

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
February 22, 2010**

CALL TO ORDER

Council President Tom Munroe called the meeting to order at 7:30 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

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

COUNCIL ABSENT: Mayor Gary Williams, Excused

YOUTH REPRESENTATIVE: Sierra Hakanson (7:31pm)

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 Planner Amanda Ferguson

CITY ATTORNEY: Sean Kelly

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

- (a) Public Hearing on City of Cottage Grove, Development Code Text Amendment (DCTA-2-09) to amend Title 14 Scriveners' Errors

Community Development Director, Howard Schesser, told Council that there were some scrivener's errors in the Development Code that staff has identified over time, such as misspellings, mismatched page headings and other things related to Title 14. The Planning Commission held a public hearing on December 16, 2009, no one spoke at the hearing and the Planning Commission was recommending Council approval. It was now appropriate that the public hearing be held.

Council President Tom Munroe opened the public hearing.

No one appeared to speak.

Council President Munroe closed the public hearing.

- (b) Public Hearing on City of Cottage Grove, Development Code Text Amendment (DCTA-3-09) to amend Title 14 Seasonal/Special Event Standards

Community Development Director, Howard Schesser, told Council that the proposed text amendments were to amend the standards related to processing a seasonal and special event temporary use permit in Title 14. The Planning Commission held a public hearing on December 16, 2009, no one spoke at the hearing, and the Planning Commission was recommending Council approval. It was now appropriate that the public hearing be held.

Council President Tom Munroe opened the public hearing.

No one appeared to speak.

Council President Munroe closed the public hearing.

- (c) Public Hearing on City of Cottage Grove, Development code Text Amendment (DCTA-1-10) to amend Title 14, Historic Preservation Overlay District Section 2.6.300-390

Community Development Director, Howard Schesser, told Council that the proposed text amendments related to the Historic Preservation Overlay. The Planning Commission held a joint public hearing with the Historic Landmarks Commission on January 20, 2010 and two people spoke in favor at the hearing. At the hearing the Historic Landmark Commission considered the application and recommended approval to the Planning Commission. The Planning Commission then considered the application and was recommending Council approval. It was now appropriate that the public hearing be held.

Council President Tom Munroe opened the public hearing.

No one appeared to speak.

Council President Munroe closed the public hearing.

- (d) Public Hearing on Comprehensive Plan Amendment to Redesignate 1414 E Washington & 59 S 15th from L Low Density Residential to P Parks & Open Space (CPA-1-10) City of Cottage Grove

Community Development Director, Howard Schesser, said the hearing was to amend the Comprehensive Plan to re-designate the property, which was City owned, from Low Density Residential to P Park and Open Space. The Planning Commission held a public hearing on October 20, 2009, no one spoke at the hearing, and the Planning Commission was recommending Council approval. It was now appropriate that the public hearing be held.

Council President Tom Munroe opened the public hearing.

No one appeared to speak.

Council President Munroe closed the public hearing.

- (e) Public Hearing on Zone Change Application to Rezone 1414 E Washington & 59 S 15th from R-1 Low Density Single Family Residential to PR Parks & Recreation

Community Development Director, Howard Schesser, said the hearing was on the same City owned property at the two locations and was to rezone the property from R-1 Low Density Single Family Residential to PR Parks and Recreation. The Planning Commission held a hearing on January 20, 2010, no one spoke at the hearing, and the Planning Commission was recommending Council approval. It was now appropriate that the public hearing be held.

Council President Tom Munroe opened the public hearing.

Councilor Conrad asked for a point of order. She asked if it was okay if the table in the Ordinance was changed today.

Howard said there was nothing changed in the zone change.

Councilor Conrad asked if part of the public hearing information wasn't Table 3.4.100.

Howard said the table was for the first reading for the ordinance and he would speak about that when they got to that item. He said the information in the public hearing was correct, there were two additional memos he provided to Council where he made corrections.

Council President Munroe closed the public hearing.

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

- (a) Resolution of Support For Transportation Growth Management Grant (TGM) for I-5/Connector/OR 99 Interchange Area Refinement Plan

Community Development Director, Howard Schesser, said the City was making application through the Transportation Growth Management Program for a grant to undertake the I-5 Corridor and Oregon 99 Interchange Area Refinement Plan. It was one of the projects that was identified in the City's updated Transportation System Plan. He said the City was being encouraged by the District Office to move forward with the plan. The grant was for \$187,000 of

which \$22,000 was a soft match of primarily staff time. Staff recommended that the Resolution be adopted.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT COUNCIL ADOPT RESOLUTION NO. 1730.

Councilor Conrad asked for clarification if soft match meant in-kind donations.

Howard said it was in-kind either in staff time or advertising costs.

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) Resolution Amending Comprehensive Land Use Map Plan Designation for 1414 E. Washington and 29 S. 15th Street (CPA-1-10)

Community Development Director, Howard Schesser, said Council had held the public hearing on the proposed amendment to the Comprehensive Plan to designate the two properties to P Parks and Open Space and staff recommended that the Resolution be adopted.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT COUNCIL ADOPT RESOLUTION NO. 1731.

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) First Reading for Ordinance Rezoning Two Parcels to PR Parks and Recreation (ZC-1-10)

Community Development Director, Howard Schesser, said Council had amended the Comprehensive Plan by re-designating the parks designation and it was appropriate to zone them in accordance with the Comprehensive Plan. The ordinance would do that to rezone to Parks and Recreation. Staff recommended that the Ordinance 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.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT ORDINANCE NO. 2991 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	
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 2991 once by title only.

- (d) First Reading for Ordinance Amending Title 14 to Amend Historic Preservation Overlay District (DCTA-1-10)

Community Development Director, Howard Schesser, said Council had held the public hearing regarding the clarification on the Historic Preservation Overlay District. There was one correction staff made on Exhibit B under findings, the last bullet under Item #2 and in the Memorandum provided to Council it had the correct wording, they forgot to take the detached garage out and make specific reference to historic accessory buildings which was the intent. Staff recommended that the Ordinance, including the amendment, 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.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT ORDINANCE NO. 2992 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	
NAYS							

ABSTAIN							
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City Attorney, Sean Kelly, read Ordinance No. 2992 once by title only.

- (e) First Reading for Ordinance Amending Title 14 Regarding Scrivener’s Errors (DCTA-2-09)

Community Development Director, Howard Schesser, said Council had held the public hearing and the Ordinance was before Council. He said they had the correct Ordinance during the public hearing, the second Memorandum provided to Council, was the Ordinance. The previous version had the information but was in the wrong order. Staff recommended that the Ordinance 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.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT ORDINANCE NO. 2993 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.

Councilor Conrad asked in Table 3.4.100, bike lanes, why that was being taken out.

City Planner, Amanda Ferguson, said the scrivener’s error that was in front of Council was actually a failure on staff’s part to catch that they had not translated the graphic illustration of local streets correctly into the chart that was supposed to reference it directly. Local streets under the Development Code were never suppose to be required to have bike lanes but staff had failed to take that column out when it discussed local streets.

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. 2993 once by title only.

- (f) First reading for Ordinance Amending Title 14 Related to Seasonal and Special Event Temporary Use Permits (DCTA-3-09)

Community Development Director, Howard Schesser, said Council had held the public hearing

on the text amendments related to seasonal and special event temporary use permits and staff recommended that the Ordinance 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.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT ORDINANCE NO. 2994 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.

Councilor Conrad asked if Council wanted discussion now or at the next meeting.

Councilor Murphy said she was okay with discussing it at the next meeting unless there was something that Councilor Conrad had specific to discuss.

City Attorney, Sean Kelly, said if there was something that needed to be worked on, it should be discussed now.

Councilor Conrad said she had a difficulty with putting the issue under Type I, that Council would be denying public hearing or notice or public appeal. She said even temporary events affected a neighborhood and she thought the process should not exclude giving notice and if neighbors wanted to appeal then they had that opportunity. She felt it was best to leave it in Type II decisions.

Councilor Fleck said when the Development Code was being looked at being drafted, he had a similar question of staff and at that time it was explained that Type I were very clear and concise, there was not any sort of judgment, and he was comfortable with that.

Councilor Conrad said she understood the criteria had to be clear and objective, but many times the type of event was a discretionary call and she provided an example.

Howard said regarding the type of event, he had the authority to determine if a permit should be processed as a Type I or Type II. He said the difficulty they ran into, and used Christmas trees as an example, was that by the time the business was being set up and by the time the notification process was handled for a Type II, the holiday was over and they were gone before a decision was made. Whereas a Type I it had to be on commercial land, it had to have adequate exits and entrances, it had to have adequate parking on the site and it had to have approvals from the Fire Marshal depending on what type of event. He provided an example with Firework stands and said before they had time to do a Type II application, the event was over due to such a short time frame. He said they could bump up a Type I to a Type II if there was justification.

Councilor Conrad asked if that problem would be solved by timely application from the special event coordinator.

Howard said there some who showed up in town and had made arrangements for property or

they open up on property without the property owner’s knowledge. He said it then became a nightmare as far as code enforcement as there were no permits, yet the site was adequate and met conditions and criteria. It became expensive to enforce and they were gone by the time it was processed.

Councilor Conrad said she felt citizen’s rights were being given up without having notice of what was happening in their neighborhood.

Howard said most all seasonal and special events that were processed were on a temporary use permit and were primarily on commercial land because the uses weren’t allowed in residential zones and they wouldn’t be able to meet the requirements.

Councilor Munroe said that when it dealt with trying to set up a fireworks stand in a residential area the Fire Marshal would step in.

Councilor Murphy said when talking about a special event, such as Christmas trees, she felt that concerns with the complaints that could come from prolonging it would out weigh the complaints you would get from neighbors.

Howard said in the last ten years they had two requests for Christmas tree lots in a residential zone and they were both denied. He also said that Title 14 limited the uses only to commercial and industrial zones, they were not allowed to be issued in residential zones.

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. 2994 once by title only.

BUSINESS FROM THE CITY COUNCIL

(a) Determination of Street Name

This item was removed from the Agenda.

(b) Concerns from City Council

Councilor Conrad asked for clarification on the statement made on the Memo that was written about the Historic Preservation Overlay, that said “we do not have to change the Municipal

Code” and she asked the City Attorney to explain why not.

Sean said the concern was that the Historic Landmarks Commission was intended to be advisory only and didn't have the capacity to make the decisions that were changed in the development code to allow them to do. His reading of the code was there was a lot of discussion under the Historic Landmark Commission about just that, them being advisory and they clearly were when it came to policy decisions and they had the ability and that was part of what they did, they advised the Council and the Planning Commission and he believed under 2.26.010 they had the authority. He said it could probably be worded differently. It said “and implement land use regulations regarding the alteration, moving or demolition of designated landmarks and historic resources of statewide significance.” The changes that they were talking about doing in the Development Code don't actually give them the authority or don't address those, they just address part of the decisions, the smaller part, the Type III decisions. So his reading was that under the Code they do have authority, they actually have authority to do more than what the City was authorizing them to do under the proposed changes to the Development Code.

Councilor Conrad asked if he was saying that there was authority beyond what was listed as their duties and responsibilities which would be 2.26.100 on page 18.

Sean said it established what they could do as well and it talked about “the commission shall do the following.” Did that add to what was under 2.26.100? Yes, the Code talked about what they shall do in one section and also talked about duties and responsibilities in the following section.

Councilor Conrad asked if it would be better to change the Municipal Code at this point.

Sean said the authority was in the Code. He and Howard had talked about once the Development Code had been updated and cleaned up, that the Municipal Code would be next to be updated and cleaned up. If Council wanted to change the Code at this time, it wouldn't hurt.

Councilor Conrad said if he thought it was livable, she was okay with that.

Councilor Clark said he was surprised when he didn't see an Executive Session on the Village Green on tonight's Agenda. He asked if any discussion about the Village Green was going to be held and if not, what was the schedule and if it was Friday that would be a problem for him.

Richard said that the Executive Session would more than likely be on Friday. There may be a shorter work session to accommodate that.

Councilor Clark said he was not okay with having a meeting on Friday during the work day, not only for himself but for the public.

Councilor Fleck asked if the Historic Landmark Commission would now have to complete an SEI form.

Howard said yes, that they were already doing that.

Councilor Gowing thanked Public Works Director, Jan Wellman, and Tony Kirk and the rest of the Public Works crew that provided Council with an opportunity to look at the water when the main lines were opened up and the wastewater. He said for him having a visual was a lot better than reading about it on a paper.

Councilor Munroe wished Finance Director, Bert McClintock, a happy 50th birthday.

BUSINESS FROM THE CITY MANAGER

- (a) Local Agency Agreement for Transportation Enhancement (TE) Grant Work at Hwy 99 & Main Street

Community Development Director, Howard Schesser, said parts of the agreement from ODOT were still in draft, however the money amount was correct and they recommended that the City Manager be authorized to sign the agreement for the Transportation Enhancement Program Project with ODOT. The agreement should be in final form later in the week. It needed to be completed by the end of the week so if anyone else in Lane County wanted to apply for stimulus funds they were not kept out for the quarter.

Councilor Conrad asked if it would add cost to the City that was not considered before.

Howard said no, it was still the same amount and he believed it could be less, instead of a two year time frame it was being allowed to budget over a three year time frame.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT THE CITY MANAGER BE AUTHORIZED TO SIGN THE LOCAL AGENCY AGREEMENT FOR THE TRANSPORTATION ENHANCEMENT PROGRAM PROJECT WITH ODOT.

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 the City Manager

Richard told Council that Betty Horvath, a former City Councilor from November, 1983 to September, 1994, had passed away on Wednesday, February 17th. Her service was going to be on Friday, February 26th at 1pm at Smith-Lund.

Richard also said he had received the latest report from the Discount Prescription Drug Program and in January, Cottage Grove had 30 participants, Tigard had 18 participants and Tualatin had 5 participants. The City was doing very well at getting the message out to the citizens. In December, 2009 there were 41 prescriptions and in January, 2010 there were 50 prescriptions and \$465 was saved.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Alice Doyle, 78185 Rat Creek Road, Cottage Grove read a prepared statement in support of keeping the Village Green from when she was a young girl and visited the Village Green to present day and she thanked the City Manager, Mayor and Councilors for doing everything right to keep the Village Green growing.

JoAnn Napier, 2697 Villa Way, Springfield, spoke in favor of keeping the Village Green. She said she knew the Village Green in the 70s living in Eugene and the more she got to know it the better she liked it and she had gotten involved and they always made her feel welcome. She moved away but when she came back to the area years later it was better than ever. She has gotten involved in it again and could say that it was a place that came as close to a thing that was truly a labor of love. The staff had a chemistry that was working and if it goes away it will never be able to be replaced and said she hoped that Council would support the efforts that were being done to keep the Village Green here.

Joan Seidel, 1142 Ash, Cottage Grove, spoke in favor of keeping the Village Green and said as a young child she remembered stopping at the Village Green with her family. She said they never came into town, knew nothing about it, but the fame and quality of the Village Green was what made them keep coming back.

Andrea Mull, 1108 E. Chadwick Avenue, Cottage Grove, spoke in favor of keeping the Village Green and said she loved the gardens and that she and her children explored the gardens on a regular basis and it was a very welcoming place. When her family came from out of town to stay she recommended the Village Green, it gave visitors to the community a great feel for what the community was about. She said the Village Green could bring a different face to town and could be the attraction to the community.

Alandra Lee Albrecht, 725 Row River Road, Cottage Grove, said she lived and worked at the Village Green with her husband whom she met there and they married in the gardens. She spoke in favor of keeping the Village Green. She said her dad, who passed away a couple of years ago, always had a special connection to Cottage Grove and was glad that the Village Green was

coming back to what it was. She said the 12 acres of garden were beautiful and it would be a shame to have them all removed.

David Seidel, 1142 Ash, Cottage Grove, spoke in favor of the Village Green and spoke of when he used to play and teach tennis in the courts when the Village Green wasn't at its best.

Councilor Munroe said he thought it was great that so many people came to speak in support of the Village Green, that it held a special place for him as well.

CONSENT AGENDA

- (a) Minutes of February 16, 2010 Special City Council Meeting.
- (b) Acceptance of Easement

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY 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	
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Council President Munroe adjourned the regular meeting of the City Council at 8:29pm.

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

Trudy Borrevik, City Recorder

Gary Williams, Mayor