

CITY OF COTTAGE GROVE
CITY COUNCIL
Agenda Session Minutes
July 8, 2011

City Council Members Present: Mayor Gary Williams, City Councilors Jake Boone, Mike Fleck, Jeff Gowing, Victoria Doyle, Garland Burback and Heather Murphy (8:26).

City Staff Present: City Manager Richard Meyers, Public Works Director Jan Wellman, Community Development Director Howard Schesser, Community Services Director Pete Barrell and Police Chief Mike Grover.

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

Special Presentation - Aprovecho Research Center

Richard said the Aprovecho Research Center provided a presentation to the Economic Development Task Force, “Stove Factory in a Box” and they would be providing their presentation to Council.

Councilor Fleck said there were two arms of the organization; one did straw bales and sustainable forestry and the other was the research center for the stoves.

Resolution Authorizing the City Manager to Enter Into an Agreement with Lane Transit District Related to Administration of Funds for South Lane Public Transportation Services

Howard said LTD had been administering part of the Section 5310 and Special Transportation Fund for the Elderly and People with Disabilities (STF) money for South Lane Wheels. LTD has asked if the City would take over the administration of the programs with South Lane Wheels. The City is already administering the 5311 program funds with South Lane Wheels and the funds were part of the match that was used on the 5311 funds. It made sense for the City to administer the funds. He said it was pass through funding with little paperwork.

Adoption of Findings for Appeal of the Planning Commission Approval of Jack-in-the-Box property line adjustment

Howard said he hadn’t received the findings yet and was hoping to receive them today and would send them out with the Friday Update.

Mayor Williams said he had been approached by citizens regarding the project and asked if Council was under ex-parte.

Howard said yes, that Council shouldn't be discussing as it could be remanded back from LUBA to Council.

Councilor Fleck said he would recommend putting the item off until the next Council meeting so they would have time to review the findings.

Councilor Boone asked if there was any negative consequences if it was deferred to the next meeting.

Howard said there was a condition that it had to be completed before they could get an occupancy permit. He said it also had to be within the 120 day time period but he would have to check on that.

Councilor Fleck said Jack-in-the-Box must be pretty confident in going ahead with starting construction while the appeals were pending.

Howard said he had seen it before and the Jack-in-the-Box attorneys were telling him that Carl's Jr didn't have enough to go to court nor could Carl's Jr. obtain a stay to stop construction. He said the biggest thing Jack-in-the-Box would have to change if they lost the appeal, was the location of the drive through.

FCC Notice of Inquiry (NOI) Regarding Acceleration of Broadband

Richard talked about right-of-way regulations and the FCC's request for comments regarding obstacles for the development of broadband services. He said he was preparing a draft formal filing to submit to the FCC which he would send to Council with the Friday Update.

Councilor Fleck asked how it would affect the other utilities and if it would include cell towers.

Richard said it could depending on if the FCC was successful and explained. He said cell towers were included and some of the comments in the filing would be regarding the city's development for cell towers. He talked about the cell towers currently in and around Cottage Grove.

Councilor Fleck suggested the City documenting in the filing all the City had done regarding broadband.

Richard said he would be including all of what the City had done regarding the fiber optic and broadband. It would also include the fiber in Creswell. He said the Regional Fiber Commission and Consortium would be submitting a letter.

Discussion was held regarding fiber and broadband services. The broadband services in Monmouth and Independence was also discussed.

Municipal court Amnesty Program Report

Richard provided a copy of a Memorandum from the Judge regarding the Amnesty Program and said the Judge would be available at the meeting Monday night for questions.

Park Vendor Permit

Richard said the City had received a written request from Traci Robbins who operates Big Bites, LLC to sell hot dogs, etc. in the City parks. He said the City had also received several other requests in the past month, one being from a gentleman who didn't want to sell at BMD due to the fees they charged. He explained the City Code regarding issuing permits for people to sell in the parks and said it was up to the Council to approve the permits. He talked about how busy the parks were with special events during the summer and how issuing permits could conflict with those events. He discussed options that might be available to Ms. Robbins without selling in the parks.

Councilor Doyle expressed some concerns and issues that could arise with the issuance of permits.

Councilor Fleck commented about the speedway using the City's property for parking for their events but said they did mow the lawns on the property during their season. He said he had concerns about a for profit business using the City parks unless they were associated with a non-profit event. He also had concerns about vendors parking on the City streets in a residential area and doing business and talked about using private lots in commercial zones.

Richard said Council only needed to determine if they wanted to issue permits for vendors in the parks and if so, what stipulations they wanted to have. He said the City had regulations about temporary use permits for commercial zones.

Councilor Doyle asked if there was a fee for the permit. She had concerns about them making a profit on public property.

Richard said there was no fee or requirements set up. It would be something the Council could set up.

Councilor Murphy said she assumed there would be no decision made at the meeting Monday night and would like to see what other cities allow. She said with the economy people have lost their jobs and were looking for ways to support their families.

Richard said the issue to decide at the Council meeting Monday night was did Council want to allow this type of activity in the City parks and if so, what criteria did they want to place on it. He said they weren't addressing vendors on private property or on right-of-ways.

Councilor Burback asked about the concert in the park and the vendors at that event.

Richard said they were all part of the growers market through the Chamber, who had a special event permit. He said one of the things to address, was allowing vendors to use the park when a special event was going on.

Mayor Williams said due to the weather, they were only talking about four to five months during the year when vendors would be in the parks. He said there were events going on during that time that vendors could probably participate in. He mentioned Chris Holloman's property that he allowed vendors to use. He agreed with Councilor Murphy that Council should take time to consider the request and explore all options.

It was discussed what kind of options the City would have to limit the kind of items vendors were offering.

Richard said he had talked with Big Bites and provided options for her to park on Washington Street which she wouldn't need a permit for.

Councilor Fleck said he wasn't comfortable with that.

Richard explained what Big Bites wanted to do and Council discussed vendors in other areas and exploring the process if they wanted to allow this type of activity in the parks.

Items from Council

Councilor Doyle said the Cottage Grove-Eugene Gun Club was hosting the state shoot for sporting clays the weekend of BMD, which was a huge event and invited everyone to come out to participate or observe. She expressed her disappointment that the Gun Club had offered the School District \$3500 to have the football team and cheerleaders assist with the event and they didn't get any response and ended up hiring Springfield High School students to help with the event.

Councilor Fleck asked for an update on the status of the evaluation process for the Judge.

Richard said staff was hitting a brick wall but were continuing to look for someone to assist in the process.

Councilor Gowing said he wouldn't be at the Council meeting on Monday as he would be on vacation.

Councilor Boone said he sent an email to the Councilors looking for volunteers for a committee to look at increasing recreational activities in town (i.e. tennis courts). The Mayor had suggested him putting together a committee after they had a conversation with David Seidel regarding the use of the tennis courts and the fact there was no active management. He said Councilor Doyle had volunteered to be on the committee. He said there was room for improvement for utilization of the recreational facilities in town. He said the committee would look at the issues and talk with others involved with the tennis courts.

Councilor Murphy volunteered to be on the committee.

Mayor Williams commented on the meeting with Mr. Seidel.

Discussion was held regarding the tennis courts and those who had been involved with the management in the past.

City Manager Update

Richard reminded Council BMD was next week.

He also reminded Council if they were interested in attending the LOC Conference in September to get their registration in to Trudy by the end of July.

Richard said City staff was jack hammering at the Jack-in-the-Box site and an OSHA inspector was in the vicinity and took dust samples from an employee and the concrete and after running tests on the samples, advised the City she would be issuing a citation.

The meeting was adjourned at 9:15 a.m.

Trudy Borrevik, City Recorder

Gary Williams, Mayor