

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
January 25, 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, Wayne Clark and Diane Conrad

COUNCIL ABSENT: Heather Murphy (Excused)

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, and Finance Director Bert McClintock

CITY ATTORNEY: Sean Kelly

OTHERS PRESENT: Cameron Reiten, KNND Radio

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

None

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

1- Council Meeting Minutes, 1/25/10

(a) Resolution for Approval of Municipal Vehicle Lease Agreement

Finance Director, Bert McClintock, advised Council the Police Department was looking to lease a vehicle which had been budgeted in the 2009-10 fiscal year. One vehicle would be returned and a new one leased. Staff was recommending to authorize the City Manager to executive the Municipal Vehicle Lease Agreement of a 2010 Ford Crown Victoria police vehicle from Auto Leasing Specialists, LLC for a total cost of \$33,335.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT RESOLUTION NO. 1726 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
NAYS							
ABSTAIN							

(b) Second Reading of Ordinance No. 2989 Establishing Penalties and Procedures for Building Violations

Community Development Director, Howard Schesser, advised Council that he and the City Attorney had made two changes to two sections of the ordinance in consideration of Council discussion and was recommending adoption of the Ordinance with the proposed changes.

Councilor Conrad said she would be voting for the Ordinance and she appreciated the changes to Items J and E, but would have hoped that additional changes would have been made in both items regarding payment options and refunding of the appeal fee.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR GOWING THAT ORDINANCE NO. 2989 BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

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
NAYS							
ABSTAIN							

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

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2989 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
NAYS							
ABSTAIN							

(c) Second Reading of Ordinance No. 2990 Repealing Section 8.12.070(A) Related to Fences

Community Development Director, Howard Schesser, advised Council the Ordinance had come before Council for a first reading on January 11, 2010 and staff was recommending adoption of the Ordinance.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR GOWING THAT ORDINANCE NO. 2990 BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

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
NAYS							
ABSTAIN							

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

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2990 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
NAYS							

ABSTAIN							
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BUSINESS FROM THE CITY COUNCIL

(a) Water Leak Adjustment

City Manager, Richard Meyers, said the City had received a request from TeriAnn and Richard New, 1012 South 8th Street for a water leak adjustment. The leak was not underground and did not meet the City’s requirements for an adjustment. The house was unoccupied and currently being remodeled and was not checked regularly before the leak was discovered.

Mayor Williams said in the letter from the News, they were asking for the City to discount the bill or waive the sewer fee. Since the water didn’t go into the sewer system, he asked if that was something that could be adjusted.

Richard said the sewer portion of the bill was \$237.86 and that could be credited on their bill. He said staff didn’t know how much of the water was used during the time. There was water used in the previous month but it was very minimal and there was no history because the house was just purchased in August.

Councilor Munroe said he would be in favor of dropping the sewer portion of the bill.

Councilor Fleck said he assumed that a payment schedule could be set up. Also he would be in favor of crediting the sewer portion of the bill.

Richard said yes the City allowed payments.

Councilor Clark asked if in the future when these types of issues came before Council, it would be helpful if the water charges and sewer charges could be broken out separately.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING TO WAIVE THE SEWER PORTION OF THE NEW’S UTILITY BILL.

Councilor Clark said he was curious why staff’s recommendation wasn’t what the Council was voting on.

Richard said staff’s recommendation was to deny the request. The News were a property owner and had purchased the property as a rental and they had responsibilities as property owners and under the code provisions here would be no leak adjustments. There were precautions that could have and should have been taken to prevent the frozen pipes and the leak and they weren’t taken.

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
NAYS							
ABSTAIN							

(b) Concerns from City Council

Councilor Clark said he was concerned that the City was starting to get quite a few leak adjustment requests and at what point was Council going to decide that there was responsibility by the property owner to take care of these kinds of issues. If there was another cold spell, it could become an issue again.

Mayor Williams said he agreed with Councilor Clark. In the summer adjustments were made for people who used a lot of water for irrigation, that didn't go into the sewer system and this example was probably fair and reasonable, if it didn't impact the sewer system then obviously there should be an adjustment.

Councilor Clark asked if that should have been considered in the ordinance.

Richard told Council that the City had received another leak adjustment request for the Shop Smart building which had a leak of 570,000 gallons of water, which would come before Council next meeting.

Mayor Williams said part of the Council's job was to look at these things. He felt the City's ordinances and rewritten ordinances were pretty good so he wasn't sure how they could be rewritten or tweaked in order to resolve the issue.

Councilor Fleck said he agreed with Councilor Clark that it would not qualify under the current ordinance so technically Council shouldn't be deliberating because it didn't meet the criteria. If language were added Council could still make the decision and staff would still have the latitude. He would consider it something that Council should consider, it was not putting a burden on the storm system and he would like to see it added to the ordinance.

Councilor Conrad said she agreed and if any citizen were not using a service or utility then they should not be charged for that service.

Sean Kelly said if the ground was frozen and there was 159,000 gallons of water, it didn't evaporate so it had to run into the storm drain system. He said Councilor Clark raised an interesting question.

Councilor Munroe said he hoped that Council wouldn't get into a blanket situation, each request needed to be looked at individually.

Richard said currently there was an ordinance that set parameters that would apply and if those were met staff took care of it and if it didn't meet those and there were other extenuating

circumstances it came to Council to look at and make a decision.

Councilor Fleck said the Chamber of Commerce annual dinner was Friday, January 22nd, and there was a young lady who sang the National Anthem and did a beautiful job.

Councilor Munroe said Cottage Grove had been getting good publicity in the press recently and today there was another article about Cottage Grove.

Mayor Williams said the City of Springfield on February 25th was having their 125th Birthday and he would like Council to sign a birthday card to send to the Mayor and Council in Springfield.

BUSINESS FROM THE CITY MANAGER

(a) **Proposed Application for Scenic Byway and Bikeway**

City Manager, Richard Meyers, provided the background and the interest behind creating a Scenic Byway and Bikeway Program. The Byway Program was operated through the Oregon Department of Transportation (ODOT) and the Scenic Bikeway Program was operated through the Oregon State Parks Department. They were similar programs and the applications were almost identical. He explained how the managers from Junction City, Veneta, Creswell and Cottage Grove got together with Travel Lane County and Lane County and representatives with ODOT and State Parks in November, 2009, to discuss the programs. At that time due to the deadlines for filing applications, the city managers decided to wait on the bikeway and to apply for the byway program.

Since that time, Lane County had decided to apply for both programs and had prepared applications for both programs. The Bikeway Program had an application deadline of January 31, 2010. Although the City hadn't seen the applications or the proposals, the County was requesting a Letter of Support from the four cities.

Richard provided Council with a copy of a letter of support from a group of local cyclists which is attached to these minutes.

Councilor Fleck asked if it would address widening roads.

Richard said the Byway and Bikeway Programs did nothing with existing roadways, it only recognized them on a map and said they were a byway and put up signs. It could, however move up the improvement of a road on the Statewide Transportation Improvement Program (STIP) or on the County's improvement program.

Councilor Fleck said he supported the program but was concerned about putting more bikes on already dangerous roads with any improvements.

Richard said in the creation of the byway as part of the application process, a management plan

would be developed which addressed some of those issues associated with traffic and other conflicts. Something that was important to be involved in were meetings for public input.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE TO AUTHORIZE THE CITY MANAGER TO SIGN THE LETTER OF SUPPORT FOR THE PRE-APPLICATION FOR THE BYWAY AND BIKEWAY PROGRAMS.

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
NAYS							
ABSTAIN							

(b) Report from City Manager

City Manager, Richard Meyers, said the Community Visioning Fair was a great success, with almost 200 people attending. The City had a booth and the engineer from OBEC was there to provide information for the Chamber Covered Bridge project and he was very impressed with the 2037 Visioning Project.

Richard reminded everyone to turn in their ballots for the January 26th Election.

Richard said CG WiFi currently had over 640 registered user names and passwords that have been issued. It would go live on February 1, 2010 with the subscription service.

He reminded those that were signed up that the LCOG Appreciation Dinner was Thursday, January 28, 2010.

Richard noted that the Mayor was nominated Citizen of the Year at the Chamber of Commerce dinner last Friday. He said the program showcased all that was going on in the community.

Mayor Williams said he appreciated the comments about the Community Fair and was pleased that at the last Council meeting Natalie Inouye from Travel Lane County had attended and also attended the Chamber of Commerce dinner which was a good sign that Cottage Grove was a significant part of Lane County and had caught the attention of those who help the City in the tourist related areas. He also reminded Council members on the Audit Committee of the meeting Tuesday, January 26th at 11am at City Hall.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Doc Crawford, 1341 W. Main, Cottage Grove, said recently he was contacted by a Cottage Grove Police Officer regarding a complaint about his dog barking. He wasn't complaining about the officer, he handled the situation correctly. What he did want to let Council know was the way the City's ordinance was worded regarding barking dogs. It said that no person shall own a barking dog. He said that ranked right up there with no person shall talk too much. He wasn't given a ticket but if he had he would have fought it simply on the basis of the way the ordinance was written and he would have won, if not in Municipal Court, than on appeal because it was absolutely unenforceably vague.

John Robertson, 1498 E. Main Street, Suite 103-222, Cottage Grove, told Council in May of 2009 the State Legislature voted to designate a holiday for Thomas Paine which had also been passed in 30 other states. On Friday, January 29th at the All American Square from 4-6pm there was going to be a cupcake and candle birthday celebration for Thomas Paine Day. The first dozen people would get a cupcake and the right to read three lines of their favorite readings from Thomas Paine.

Dan and Molly Nord, Hidden Valley Golf Course, Cottage Grove, read a prepared statement regarding Middlefield Golf Course which was distributed to the Council and is attached to these minutes. Mr. Nord said they were business owners and it was unfortunate if any of the Council had a business and were living in a town where they felt they had to compete against the tax dollars that they supplied. They had seen it happen and it was unfortunate that they had to come to Council, he thought it could be worked out directly with the City Manager and he had nothing against him. The City was operating a business and wanted to make money and a profit, but he felt that the City needed to do it fiscally responsible. He didn't have the cash reserves the City did and couldn't compete on that level.

Councilor Fleck disclosed that he worked for Siuslaw Bank.

CONSENT AGENDA

None

ADJOURNMENT

There being no further business, Mayor Williams adjourned the regular meeting of the City Council at 8:18pm.

The next regular City Council Meeting will be held February 8, 2010 at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor