

CITY OF COTTAGE GROVE
CITY COUNCIL
Agenda Session Minutes
February 11, 2011

City Council Members Present: Mayor Gary Williams, City Councilors Jake Boone, Garland Burback, Heather Murphy (8:22), Mike Fleck, Jeff Gowing and Victoria Doyle

City Staff Present: City Manager Richard Meyers, Finance Director Bert McClintock, Community Services Director Pete Barrell, City Engineer Ron Bradsby, Police Chief Mike Grover, Community Development Director Howard Schesser, Public Works Director Jan Wellman and City Attorney Sean Kelly (8:48).

The meeting was called to order by Mayor Williams at 8:17 am in the City Council Chambers at City Hall.

Second Reading of Ordinance No. 3003 Expanding the Urban Growth Boundary and Amending City Comprehensive Plan, Land Use Diagram Map (MCPA -3-10) for Employment Lands

Howard said staff had provided Council with the document they would be sending to the County and eventually to the Director of DLCD. He handed out to Council a Memorandum regarding what DLCD wanted in Ordinance form and what they wanted in Resolution form. He said historically the City had adopted the Comprehensive Plan as a Resolution and made amendments to it by Resolution ever since. He said the State statute had changed in the late 70s which required changes to be done by Ordinance and DLCD said to wait to address the issue until after the speedway appeals were completed. He said the first position DLCD staff took was the City had to go back and adopt everything by Ordinance that had been previously adopted by Resolution. The City's outside counsel said that DLCD had acknowledged the Resolutions and the City had gone through the proper public hearing process and notification so there was no justification, no State statute, requiring that the City go back and re-adopt them. Outside counsel said DLCD had the opportunity when they acknowledged it to say they were wrong but they didn't do it. The DLCD Director agreed and the only thing the City was going to re-adopt was the Economic Opportunity Analysis, which was on the Council Agenda for February 14, 2011 as a first reading. He said the Wastewater and Stormwater Master Facility Plans would be coming before Council in March, which were part of the documentation that went with the Urban Growth Boundary which had to be adopted by Ordinance and then would go to the County for co-adoption and move onto the Director. He said it was going through the periodic review process and the DLCD Director would do the approving.

Councilor Fleck said he thought the City didn't have to periodic review until the population reached 10,000.

Howard said the Urban Growth Expansion process was considered under periodic review so it was the process that had to be done, not the periodic review itself.

Mayor Williams said he would be out of town on Monday so Council President Murphy would be conducting the meeting.

Second Reading of Ordinance No. 3004 Amending Chapter 13.04 of the Cottage Grove Municipal Code Related to Water System Regulations and Charges in Its Entirety

No questions. Councilor Fleck said he had made his comments at the first reading.

Second Reading of Ordinance No. 3005 Amending Section 2.64.150 and 2.64.170 of the Cottage Grove Municipal Code Regarding Elections

Richard said he had asked the City Attorney for an opinion on the state's language regarding the number of signatures required and if it pre-empted the city's language in the Code.

Second Reading of Ordinance No. 3006 Repealing Chapter 9.40 Forfeiture of Property by Drug Traffickers of the Cottage Grove Municipal Code and Adding Section 9.06.035 Oregon Civil Forfeiture Code Adopted

Councilor Boone said he had covered everything during the last council meeting but would be saying a few words about his position for the record at the meeting.

First Reading for an Ordinance Adopting the 2009 Economic Opportunities Analysis (Scrivener Error)

Howard said they were using the scrivener error process which was based on the Memorandum he had provided to Council. He said by doing it this way they didn't have to go back through the Planning Commission and notice. He said at the Council meeting he would be asking the Councilors that weren't on Council in 2009, if they had read the minutes from both the Planning Commission and City Council meetings which he had provided with his Memo. He said the Ordinance was one of the documents they relied on in preparing the work they did for the urban growth boundary.

Resolution Authorizing the Submission of an Application to the United States Department of the Interior, Bureau of Reclamation for WaterSMART Grant Funding

Public Works Director Jan Wellman said the Resolution authorized staff to submit a grant to the U.S. Department of Interior, Bureau of Reclamation, for funding a project that demonstrated water savings. He said they were seeking funding to implement portions of the feasibility study regarding the effluent reuse. He said the application would primarily fund a pipe line from the wastewater treatment plant to Bohemia Park and also a conveyance system to the Interstate 5 interchange grass areas to begin irrigation. He said the grant was for one million dollars and

would use the work that had been done at Bohemia Park as a match. He said it was planned to have \$27 million available for the seventeen western states.

Discussion was held on where the funds would come from.

Proposed Cottage Grove Municipal Court Limited Fine Amnesty Program

Richard said the Judge would be present at the meeting Monday night. He said the Court was proposing a one-third discount on non criminal fines during the amnesty period and fines that had been turned over to collections would not be eligible.

Councilor Gowing said he had a hard time with reducing fines, he felt that people should be held accountable and have to pay the entire fine imposed and that we needed to be tougher in the court system.

Councilor Doyle also expressed her concerns with the program and reducing the fines.

Discussion was held regarding fine payments to the Court, warrants for non-payments and why the Court wanted the amnesty program. Also talked about was what could be discussed at the meeting that didn't get into evaluation issues with the Judge.

Request for a Stop Sign

City Engineer Ron Bradsby provided the information on the need for a stop sign. He said the intersection in question had been on the radar for sometime and a recent accident at the intersection assisted in meeting warrants to install a four way stop and it was recommended by staff.

Historic Landmark Commission Appointments

Howard said there were two positions that expired 12/31/10 and one would be reapplying and one would not. He said the closing for applications was Monday, February 14th and he would provide copies of any applications received to Council at the Monday night meeting.

Councilor Fleck asked if there would be a sub-committee appointed to interview the applicants. He had concerns about appointing applicants to the positions just because they were the only applicant for the position.

Howard said there would probably only be two applicants so there wouldn't be a need for interviews. He needed a quorum at the February 21st meeting so at least one position would need to be appointed. He said because of the requirements for the committee appointments of having knowledge relating to historic preservation, it limited who could be appointed to the committee.

Discussion was held on the make up of the committee and the qualifications or knowledge required for applicants.

Setting Interest Rate for System Development Charges Installment Payments

Howard said the City had received an application from a contractor to pay their system development charges on an installment basis. The City Code stated that Council set the interest rate for the installment payments and staff was recommending two percent above prime at the time the application was taken out.

Richard said it was handled like the LIDs the City did, where a lien was placed on the property until it was paid in full.

Councilor Fleck asked if it was a fixed or variable rate. He said he would like to see the language changed so it reflected it was a fixed rate based on the current prime plus two percent. Staff reported the rate was proposed as a fixed rate.

Discussion was held regarding the rates and how it should be worded for the motion at the Council meeting.

Report from the City Manager

Richard reminded Council he had sent them an email regarding their new email addresses. He encouraged them to use the Webmail function as it would keep their personal computers clean and kept the records on the email server. He said it was fine for Councilors to set up an email list for the Council but they shouldn't reply to emails from Councilors and start an email discussion, because then they would have created a meeting.

He also reminded Council that he was setting up on the website a page for each Councilor with their picture and bio and they needed to provide him with information they would like on their individual pages.

He said Cycle Oregon was coming to Cottage Grove on Sunday, September 11th and the City would be looking for volunteers and groups and organizations to help with the event. He said they were also looking for groups to pick rocks at Bohemia Park before Spring in order to get the park seeded.

Discussion was held on using the email accounts.

The meeting was adjourned at 8:52 am.

Trudy Borrevik, City Recorder

Gary Williams, Mayor