

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
December 14, 2009**

CALL TO ORDER

Mayor Gary Williams called the meeting to order at 7:30 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

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

YOUTH REPRESENTATIVE: None

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

CITY ATTORNEY: Sean Kelly

OTHERS PRESENT: Cameron Reiten, KNND Radio

ITEMS TO BE ADDED TO THE AGENDA

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE TO ADD THE MINUTES FROM THE OCTOBER 27, 2009 COUNCIL WORK SESSION TO THE CONSENT AGENDA.

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	X
NAYS							
ABSTAIN							

PUBLIC HEARINGS

None

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

(a) Second Reading of Ordinance No. 2988 Public Records Request and Policy

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2988 BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

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	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read Ordinance No. 2988 by title only.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2988 BE ADOPTED.

Councilor Conrad said at the last meeting she stated the ordinance was a statement for citizen rights to public records and would have preferred to change the last statement to read “that the city may require that records use occur during business hours and may charge fees to recover the cost of retrieval and copying.” That would be her preference but she would be supporting the ordinance.

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	X
NAYS							
ABSTAIN							

BUSINESS FROM THE CITY COUNCIL

(a) Appointment of Planning Commissioners

Community Development Director, Howard Schesser, advised Council that the City had received ten applications and on December 8, 2009, the subcommittee composed of Councilors Fleck, Murphy and Munroe and George Devine, Vice President of the Planning Commission, interviewed eight applicants and after discussion were recommending that Michael Cowan, Jeremie Eckstine and Larry Nichols be appointed with terms to expire on December 31, 2012 and Mindy Roberts be appointed with a term to expire on December 31, 2011.

Councilor Fleck said all candidates were exceptional, there was a very good turnout.

Mayor Williams thanked Councilor Fleck for chairing the subcommittee and Councilors Munroe and Murphy for helping with the process. He was pleased there were ten applicants to interview.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE THAT COUNCIL APPOINT MICHAEL COWAN, JEREMIE ECKSTINE AND LARRY NICHOLS TO THE PLANNING COMMISSION WITH TERMS TO EXPIRE ON DECEMBER 31, 2012 AND MINDY ROBERTS BE APPOINTED TO THE PLANNING COMMISSION WITH A TERM TO EXPIRE DECEMBER 31, 2011.

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	X
NAYS							
ABSTAIN							

(b) Water Leak Adjustments

City Manager, Richard Meyers, advised Council there were three water leak adjustment requests before them for consideration. He said two of the requests had met the requirements and were given a leak adjustment for the highest of the two months that the leak encompassed. The third request was for a multi-family dwelling which didn't meet the requirements and therefore they were not given an adjustment. He gave Council the background on the meter billing process and how it affected leak adjustments and said two of the requests were for additional adjustments in addition to those already given and the third was for an adjustment for the multi-family dwelling.

Staff recommended that no leak adjustment be made for the multi-family dwelling and if Council felt something needed to be done for the other two requests, that an adjustment be given on the

wastewater portion of the month the adjustment was not given in. He said the City did payment arrangements and did not have late charges and didn't charge finance fee.

He said it could be a sign of things to come because both of the properties that were given adjustments were older homes and will start having the same problems the City was having in regards to older pipes.

Councilor Fleck said he had wrestled with the requests and didn't want to set a precedent and asked for clarification that an adjustment could be done to the wastewater portion of the bill, would that be taking what historical would have been then reducing it by the amount of excess?

Richard said yes, just the excess amount of wastewater would be credited.

Councilor Fleck said in considering that it took into the next month to know what was going on, he could support the suggestion for a credit on the wastewater portion of the bills. He did agree with staff on the multi-family dwelling request.

Councilor Munroe asked how a leak that was five or six times above normal could go undetected, wouldn't a drop in pressure be noticed.

Richard said it was a considerable increase, however it couldn't be seen or heard and the system would still charge and the amount of water flow that would be able to still come through the line would be significant.

Councilor Munroe asked about the meter size for the multi-family dwelling.

Richard said he thought it was probably a one inch meter for the four plex.

Councilor Murphy asked for clarification of where the multi-family property was, she thought it was an apartment complex.

Richard said it was two four plexes that were across from the library on 8th Street which two meters, one for each building.

IT WAS MOVED BY COUNCILOR CONRAD AND SECONDED BY COUNCILOR FLECK THAT THE RAIN COUNTRY REALTY PROPERTY NOT BE ADJUSTED AND THAT THE WRIGHT AND THOMPSON/SETTLE PROPERTIES HAVE THEIR ADJUSTMENT REDUCED FOR LACK OF SEWER INCREASE USAGE AND BE BILLED ON AN EXTENDED ADJUSTMENT PLAN.

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	X

NAYS							
ABSTAIN							

(c) Concerns from City Council

Mayor Williams said KNND had invited the Council to an open house on Thursday, December 17th from 11am-3pm at their office on Main Street.

Councilor Conrad commented that it was refreshing to see so many applicants for the Planning Commission and hoped to see more community participation.

Councilor Gowing said he had received a call from a resident about Middlefield Golf Course and the pruning of the tree limbs between the first fairway and the freeway. They wanted to know if there was some kind of maintenance plan on how the trees were being cut.

Mayor Williams advised he had received the same call.

Richard said the trees were along the cart path on the first fairway and they need to be trimmed on a regular basis to allow the broom sweeper to go underneath the trees. They were also pruned to be done in order to keep the trees healthy. The maintenance superintendent for the golf course has gone to school to be trained for the trimming and pruning.

Councilor Conrad said she received the same call and it was suggested that when the limbs were being cut, it should also be considered is the sound barriers and the flight of the golf balls.

Richard said it was all encompassed because the trees there were trimmed were lower than the freeway. The trees were 20-50 feet away from the right-of-way line between the freeway and the golf course and the trees that were along the freeway right-of-way were still there and were not trimmed.

Councilor Clark asked if it was the staff's point of view that the call was groundless. Staff replied yes.

City Attorney, Sean Kelly, said there is someone on staff that manages and maintains the golf course.

Councilor Munroe said he also received the phone call and went out and looked at the area and talked with the complainant. From their vantage point it looked different than being on the course. He explained to them that the trees needed to be trimmed for safety factors and they reason they heard more noise was because the trees have lost their foliage. They were also concerned about the number of golf balls and he explained that was not the liability of the City because the golfers were responsible.

Councilor Clark said it was an interesting situation with the citizens who lived by the golf course and how it was developed. He asked if the residents were informed or was there any communication that the City would be trimming the trees.

Richard said he didn't think the City needed to notify the residents because the trees were on the course and affected play and the maintenance of the course. They were not the trees that were adjacent to homes, they weren't the sound barrier trees that were along the freeway and in the course of maintaining the course, it needed to be done. He said the city had worked with the homeowners association before on other issues.

Councilor Conrad said she would like to see the City respond to the citizens by way of a letter explaining the situation of why the trees were cut and the normal procedures for cutting trees.

Councilor Fleck said he thought the City needed to be good neighbors and if there were ways to mitigate issues that the City would look for them.

Mayor Williams said he didn't disagree with comments he had heard, however the City maintained a number of acres of parks and open space in the community and were stressed at all levels of staffing. He said he agreed that the City should be good neighbors and fair to the citizens but it was also a matter of practicality, it was a golf course, there were shrubs, trees and lawn. Yes, it would be nice to notify citizens what was going on their neighborhood but it may not be practical for City staff to do so.

Sean said it should be noted of the positive feedback the City received on the golf course and how many people used it that came from out of town.

Councilor Fleck said he was suggesting that there might be some win/win. The neighborhood association might be able to donate seedlings and put together work crews. He thought there was a lot of area where the City could work together to mitigate some of their concerns.

Councilor Gowing suggested putting information on the City's website where citizens could access it.

Richard said the difficulty with that was the project was done on a day when the course was closed and staff did those types of projects when no one was using the course.

Mayor Williams asked if it was City staff that was doing the trimming. Staff replied yes.

Councilor Conrad said that in that case maybe a letter could be sent after the trimming to the homeowner's association explaining what was done.

Councilor Murphy thanked Richard and Jan for taking her for the "councilor" tour of the City. She also thanked staff for showing her the shops, etc.

Councilor Munroe said City staff should be commended for the work during the freeze period.

The response from the City crew was outstanding.

Councilor Conrad thanked Chief Grover for giving a talk to her neighborhood in the evening which was above and beyond his duties and it was well appreciated.

BUSINESS FROM THE CITY MANAGER

(a) New Liquor License Application for Fleur De Lis Patisserie & Café

City Manager Richard Meyers provided the background on the liquor license application. He said Fleur De Lis Patisserie & Café was moving into serving dinner on Fridays and would like to be able to serve alcohol during that time.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR GOWING THAT COUNCIL FORWARD A FAVORABLE RECOMMENDATION FOR THE LIQUOR LICENSE APPLICATION FOR FLEUR DE LIS PATISSERIE & CAFÉ TO OLCC.

Councilor Conrad said she had concerns about the outdoor sidewalk seating that Fleur De Lis has during the warmer weather and wanted to know if the application could limit drinking on the sidewalk. She said it was against City codes and wanted to know how it could be compromised.

Richard said it wasn't against City code for them to be on the sidewalk if it is their sidewalk. Only a portion of the sidewalk is in the right-of-way and the rest of the sidewalk is the property owners. He said it was also approved through OLCC and the City code.

Councilor Conrad said she wondered about what was happening as far as a visual reality for citizens to see people sitting outside drinking liquor and if that could be addressed. She was concerned about how that would be controlled.

Councilor Gowing said he had eaten dinner at Fleur De Lis the previous Friday and it was very well managed.

Councilor Munroe asked the City Attorney if he was correct that there needed to be a certain percentage of food that had to be served in order for the license to be viable.

City Attorney Sean Kelly said he didn't know if he had ever seen anyone at Stacey's with a glass of wine at their outside tables. He said he thought Richard was correct as far as the City code regarding alcohol on the sidewalks. He didn't know the answer to Councilor Conrad's concern if there needed to be any sort of cordoned area. He said in some areas that was done and the business was liable, which was the real reason why we didn't see more of it, not because of municipal ordinances prohibiting it but it was their liability coverage. Part of the investigation from OLCC was to determine there was the right amount of seating, etc. in order to approve a liquor license.

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						X	
ABSTAIN							

(b) New Liquor License Application for Walgreen Co.

City Manager, Richard Meyers, provided the background on the liquor license application.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR GOWING THAT COUNCIL FORWARD A FAVORABLE RECOMMENDATION FOR THE LIQUOR LICENSE APPLICATION FOR WALGREEN CO. TO OLCC.

Councilor Conrad said she was voting against the application not the business because she thought a neutral pro-active vote would be better for the community at large.

Councilor Clark said he was voting against the application and it had nothing to do with Walgreens, he thought there was no need for another alcohol outlet.

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
NAYS					X	X	
ABSTAIN							

(c) Revised Construction Excise Tax Intergovernmental Agreement with South Lane School District

Community Development Director, Howard Schesser, provided the background to Council on the change in the excise tax. The School District had already approved and signed the agreement and staff was recommending that Council authorize the City Manager to sign the Amended Agreement.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDED AGREEMENT BETWEEN SOUTH LANE SCHOOL DISTRICT AND THE CITY.

Councilor Clark declared that he worked for the South Lane School District.

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	X
NAYS							
ABSTAIN							

(d) Fiber Optic Data Transport Services Agreement with Lane Education Service District

City Manager, Richard Meyers, said the agreement was for transport of fiber optic services from Cottage Grove to Eugene to the University of Oregon for the Education Service District to serve South Lane School District. It was similar to the agreement that the City had with Lane ESD for Creswell School District with the exception of the amendments. It lined out the specifics on the service levels and the type of equipment and the cost associated what Lane ESD would be paying for that transport service.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY THAT COUNCIL APPROVE THE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO SIGN THE FIBER OPTIC DATA TRANSPORT SERVICES AGREEMENT WITH LANE EDUCATION SERVICE DISTRICT.

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	X
NAYS							
ABSTAIN							

(e) Amendment to the Fiber Optic Data Transport Services

City Manager, Richard Meyers, said agreement amended the appendix in the construction of the fiber in Creswell and the type of connectors used.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN THE FIBER OPTIC DATA TRANSPORT AGREEMENT AMENDMENT WITH LANE EDUCATION SERVICE DISTRICT FOR SERVICE TO CRESWELL SCHOOL DISTRICT.

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	X
NAYS							
ABSTAIN							

(f) Report from the City Manager

City Manager Richard Meyers said the City had only received two applications for Vision Keepers.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

City Attorney Sean Kelly advised the City had received the ruling in favor of the City on the Water Watch Protest. It denied all the protests and the other side has thirty days to file exceptions to the Order. It would then go to the Oregon Water Resources Department for the issuance of a final order. Overtures have been made of filing an appeal on the issue.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Deanna Conley, 937 Blue Sky Drive, Cottage Grove, represented the Corvette Club and advised Council that they had donated \$500 to the Family Resource Center at Bohemia School and \$500 to Community Sharing.

Margie and Don Miller, 117 Village Drive, Cottage Grove, said they lived in Middlefield Estates and were the individuals who had contacted several members of the Council regarding the trimming of the trees at Middlefield Golf Course. Ms. Miller thanked Councilors Gowing and Munroe for coming out to their residence to view what they had complained about.

Mr. Miller said they had been in the community approximately two years and when they bought their residence it was close to winter when the trees had lost their leaves, however there was plenty of ground cover, blackberry bushes and other vegetation that muted the sound and view of the traffic from I-5. The trimming that occurred at the golf course had an impact on the sound and visual as well as the trimming done by the electric company. He said it had deteriorated the quality of life that they had at their residence. They understood that the golf course needed to perform maintenance work and suggested that a natural border be planted by the fence line and offered to pay \$500 towards the purchase of arborvitae which could make a good barrier. They showed Council photocopies of pictures they had taken of arborvitae and of the view of the freeway from their residence.

Mayor Williams thanked the Millers for coming before Council and asked staff to follow up with a letter within thirty days with a response.

CONSENT AGENDA

- (a) Minutes of the November 23, 2009 Regular City Council Meeting

- (b) Minutes of the October 27, 2009 City Council Work Session

IT WAS MOVED BY COUNCILOR FLECK, 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	X
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Mayor Williams adjourned the regular meeting of the City Council at 8:28pm.

The next regular City Council Meeting will be held January 11, 2010 at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor