

CITY OF COTTAGE GROVE
CITY COUNCIL
Agenda Session Minutes
September 23, 2011

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

City Staff Present: City Manager Richard Meyers, Finance Director Bert Olsen, Police Chief Mike Grover, City Engineer Ron Bradsby, City Planner Amanda Ferguson and City Attorney Sean Kelly.

The meeting was called to order by City Manager Richard Meyers at 8:15 a.m. in the City Council Chambers at City Hall.

Resolution Authorizing the Execution of a Loan Agreement with Umpqua Bank for the Purchase of Mowing Equipment

Richard said the resolution was for a loan agreement with Umpqua Bank to purchase mowing equipment for Middlefield Golf Course. The interest was 2.5%, with a \$750 loan fee. There were two other bids received from U.S. Bank and Siuslaw Bank, however both had higher interest rates.

Councilor Fleck asked if the interest calculations were correct, that he had come up with a larger interest amount.

Bert said Umpqua Bank provided an amortization schedule with their bid showing the interest.

Richard said because of the low interest rates, staff will be looking at the City's outstanding loans to see if it would be feasible to refinance any of the loans.

Bid Award for Sweet Lane Waterline Extension - 2011

City Engineer, Ron Bradsby, said in 1998, a twelve inch waterline replacement was in the master plan from Hwy 99 to Blue Sky. Currently there are almost weekly repairs done to the waterline. The project bid is to replace the current four inch line. The City received six bids with the low bidder being HSC, LLC from Salem, in the amount of \$197,091.38. The engineer's estimate was \$235,913.32. References for HSC, LLC have been checked and came back clean. He said he would be making a recommendation at the Council meeting to award the bid to HSC, LLC.

Councilor Doyle asked if he was familiar with Kipco, Inc. and if they did good work.

Ron said yes.

Councilor Doyle said she had concerns because there wasn't much difference between Kipco's bid and HSC's bid and the lowest bid wasn't always the best deal.

Ron said there was a mathematical error in Kipco's bid. Originally their bid was the lowest when the bids were opened, but after staff checked the bid schedules and mathematics, HSC was the lowest bid.

Richard said if the City didn't have any justifiable reason to say the low bidder wasn't a responsible company, they couldn't award to the next lowest bidder.

Historic Landmark Commission Appointment

Amanda Ferguson, City Planner, said the commission had two vacancies, however after advertising only one application was received. She said Elizabeth Warren was excited to serve on the commission.

Park Vendor Permits

Richard said there wasn't a lot of response received from other cities regarding vendors being allowed in City parks, however of those cities who did respond, most did not allow it. He said the cities that did allow vendors, charged fees and noted that they didn't issue many permits as it wasn't worth it for the vendors. He said it was staff's recommendation not to allow vendors in City parks as there were numerous special events in the parks that the vendors could be a part of.

Councilor Fleck asked if it had been discussed at a Chamber business meeting.

Richard said there hadn't been anything official done.

City Attorney, Sean Kelly, said vendors currently had access to three sides of the park from the street.

Councilor Fleck said he was concerned that the vendors would compete against businesses that paid overhead and he couldn't support it. He wasn't opposed to businesses doing start ups.

Richard said they normally did it on streets and on private property.

Councilor Doyle said it was unfortunate that Big Bites was trying to follow the rules and came to Council for a permit and the Council could say no.

Councilor Fleck said he would have issues if they started selling on the streets in residential zones.

Councilor Doyle said Councilor Fleck was saying they couldn't be in the park with a permit but he also didn't want them to be on the streets and she didn't feel that was fair.

Councilor Fleck said they should be on commercial property.

Discussion was held on vendors on commercial property.

Councilor Fleck said the issue was someone using the public property for their own benefit and competing against businesses who were established and had overhead costs.

Councilor Boone said the issue for him was it was a public street and if it was public, they needed to let it be public even if people were making money on it. If it wasn't public, then it should be called something else. He provided an example of how he used streets.

Sean said there was a distinction between the street and the park. The park was for public enjoyment and the streets were there for the use. There were strict regulations regarding doing business on the streets.

Richard emphasized that they were only talking about if they wanted to have vendors in the parks.

Councilor Murphy talked about Ashland and how they allowed vendors in their parks and they didn't seem to have any problems. She also talked about vendors in Portland.

Councilor Doyle said she liked the idea of vendors in the park, that it provided options for citizens to use the park.

Councilor Gowing said he didn't mind when special events were going on in the parks, but he didn't want to see vendors in the parks all the time.

City Manager Annual Performance Evaluation Form and Evaluation Date

Richard said Council needed to review the evaluation form and decide if they wanted to make any changes to the form or if they were going to adopt as it was. His hire date was October 1, 1997.

Councilor Fleck, Doyle and Murphy asked about the Judge's evaluation.

Richard said Sean had been trying to find something to use as a format, but hadn't been able to find anything that had an overview of what a municipal court did. He said it was a common issue with other cities as well.

Councilor Doyle said there were two employees and they were dealing with one and asked why they weren't dealing with the other. She said they had to deal with it and said they had been bringing it up for nine months and nothing had been done and she wanted something done.

Richard said the Council didn't really see what the Judge did.

Councilor Doyle said they lost track of what he was doing and that was the problem.

Richard said Sean was working on a document that contained information outlining what a court system was and how it operated and Council could determine if it was operating the way they wanted it to. They had found some information from Salem and Sweet Home who did annual reports on their courts.

Councilor Fleck said the Judge should be involved, that he should be providing an annual report of what the court was doing. Council should be making those expectations clear.

Councilor Murphy asked when the Judge's hire date was. She said the committee appointed to work on the evaluation form didn't know exactly what the Council was to evaluate and that was the problem.

Consensus was that the Judge's hire date was in February.

Councilor Murphy said the evaluation process needed to be done by the Judge's hire date which wasn't far off. She said Council needed everything in place to come up with an appropriate evaluation, a methodical approach to it and then they could gather all the information being talked about. She said with lack of a process, she wouldn't support anything.

Councilor Doyle said there were certain things that shouldn't have to be in writing, that they were assumed as being an employee.

Discussion was held on Oregon laws regarding at will employees and termination.

Sean said the Council was ill equipped to evaluate a system that they weren't a regular part of. He said the difficulty was the people who were a regular part of it, weren't excited about talking about a person that was a big part of the system.

Pool Advisory Committee Representatives

Richard said one of the things that came from the discussions about the pool, was having more community and City involvement. A pool advisory committee was being formed consisting of two School Board members, two City Council members and members of the community. He said the Mayor would be appointing two members at the Council meeting.

Report from the City Manager

Richard said he attended the ICMA meeting in Milwaukie, Wisconsin this week.

The scenic bikeway would be kicking off on Saturday, October 8th at 2:30 pm. There would be a bike ride to Mosby Creek Bridge.

Saturday, September 24th, was the Rotary Cycle the Lakes event.

Discussion was held on the bicycle crossing on Row River Road where Michele Portmann was killed.

Councilor Fleck asked Bert if she had received an email and she said she had but hadn't had an opportunity to look at it yet.

Discussion was held on prescription programs and being able to use human prescriptions for animals.

Councilor Murphy talked about the car seat clinic at the Fire Station.

Councilor Doyle asked if anyone had attended the suicide prevention class.

Councilor Fleck said he attended the first one and that there would probably be others scheduled.

Richard said the Oregon Covered Bridge Festival was October 7th and 8th.

He said the high school homecoming parade was also on October 7th at 2 pm.

The Chambers Railroad Bridge launching was scheduled for the first week in October. The contractor had rejected the roofing material which was delivered damaged so the roof would not be on the bridge when launched.

Richard said planning was in the works for the ribbon cutting and dedication for the bridge and talked about some of the plans. It was scheduled for Saturday, December 3rd, which would be the same day as the tree lighting and Santa at City Hall.

Report from the City Attorney

Sean said he would give a report during the Executive Session at the Council meeting.

The meeting was adjourned at 8:54 a.m.

Trudy Borrevik, City Recorder

Gary Williams, Mayor