

COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
October 10, 2011

CALL TO ORDER

Mayor Gary Williams called the meeting to order at 7:01 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

City Recorder Trudy Borrevik called the roll. The following were

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

YOUTH REPRESENTATIVE: None

STAFF PRESENT: City Manager Richard Meyers, Public Works Director Jan Wellman, Community Services Director Pete Barrell and Police Chief Mike Grover

CITY ATTORNEY: Sean Kelly

OTHERS PRESENT: Cameron Reiten, KNND Radio

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

None

PUBLIC COMMENT ON AGENDA ITEMS

Kristin Sanger, 79030 Thornton Lane, spoke on Items 8(a) and 8(b). She asked the Mayor and

Council to consider allowing the City Manager or Mayor to participate in a ceremonial charter signing as the Economic Development Committee (EDC) moved forward with their economic development program. She said they had designed a program that would allow them to have a self sustaining economic development program so that Cottage Grove could have a desirable program indefinitely. She said the City had already been a continued and valued partner in the economic development partnership that had been in place for three years. During that time, the City had endorsed the National Career Readiness Certificate Program and the Main Street Program. The City had also helped provide a resource library for small businesses, and had improved and created a business friendly environment, supporting retention and expansion of local businesses. The signing would be held on November 9, 2011 at the Economic Development Summit at the Village Green from 12:00 to 2:00 pm.

Kristin said they were launching the Community Development Corporation (CDC), which would be focused on job creation and part of it would be maintaining the Main Street Program and redevelopment improvements of property. She said they were requesting that the Council lend the CDC the remaining small business loan fund for the purpose of improvement of property. She said their designated project was to utilize the money to help with the demolition of the Gates Meat School. They had been working with the property owner, Jerry Gates, to work on an appropriate plan that was desirable to him as well as beneficial to the CDC moving forward. She said the money would aide them in being able to move forward on the project. She said they would like the City to forgive the funds. She said the CDC would be establishing a revolving loan fund of their own in the future.

Les Moore, 32388 Green Acres Loop, Cottage Grove, said he and his wife Norma lived in South Lane County, approximately two and a half miles from the City and about a half mile from the sewage, sludge site. He addressed the Mayor, Council and Staff. He thanked Senator Floyd Prozanski for attending the Work Session and thanked the media for being instrumental in bringing the issue to the public. He said it made those involved and who had experienced it personally, feel less alone. He said it was a common thing of people who lived in a mile radius and beyond of the stench, that they felt abandoned and alone and coming together through the meetings and media and internet had warmed their hearts.

He said he had three points to discuss. He said the City of Cottage Grove was a great place to live in many ways. It wasn't the land of milk and honey, but there were giants out there, yes giants. He asked if the names Norman and Melvin meant anything to any of the Council. He asked if the name McDougal Bros. meant anything? He said he asked that, and he had references that were not included in his letter. He had a DEQ site map, reissued of past DEQ approval, new owner, McDougal Bros, April 26, 2006. Another reference was Lane County Tax Records, October 6, 2011. He wasn't suggesting that there was anything improper but on August 16th on behalf of the Stop Our Stench, he asked the Mayor and each Councilor in writing to be included on the August 22nd Council Agenda. He said nothing happened and later when he called, he said Trudy told him that the Mayor had denied his request but there was no phone call or letter advising him of that, he said it just fell through. On his request he had five points: Has the City found another dump site, remote BLM property or other remote site, commercial or

private?

Is the City looking for another dump site? How long will it take to find a new dump site?

Is there a contractual reason preventing or delaying the City in finding a new dump site?

He said they were told there was no money exchanged between the City and Hendrickson for the privilege of dumping biosolids near their homes. He asked what other forms of compensation there were and said they had to be careful how they asked questions or they didn't get the right answer. He asked what other forms of compensation, remuneration, land usage fees, land lease and or tax credits was the City Manager, Mayor or City Council aware of regarding the City's contract agreement and/or privilege of dumping at the Hendrickson site. He said they were asking the same question, #5, including Hendrickson and/or McDougal Bros. Investments.

He began reading from a prepared letter which is attached hereto and marked Exhibit "A". After Mr. Moore read "And it seems once again, that the sewage is not the only thing that reeks", Councilor Fleck asked for a point of order as Mr. Moore had been talking for almost eight minutes and he thought Mr. Moore's time was up. Mr. Moore asked if anyone would yield to him and someone from the audience said they would. Councilor Fleck said it wasn't up to the body to decide, it was the Mayor's prerogative. Mr. Moore said he only had about a minute left to read his prepared letter. Mayor Williams provided him with another minute to speak. Mr. Moore finished reading his prepared letter. Also attached hereto and marked Exhibit "A" are the petitions and letters referred to in Mr. Moore's letter.

Peggy Eickman, 77500 S. 6th Street Space #A11, Cottage Grove, asked questions to Council that had been presented to her by one of her patients who had just had a quadruple bypass and was unable to attend the meeting.

1) Why didn't the City Council hold a public meeting to notify the area residents of their intention to dump all the decaying human waste from the City sewage waste plant next door to their homes. 2) Why would the City Council jeopardize the health of all the senior citizens residing in 125 space Riverstone Mobile Park which sits directly below the hill where all the sludge is being dumped? Ms. Eickman said the question was referring to the compromised immune systems of the elderly and the person asking the question was a prime example of what was happening. After the bypass the odors and things like that had caused her some issues medically and Ms. Eickman was working with her now so she could testify to that on the person's behalf. 3) Why if the City was dumping dry waste, was there a need to use a huge generator on the property where the sludge was being dumped. There was night activity for a week or two at night and there were lots of lights on the hill and a lot of vibration. She did call the Sheriff's office to complain about the noise and the shaking of her house and was informed that she should contact the land management about it. 4) The Register Guard reported that the dumping period was from May 1st to August 1st. The City Council at the August 8, 2011 Council meeting said the dumping would stop but it continued on through August and September, why? 5) How long before our water wells will become contaminated when the rains wash the residual from the toxic human waste and chemicals down the hill from the dump site and leech into their drinking water.

Debbie Martindale, 32190 Latham Road, Cottage Grove, said she lived on a farm with lots of

compost piles that didn't smell. She said she presented the Council with a three page exhibit which she read from starting about half way down the page. She also presented the City Recorder with a 14 page document of ORS and DEQ rules and regulations, both of which are attached hereto and marked Exhibit "B". Ms. Martindale read all 27 questions listed on the exhibit she submitted. She said each question had a DEQ or ORS backing it up.

Jim Robb, who lives adjacent to the property in discussion, said it seemed to him the year was winding down and the recent rains had helped with the odor. He thought the people who had been affected by the odor, who hadn't attended any meetings or contacted anyone regarding the issue but had been suffering in silence, wanted to have a commitment from the City to simply say that next year there was an alternative. To put something in the local newspaper to let everyone know what was going on so they could take a breather.

RESOLUTIONS AND ORDINANCES

None.

BUSINESS FROM THE CITY COUNCIL

(a) November and December City Council Meetings

City Manager, Richard Meyers, said there were no meeting conflicts in November or December with the League of Oregon Cities Conference or the National League of Cities Conference. He said the Monday following Thanksgiving was a scheduled meeting and there was a need to have the meeting as a result of the Jack-in-the-Box LUBA Appeal. He said the second meeting in December was on December 26th which was a holiday and could be moved to Tuesday the 27th or it could be cancelled.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT COUNCIL HOLD IT'S REGULAR MEETINGS ON NOVEMBER 14TH AND 28TH AND DECEMBER 12TH AND CANCEL THE DECEMBER 26TH COUNCIL MEETING.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Biosolids

Public Works Director, Jan Wellman, said the City held a Work Session at 6 pm tonight and received information regarding options and costs associated with the City's biosolids. He said Council was presented with two viable options with disposal of the biosolids. One was the Heard Farms hauling option and the other was an active drying system. He said staff's recommendation was to have the Council authorize staff to pursue the Heard Farms hauling option for the disposal of the City's biosolids and hold the active drying system in reserve until needed. The cost associated with the Heard Farms option would be included in the annual wastewater fund under treatment.

Councilor Fleck said it had been a fun process and wanted to thank everyone for that. He said the City had been doing the biosolid spreading for years and had changed the process to make it better and this year it had unintended consequences. He said the City had been vilified and he listened to staff being called names as in stinking about the minute taking. He said he had been a Councilor a long time and he understood and had been called a "mugwamp" over a water issue years ago. He got that citizens made personal accusations about individuals because they were mad, frustrated and worried about their well being, he got that. He said the Councilors weren't paid, they served to make the City a better place and he was appalled but not surprised to be treated they way they had been. He said Council was talking about solutions and still being vilified from those in the audience and he was disappointed. He said if those who voted the Council into office, understood that their wastewater bill could go up as much as \$3 per month to kill the smell in the County, they would be unhappy and contacting their Councilors. He said he did support staff's recommendation to go with Heard Farms, however he didn't feel that Council should vote it tonight. He said the information should go in the papers and let the citizens weigh in on the fact that their wastewater bill was going to increase. He said Councilors had been threatened and they and their families didn't deserve that. He said City staff and Council didn't deserve to be maligned because of the frustrations of those in the County affected by the smell. He said in spite of them, he was going to support the Heard option.

Councilor Doyle said most of those in the audience had just heard the work session and knew Council was trying to do something about the problem. She said what frustrated her most was that when a lie was propagated repeatedly, people started to take it as fact. She said when someone came up and said they were a registered nurse and then brought questions such as why are you dumping toxic human waste, when you know that's a lie. She said she was a disservice and disingenuous because they knew the City was trying to do something. She said it happened and once it happened, the City couldn't put the smell back in the bottle. The City had worked in trying to solve the problem and to try and come up with a resolution. She said Mr. Wellman went to extreme measures to get studies done and figuring out what was the City's best options that were going to cost the City taxpayers anywhere from \$50,000 to \$750,000 for something that didn't affect them. She said to hear week after week what terrible people the City was for not fixing it was frustrating. She didn't feel that those who had been complaining about the smell, understood that the City felt badly and were trying to solve the problem.

Councilor Boone said he wished to address some of the questions asked of Council. He said Mr. Moore mentioned that the land apparently belonged to the McDougal Bros. and said in his statement there was nothing wrong with that. He wondered why he brought it up in the first

place. He said he was unaware of any reason that having a different name on the deed would matter for the City's purpose. However, if someone wanted to create a conspiracy theory, which was what it was continuing to sound like to him, it might be a useful tactic. He said the first he heard about the smell as a Councilor, was when it was on the news. He said Councilors were easy to find as their phone numbers were on the City's webpage and their emails addresses were available. He would have appreciated it being mentioned to him before it went to the news media. He said everyone was frustrated about the same things and it felt like it was us against them. He said no one on the Council had any intention of making anyone's summer miserable. He said someone mentioned the threat of a lawsuit at the beginning, at which time Council was required not to say anything. He mentioned the minutes and the reference to five times versus increased seemed like a big deal, however they were only meeting minutes. He said the issue was that those in the County had to deal with some really stinky stuff and the City was going to fix it. He said what Mr. Moore said regarding compensation led him to believe that Mr. Moore thought the costs the City was discussing were being paid to Mr. Hendrickson, which was not the case, the costs were to load the trucks and drive the trucks and dump the biosolids. He said to the best of his knowledge, Mr. Hendrickson got the biosolids and the City got rid of the biosolids. He said the list of questions may be FOIA request material and others may be questions better directed to the DEQ. He asked that people talk with the Council when there was a problem with the City, they wanted to be good neighbors. He said he understood, he was thick skinned, but to malign the people who were working hard to help those affected by the smell, was frankly *****. He said he was also leaning toward the Heard option. He hoped in the future everyone could work together instead of starting off in an adversarial unproductive way.

Councilor Murphy said throughout the entire process one thing she noticed was as Council has listened, more often than not, the things they had been accused of and maligned for, were exactly what was being presented to them. She said in the way they were asking Council to respond, they weren't showing Council the respect that they were demanding. She said the war was fought specifically and strategically in the media, rather than contacting Council directly at their Council email addresses. She said she received one call far after it had first been presented. She said to treat others as they wished to be treated.

Councilor Gowing said he first heard about the issue in the lunchroom at work from someone who had seen it on the news. He said he did receive a call from Kathy Smith, and thanked her for being the only person to contact him. He said the one question he has always had on the whole thing, was if they had taken it across the river and dumped it onto Weyerhaeuser's old log pond, would it be discussed in Tacoma or would they still be at the Council meeting. He said it was the City's biosolids, but was on Mr. Hendrickson's private property and they were asking the City to say how someone managed their own land. He said everyone was into imminent domain, but yet we were telling someone they couldn't do something on their property. He said if he owned the field, he would be upset over it.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BOONE THAT CITY STAFF BRING FORWARD AT THE NEXT CITY COUNCIL MEETING A PROPOSAL TO EXECUTE THE HEARD OPTION.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(c) Concerns from the City Council

Councilor Fleck provided a report on his attendance at the League of Oregon Cities Conference. He said he attended a session with Councilor Doyle and Murphy regarding swimming pools, which was an excellent session. He said it had to do with cities who owned their own pools and the financial difficulties they were having and the steps they went through to make them profitable or less a drain on the city’s budget. He said he attended a session on health care and the City was already doing what they suggested. He said of all the sessions he attended, the one he was most impressed with was the one Richard put on regarding infrastructures. He said Richard showed the Liquid Asset video and talked about the process the Council went through regarding the SDC rate process and others who attended were engaged in what he was saying.

Councilor Boone said he attended the LOC Conference as a first time attendee and it was fantastic and he learned a great deal. He also attended the Covered Bridge Festival which was also fantastic and a lot of fun and the weather was perfect. He encouraged everyone to attend next year.

Councilor Murphy said she attended the league conference as well and that Richard made a boring topic very lively. She said of all the presenters in that session, he brought the audience to life. She attended the pool session as well and a session on budgeting and economic development plans. She said a lot of what was presented the City was already doing, however there were new ideas in terms of projections. She commended the Mayor on a great job of presiding.

Councilor Doyle said she attended the league conference as a first time attendee and was grateful she got the chance to attend. She said after hearing from other cities, Cottage Grove was actually not very dysfunctional. She said there were issues that some of the attendees brought up that she was stunned that they dealt with during Council meetings. She said the Council did a very good job of working together. She attended the session on pools and the primary focus was on cities who owned their own pools and Astoria was the main city discussed. They were in a \$500,000 hole and the speaker and his company were able to come in and work with the pool staff and get down to the very basics. She said the Pool Advisory Committee’s first meeting was scheduled the first of November and she was hoping to have the person who spoke, talk with the people from the swimming pool. She also got some information on Municipal Judge’s reviews and talked to some people from the league and felt there was a good potential to move forward

and that she would be willing to spearhead it. She said as a new Councilor, the conference was a great opportunity.

Mayor Williams thanked the Councilors who attended the LOC Conference and said everyone shared the value of attending. He said there was one program on emergency preparedness and the “big one” and said he saw the same presentation ten days before the “big one” hit Japan. He said it brought home the reality of what devastating earthquakes and tsunami’s could do. He talked about how they could affect Oregon and that they happened every 300 years and the last one happened in 1700. He talked about FEMA classes and said the City should revisit them with the new Council. He said it was essentially command and control classes and what the Council’s role was as an elected official in the event of a catastrophe. He said it was a good year for him at the League of Oregon Cities Conference and it was gratifying to see Cottage Grove well represented at the conference.

Councilor Fleck said for citizens who didn’t know, the Mayor was President of the League of Oregon Cities and had also been President of the Mayor’s Association. He said they didn’t pat themselves on the back very often and he said the Mayor deserved a big pat on the back. He said he led the conference while being very sick and did a great job. He was proud that the Mayor did such a great job as the League President.

BUSINESS FROM CITY MANAGER

(a) Community Development Corporation Charter Signing

City Manager, Richard Meyers, said the Community Development Corporation (CDC) was an effort that had come together as a result of the Chamber of Commerce, City, Economic Development Committee and the Economic and Business Improvement District all coming together and trying to coordinate some kind of effort to do economic development. He said the CDC was created approximately five to six years ago by the City and Chamber as a mechanism to take care of businesses and buildings downtown for redevelopment. He said that never came through as a result of several things and the corporation has been dormant since. The task force had been looking at ways to generate funds and a way to create a more cohesive method of doing economic development in the community. It became apparent they needed an organization to do that and rather than create another organization, it was looked at to bring back the CDC and put it into place.

Richard said there were a number of jurisdictions around the state that had community development corporations. It allowed them to get access to funding sources, grants, and other loans. It also helped with re-development and to acquire property, develop and sell it, and use the proceeds to put back into economic development. He said the task force had meetings and had come up with the basic charter which was non-binding and set parameters and guidelines for all the groups that were participating and coordinating. They were asking the Council to authorize the Mayor to sign the charter at the Economic Development Summit on November 9th. He said the Mayor and Council President would be at the National League of Cities that day and the Council could authorize the City Manager or a City Councilor to sign the charter.

Councilor Fleck said he was supportive of the signing of the charter and it was a good public/private project that would move the City forward. He thanked City Staff for their work with helping the group.

Councilor Doyle said as the liaison for the Chamber of Commerce and the EBID, she supported the CDC and that she had confidence in Kristin Sanger and the work she did. She felt confident that Kristin followed through with what she worked on.

Councilor Murphy said she was also very supportive and thanked Kristin and others who had been working on it. She asked what the difference was between the EDC and CDC.

Richard said the Economic Development Committee didn't have the legal ability to do what the Community Development Corporation could. He said the EDC was a loosely formed group of business people who had come together and thought the CDC was the direction to go for economic development.

Councilor Murphy asked if the EDC would dissolve into the CDC.

Richard said probably not, it wasn't the intent. He said the process was to use the insights of the EDC as well as the EBID, City, Chamber of Commerce and Main Street Program. He said some of the organizations could merge, but it wasn't a goal or objective.

Councilor Murphy said she was supportive of it, but it was confusing and if there was anything that the group could do to make the difference between all the organizations clear, it would help.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BOONE TO AUTHORIZE THE CITY MANAGER TO SIGN THE COMMUNITY DEVELOPMENT CORPORATION CHARTER AT A CEREMONIAL SIGNING DURING THE ECONOMIC DEVELOPMENT SUMMIT ON NOVEMBER 9, 2011.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowling	Councilor Boone	Councilor Murphy	Councilor Burbuck	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Small Business Loan Request

City Manager, Richard Meyers, said the City had a small business loan program that was created back in the late 1980's early 1990's, as a result of a company that came into Cottage Grove, got a CDBG funding for economic development and then left and had to pay the grant back to the

City. The City took the \$100,000 and used it and created the small business loan program. For a number of years, the City was able to use that money to help a number of downtown businesses redevelop storefronts and do other improvements. He said the money was used for businesses who couldn't get loans from other financial institutions or as gap fillers and some fell by the side and were not paid back. The fund currently had around \$9,000 in it and hadn't been used in several years. The task force for the CDC had asked the City if the money could be given to or loaned to be used with other funding they had been pledged. They also asked to be forgiven on the repayment and be able to use the funds for redevelopment and to take care of some issues in the downtown core. He said Council could waive the repayment and could set parameters and ask for a report of what kind economic development activities they had performed. He said staff had talked with the auditors if changes had to be made to the budget.

Councilor Murphy said she was supportive but asked why it wasn't called a grant if they were asking to have it forgiven.

Richard said because the budget set it up as a small business loan fund and if it were done as a grant, the City would have to do some budgetary changes to make it a grant. If it were made a loan and when they came back in a year and reported what they had done and it met criteria, then the City could forgive the loan amount.

IT WAS MOVED BY COUNCILOR MURPHY AND SECONDED BY COUNCILOR GOWING THAT COUNCIL AUTHORIZE THE CITY MANAGER TO PURSUE THE NECESSARY STEPS TO USE \$9,570 IN THE SMALL BUSINESS LOAN FUND FOR THE COMMUNITY DEVELOPMENT CORPORATION.

Councilor Fleck said he had concerns about using the funds for the Gate's property. He said at the EDC meeting he attended there wasn't consensus of the group to use the funds for that project. He said it might not matter as EBID would decide it ultimately. He said he wasn't opposed to giving the money for property acquisition, redevelopment and economic development. He asked to replace language in the motion, from "redevelopment of the Gates Meat Packing School" with "property acquisition, redevelopment and economic development." He said that way if they decided to do that, they could but they didn't have to. He said his concern was the building was about to fall in on itself and the City could condemn it and have them take it down. He didn't agree with using City dollars to demolish property that the owner should be doing himself.

Councilor Murphy said her motion didn't say that, it said authorize to loan the money to CDC.

Councilor Fleck said he was fine with that.

Councilor Boone said he was not in that consensus. He said it was giving away the money and might be more difficult to do it through the budget process, but he felt it should be done that way.

He said it felt like they were subsidizing a property owner who had let their building fall into

extreme disrepair. He wasn't certain there was proper justification to use taxpayer money to subsidize someone who wasn't doing what they should be doing on their own. He would like to hear from EBID the reason why it was the best use of the money and why it was necessary to have the building removed.

Councilor Gowing said he thought they were loaning the money and then the committee decided what to do with the money, it wasn't to use it for the removal of the one building.

Councilor Doyle said it would be her responsibility, as the liaison for EBID, to take the Council's concerns to the committee.

Richard said one of the purposes of the CDC in other communities, was to take pieces of property similar to the Gates property and improve it. Yes, the property owner wasn't fulfilling their obligations and responsibilities and there was a reason behind it, it wasn't economically viable. The CDC would take some assets or piece of the property as a result of the improvement. They would put a lien on the property or would own a percentage of the asset so when the property had more value and was sold, the CDC would receive a portion back to fund further development. He said regardless of the property, it would still be the property owner's responsibility, but it would benefit the downtown with economic development.

Councilor Boone said the money would then come back at some point, it wouldn't be given to the property owners.

Richard said yes. The CDC needed to fund itself and was similar to a urban renewal agency but was a private non-profit organization and was using property values and sales instead of taxes.

Councilor Boone asked if the CDC was in a first position for the repayment of money.

Richard said it depended on the size of the project and the financing, it was negotiated as the EBID worked each project out.

Councilor Doyle said she would support it, with the stipulation Council receive a report in six months, a year and then annually, on the progress of the funds.

Councilor Murphy said her motion was a blanket to pursue the necessary steps and reporting should be covered by that. She said she didn't put in the motion to waive the repayment. Not that she wouldn't support it, but it wasn't a part of the motion.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							

ABSTAIN							
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(c) Report from the City Manager

City Manager, Richard Meyers, said the Pool Advisory Committee had scheduled their first meeting for November 1, 2011.

He said there was a video on the City's webpage of the Chambers Railroad Bridge move that was only about six minutes long. He said it was also on YouTube. He said the steel beams were scheduled to be removed this week and the bridge would be jacked up and the beams removed and it would be lowered onto the piers. He said they were waiting on the roofing materials which were scheduled to be here by the mid part of November. The dedication was scheduled for Saturday, December 3rd.

Richard said he wanted to take the opportunity to answer some of the concerns that had been made and misstatements that had been made. He said he heard the other end of the phone conversation with Trudy regarding minutes. He said the minutes were not verbatim and didn't need to be, they had never been unless it was a public hearing regarding land use. He said it was told on the phone that the webpage did not contain exhibits that were presented in City Council meetings, it only contained the minutes that were presented to the Council for approval. He said the permanent record minutes, which were kept permanently, were in the City's vault and contained documents and everything included and presented for the meetings. He said the minutes were accurate and taken care of maintained with everything that was presented in them. He said the webpage was not an official document. He said webs were not recognized as official documents in Oregon and could not be used as official documentation for minutes or any records.

He said the comments that the City had been disposing and working at night, needed to be clear as to what had been going on. He said ODOT had been working on the freeway from May through September and had been using lights and storing vehicles on the end of Hooten Corner and the ODOT storage yard, which they took out every night. He said they had been installing guard rails and new asphalt down and had been working at night with generators, lights, jack hammers, vibrations and noise. He said the City's dumping of the biosolids only occurred four days. He said typically the City went longer than a week but rushed it this year because of the complaints the City received and did everything they could to stop it as quickly as the City could.

He said the amount of annual costs to dispose of the biosolids had been stated very clearly in the work session and was \$7,500 to \$8,000 in hard costs and when soft costs were added in for personnel, it was \$10,000 to \$15,000. He said he didn't know where they had come up with \$125,000. He said the City had made it very clear in previous work sessions and answered Mr. Moore's questions, that there was no compensation of any shape or form, to anyone regarding the biosolids.

BUSINESS FROM CITY ATTORNEY

(a) Report from the City Attorney

City Attorney, Sean Kelly, said he attended the League of Oregon Cities conference and received some good information on abatements and other things. He said he also had a chance to attend the vendor booths and as a result, the City may have a meeting with a document organization to help work with synchronizing information within the departments.

He said in regards to some of the questions presented tonight on the biosolids, and while he agreed with Councilor Boone, some was appropriate for FOIA request and some may be appropriate for DEQ. He said some was completely inappropriate for FOIA requests and that accusations with question marks at the end, were not something that was generally responded to. He said the City wasn't required to compile information or to research information. He said questions could be asked and if the City had the information, it would be provided. He said the City had a form for such requests and a time frame in which the City would respond to the requests.

Mayor Williams reminded the Council there was an executive session following the regular meeting.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

CONSENT AGENDA

- (a) Minutes of September 23, 2011, Agenda Session
- (b) Minutes of September 26, 2011 Regular Council Meeting

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING TO APPROVE THE CONSENT AGENDA.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowling	Councilor Boone	Councilor Murphy	Councilor Burback	Councilor Doyle	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Mayor Williams adjourned the regular meeting of the City

Council at 8:21 p.m.

The next regular City Council Meeting will be held October 24, 2011 at 7:00 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor