest and that was one of the criteria that it was in the public interest. She asked where did they define public interest, weren't the residents that currently lived in the area, the people who were going to be affected by this being brought into their community, not also the public that they were talking about looking out for their best interest. It was like defining what public interest was. It was one that she really struggled with, going by the rule and having to vote simply because it met all the criteria and then trying to define if it really met it.

Councilor Fleck said when the applicant came forward with the specifics of the development, that would be the time for any concerned citizens to get involved in the process. He imagined there would be a neighborhood meeting.

Howard said there would be a public hearing before the Planning Commission because there would be a site design review required.

Fleck asked if the applicant would be required to hold a neighborhood meeting.

Howard said he would have to check to see if that was a requirement.

Councilor Fleck suggested that the applicant did that so that maybe some of the concerns could be addressed. There were a lot of things that could be done to mitigate neighborhood impact. At the time of the approval of the site plan, these would be considered.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowling	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(c) Second Reading for Ordinance No. 3000 Amending Title 14, City Wide Land Use District Map (MCPA-2-10) Shelter Resources

Community Development Director, Howard Schesser, said this ordinance was on the same property and now the Council had amended the Comprehensive Plan, the State law required Council to implement the plan through a zoning change. It re-zoned the property to R-2 and staff was recommending Ordinance No. 3000 be adopted.

IT WAS MOVED BY COUNCILOR MURPHY AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 3000 BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowling	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 3000 once by title only.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT ORDINANCE NO. 3000 BE ADOPTED.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(d) First Reading for Ordinance Amending City Comprehensive Plan, Land Use Diagram Map (MCPA-4-10)

Community Development Director, Howard Schesser, said the Council held the public hearing this evening and this would be the first reading to amend the comprehensive map to designate the property from Medium Density to Low Density and staff recommended the ordinance be introduced, read once by title only and following discussion be brought back before the Council at the next meeting for a second reading and consideration for adoption.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT ORDINANCE NO. 3001 BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION 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	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 3001 once by title only.

(e) First Reading for Ordinance Amending Title 14, the City Wide Land Use District Map (MCPA-4-10)

Community Development Director, Howard Schesser, said the ordinance amended the zoning map which would re-zone the property from R-2 to R-1 and staff recommended that the ordinance be introduced, read once by title only and following discussion be brought back before the Council at the next meeting for a second reading and consideration for adoption.

IT WAS MOVED BY COUNCILOR MURPHY AND SECONDED BY COUNCILOR GOWING THAT ORDINANCE NO. 3002 BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION 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	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 3002 once by title only.

BUSINESS FROM THE CITY COUNCIL

(a) Election of Council President

City Manager, Richard Meyers, said pursuant to the City Charter the City Council at the first meeting of each odd numbered year, elected a Council President. He said the Council President would fill in for the Mayor when he was unavailable.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK TO ELECT HEATHER MURPHY AS COUNCIL PRESIDENT.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) City Council Subcommittee and Liaison Appointments

City Manager, Richard Meyers, said committee appointments were made each year. The Vision Keeper committee was not up for reappointment. The committee was a two year appointment and the current representatives were appointed in January, 2010. An additional appointment not on the list needed to be made for representation on the Lane ACT (Area Commission on Transportation) that was recently formed. A primary and alternate representative needed to be appointed to the Area Commission on Transportation.

Mayor Williams said he would be the primary representative and asked Councilor Fleck to be the alternate.

Mayor Williams read the Council appointments and the committee assignments.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR

GOWING TO ACCEPT THE LIST OF COUNCIL COMMITTEE APPOINTMENTS AS PRESENTED.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Ethan Boone was introduced as the youth representative for the Youth Advisory Council.

(c) Work Session on System Development Charges

City Engineer, Ron Bradsby, said the Council held a work session on December 6th to continue the ongoing discussion of the System Development Charges (SDC). He said Council was also presented with a spreadsheet that showed various phasing ideas for the five SDC charges. He said staff would like to hold another work session to finalize the discussion to prepare for the final input and adoption process. Staff’s recommendation was to schedule the work session for January 24th at 6:30pm before the next regularly scheduled meeting.

Discussion by Council and the consensus was to have it on January 24, 2011 at 6:30 pm.

(d) Concerns from the City Council

Councilor Doyle said she attended the last EIB/BID meeting which she said was interesting. She said the Boys and Girls Club appeared before the committee to request financial assistance for a project they were putting together in the downtown area to place cigarette butt cans along businesses on Main Street. They would put the cans out and maintain them. The EIB/BID committee asked them to raise half of the money and then come back to them and they would match that amount. This would provide them experience in fund raising and the opportunity to talk to downtown business owners.

Councilor Murphy commended Pete and his staff for Saturday’s ceremony for the opening of “Oregon Is Indian Country.”

Councilor Gowing said he had some people contact him with concerns regarding exiting the post office parking lot and the fence from the business next door that blocked their vision. He said a young person was nearly hit on a bicycle around New Years Day. He also asked if the Hwy 99 and Main Street project would fix the sidewalk by Holloman Ford.

Richard said yes, the project would shift Highway 99 over so there would be a sidewalk installed.

Mayor Williams said he attended the swearing in ceremony in Salem for the Governor and House of Representatives. He said it was a historic day, the first time in Oregon history that there was a third term Governor. He said it was also the first time in history the Oregon House was evenly divided. He said two individuals were elected as co-chairs, Representative Bruce Hanna and Representative Roblin.

BUSINESS FROM CITY MANAGER

(a) Report from the City Manager

City Manager, Richard Meyers, said Council had a memo from Howard regarding current land use applications. He said staff would provide them to Council on a regular basis to keep Council informed of what land use applications were in process and what may be coming to Council.

He said in viewing the draft business cards for new Councilors, some had put down an email address. He said he visited with the City's Internet Service Provider to provide Councilors with email addresses with a cottagrove.org address. He said they had figured a way where a duplicate email could be sent to their own email address and when they responded it would respond from the cottagrove.org email address to help meet public record maintenance requirements.

City Attorney, Sean Kelly, said he had concerns with Council getting into situations for public records requests and hoped that the new system that would be set up would avoid some of that.

Richard said a copy of the emails would be stored on the City's server.

Councilor Fleck asked if there would be some way to identify the emails so they would know they had gone through the server.

Richard suggested that a new email address be given that the public didn't know and only emails that had gone through the server would go to that address.

Richard reminded Council about the Chamber of Commerce Annual Dinner on the 21st and the LCOG Annual Dinner on the 27th.

BUSINESS FROM CITY ATTORNEY

(a) Report from the City Attorney

City Attorney, Sean Kelly, said several legal items had been completed. The transaction with Pacific Power for the easements needed for the cell tower project and work on the final negotiations on the fiber optic installation.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Diane Conrad, 445 Kalapuya Way, Cottage Grove, said it warmed her heart to see two councilors ask similar questions about the needs of the community and what the purpose of the vote of the Council was. She hoped that those type of votes and questions would continue and strengthen the functioning of the Council. She hoped the Council would consider when things came before the Council even though all fact finding had been done on an issue, that when things came before the Council they then required judgement for the Council vote and new facts, concerns and interpretations could be added in their own judgment. She hoped the Council would remember that and strengthen its own identity for the community.

Cheryl Adams, 1239 E. Adams Avenue, Cottage Grove, asked about the cost of disposing of the street sweepings to Short Mountain Landfill. She said it seemed like a lot of money to be spending on stuff that could probably be composted and given or sold to citizens for their gardens. She said the \$60,000 that was budgeted for that could probably be spent on something else.

Mayor Williams responded that the sweepings contained a variety of things such as oil, petrochemicals of all sorts, plastics, etc., essentially hazard waste. He said the City used to stockpile it at the City shops but that was not a good practice as they accumulated too many piles of debris and then had to find a way to dispose of it.

Richard added that the limbs and leaves that were picked up were composted and chipped up and used in the parks.

CONSENT AGENDA

- (a) Minutes of the November 8, 2010 Regular City Council Meeting
- (b) Minutes of the December 13, 2010 Regular City Council Meeting

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING TO APPROVE THE CONSENT AGENDA.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	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 8:51 p.m.

The next regular City Council Meeting will be held January 24, 2011 at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor