

CITY OF COTTAGE GROVE  
CITY COUNCIL  
Agenda Session Minutes  
August 19, 2011

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

City Staff Present: City Manager Richard Meyers, Public Works Director Jan Wellman, Finance Director Bert Olsen, Community Services Director Pete Barrell, Police Chief Mike Grover, City Engineer Ron Bradsby and City Attorney Sean Kelly.

Public Present: Les Moore

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

**Special Presentations - National Suicide Prevention Week Proclamation and Family Day - A Day to Eat Dinner With Your Children Proclamation**

**Public Hearing on Historic Demolition Permit (HA-9-10) Dr. Pierce's Barn, 993 Lane Street; Doug Stout**

City Manager, Richard Meyers, said Howard and Amanda were both out of town at meetings but would be at the meeting Monday night. He said the attorneys would be present at the meeting and would have more information on what happened with the Historical Society Meeting and what they were pursuing. He said the Council could extend the stay on the demolition permit up to the 210 day limit or they could grant the permit.

Councilor Fleck said the Board of Realtors asked him about the issue before he realized it would be on the Council Agenda. He said he expressed that if someone purchased a historic building, they should know better. He said he didn't believe he was biased, however he would recuse himself if needed. He assumed it was ex-parte on the matter.

Richard said he would check with the City Attorney to determine if he should recuse himself. He said Council wasn't a quasi judicial, they had a choice of granting the permit or holding the stay which granted the permit after a period of time. He said it may not be an issue, but would definitely be something that Councilor Fleck would want to disclose.

Councilor Doyle said she had no emotional attachment to the matter, but was trying to understand the whole situation. From what she had read, Mr. Stout purchased the historic landmark and there had been a twenty year maintenance access easement granted to the Historical Society from the previous owner in 1990. He had been taking care of all the costs and expenses and liability insurance on the property and she said it seemed at some point he should have the right to do what he wanted with his own property. She said there had been plenty of opportunity for people to acquire the property and there had been a ninety day stay and didn't understand the reasoning except for it being an emotional tie to the building.

Richard said that was information that was for the public hearing and the parties would be talking about what they wanted to do and where they were at in the negotiations.

Councilor Doyle asked if there was a lot of people expected at the hearing.

Richard said there were three people who attended the Planning Commission meeting and six attended the Historic Landmark Commission meeting.

Councilor Boone asked about an article in the Register Guard that commented about one of three criteria needed for the demolition being met and asked if the City had determined if at least one of the criteria had been met.

Richard said that was what Council would determine at the meeting. He said he believed it had been met because that was why the Planning Commission issued a stay.

### **Public Hearing on Development Code Text Amendments (DCTA-1-11) City of Cottage Grove**

Richard said the amendments were little corrections that needed to be made to the Development Code. He said the version provided to Council showed the changes to be made.

### **First Reading for An Ordinance Adopting Development Code Text Amendments (DCTA-1-11)**

Richard said this was the ordinance from the public hearing.

### **Resolution Authorizing an Intergovernmental Agreement for Right of Way Services Related to the Transportation Enhancement Work at Hwy 99 & Main Street**

Richard said a previous agreement had been signed with ODOT and this agreement was to move forward with the right of way piece in order for ODOT to do the negotiations to acquire the land for the Hwy 99 & Main Street improvements.

Councilor Fleck asked if the City had heard from Herb regarding the project.

Richard said staff had talked with him, but ODOT would be doing the negotiations regarding the project and his property.

Councilor Fleck said the agreement gave ODOT the City's permission to take the property if necessary which he felt was a necessity in this case.

Richard said Herb would be compensated for the full market value of the property if ODOT had to take some of his property.

Discussion was held on Herb's property and how much of his property could be taken with the project. It was mentioned that the project was a public improvement that couldn't be located anywhere else.

City Engineer, Ron Bradsby, discussed what property would be affected with the project and said he had been in contact with Herb on a regular basis.

Mayor Williams asked about the railroad right of way.

Ron explained the railroad's right of way and the City's right of way and how it would affect Herb's property. He also discussed how traffic might be handled on the street behind Herb's property.

Councilor's Doyle and Murphy expressed their concern over eminent domain and discussion was held on Oregon laws regarding eminent domain and how the laws had changed over the years.

City Attorney, Sean Kelly, provided comments regarding eminent domain and compensation provided.

Councilor Gowing asked if the intersection at Hwy 99 and Gibbs was involved in the project.

Ron said that it was not, but would be impacted during the project. Previously the Council had begun discussion about making Gibbs Avenue a one way street. That discussion would resume after the Highway 99 and Main Street project is complete.

### **Resolution Transferring Appropriations From the General Fund Contingency to the General Reserve Fund**

Richard explained that the City had received a \$17,000 grant from the State Historic Preservation Office (SHPO) to do a number of projects downtown. He said the money had been used for facade improvements at Shoestrings and Ivan Del Sol's property, repainting of the Coca Cola sign and paint for the Vealy House. He said the match for the grant was the labor for prepping and painting the Vealy house. A non-profit group had started the project but wasn't able to complete the project. If the project was not completed by September 15, 2011, the City would lose the grant funds and would have to pay the money back to SHPO, which would make

it difficult to receive grants in the future. He said the City had received several estimates to scrap and paint the house in the range of \$19,000 to \$24,000. He said the question before Council was did they want to move \$25,000 from contingency to the general reserve fund and have the house painted and avoid defaulting on the grant and paying the grant funds back to SHPO.

Discussion was held on the Vealy house and it was suggested by Mayor Williams that at some point in the future, the City consider selling the property.

### **Consideration of Historic Demolition Permit (HA-9-10), Dr. Pierce's Barn, 993 Lane Street; Doug Stout**

No additional comments.

### **Bid Award for City Shop Roofing Project**

Ron said the City had received two bids for the City shop roofing project in the amount of \$81,523 from Evergreen Roofing and \$84,730 from Umpqua Roofing. He said the budgeted amount was \$84,000. He said staff would be recommending awarding the bid to Evergreen Roofing.

Councilor Gowing made a comment that awarding a bid to the lowest bidder wasn't always the best practice and asked if the City had ever not awarded a project to the lowest bidder.

Ron said yes, the City had awarded bids in the past to someone other than the lowest bidder. He said both of the contractors who submitted bids on the project were qualified for the specialized membrane roofing.

Discussion was held on the roofing project and how it was bid.

### **Concerns from Council**

None.

### **Proposed "Help<sub>2</sub>Others (H<sub>2</sub>O) Program**

Richard said Councilor Fleck had suggested the program which would replace the round up for the Chambers Railroad Bridge. He said the program would allow people to round up on their water bill or donate to the program which would assist those who were having difficulty paying their water bills. He said Creswell was also considering the program and the City would be working with them to develop a program. Community Sharing would oversee the program as they were better equipped to screen applicants.

Mayor thanked Councilor Fleck for pursuing the program.

Councilor Fleck said he would recuse himself from voting at the Council meeting, but would provide information to Council. He said Mindy Roberts was the one who actually brought up the idea to him a year ago and he had been working on trying to get it through since that time. He went over some of the requirements for the current programs run through Community Sharing.

Richard said there were things that still needed to be worked out and staff was looking for an approval from Council to proceed with implementing the program.

Mayor Williams asked how much had been received from the Chambers Railroad Bridge round up program.

Richard said the City had received approximately \$12,000 in a little more than two years.

### **Report from the City Manager**

Richard said there were several events going on over the upcoming weekend; Party in the Park, WOE, Concours d'Elegance and Bohemia Park Pour. He said Cycle Oregon was coming up on September 11<sup>th</sup> and September 3<sup>rd</sup> was the Criterion Race downtown.

He said the Executive Director of the Chamber of Commerce resigned on Wednesday and the Chamber would be starting the recruitment process soon.

Mayor Williams talked about the Concours d'Elegance.

Councilor Gowing said on Saturday there was going to be a tribute to fallen soldiers motorcycle ride from Roseburg which would be stopping for a BBQ at the Elks, tentatively at 1 p.m. He talked a young man from Cottage Grove who was going to be honored in Brownsville, who had been stationed in Afghanistan with the 173<sup>rd</sup> Airborne and survived combat but didn't survive PTST.

### **Report form the City Attorney**

Sean said he had been in Salem yesterday on the LUBA Appeal regarding Jack-in-the-Box and Carl's Jr.

He said he was working on drafting the deed for the Fire Department and said it would be nice to get that completed.

Mayor Williams thanked the City crews and Pete Barrell for the installation of the Bocce Ball Court at Middlefield Golf Course. He said the crews did a great job of building the court.

Councilor Murphy thanked Chief Grover and Sean for the letter they sent to Mr. Cronin regarding his conduct at the last Council meeting.

Mayor Williams acknowledged Les Moore who was in attendance at the meeting. He said the City would be addressing the concerns in his letter at the meeting Monday night and the City was working towards a resolution of the issues.

The meeting was adjourned at 9:07 a.m.

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Trudy Borrevik, City Recorder

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Gary Williams, Mayor