

**COTTAGE GROVE CITY COUNCIL  
REGULAR MEETING  
October 12, 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 and Daina Tague, Youth Representative.

**STAFF PRESENT:** City Manager Richard Meyers, Police Chief Mike Grover, Finance Director Bert McClintock, Public Works Director Jan Wellman, Community Services Director Pete Barrell and Amanda Ferguson, City Planner

**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**

None

## **RESOLUTIONS AND ORDINANCES**

- (a) Second Reading of Ordinance No. 2986 for Development Code Text Amendment to Amend Title 14 To Establish BP Business Park District (DCTA-1-09)

City Planner, Amanda Ferguson, advised Council had the first reading of the Ordinance at the September 28<sup>th</sup> Council Meeting and it was recommended that Council consider the second reading and adoption of the Ordinance.

Councilor Conrad asked about the change of text in the code under business park commercial retail where it provided examples and referred to consumer home goods. She said it was her understanding that the focus was to be on business to business transactions and it seemed that this left it open that any retail business would be acceptable in the business park.

Amanda stated it did specify that it was home and business goods including gifts, groceries, printed material, stationary and flowers so the intent was for those focused uses. The area that Councilor Conrad was looking at was a definition in Chapter 1 of the Development Code and typically provides a list of the types of uses that might be applicable and has a list of things that are not allowed. Basically it limits those types of uses to a certain square footage but virtually any retail that wanted to go in could, that was the intent of the business park. It was specified what types of retail they were looking for and these were examples.

Councilor Conrad asked about the section, Business Park Commercial Service, and the reference to entertainment services and asked if that was the intent for a business district park.

Amanda stated it was similar to the campus industrial zoning that Eugene used and the intent was to allow those types of services that a business who has a large number of employees would use to attract those employees and provided an example. It did include those types of uses in a master plan setting that would be accessible to the occupants of the business park.

Councilor Conrad stated she had been approached by people with concerns that given what would be allowed in the business park, what would be developed was called Cottage Grove south because everything would be brand new and convenient and she wondered if that was the intent of the business park ordinance. She asked if on the third page of the ordinance at the top the language was repeated.

Amanda said she thought the language on the top of the third page was an issue with the document, that she didn't believe it actually showed up in the document.

Councilor Conrad asked about commercial districts and the reference to the minimum development area shall be 10 acres and she said that was a large amount and she wondered if a minimum had to be put in the ordinance.

Amanda stated the minimum development acre came from the Economic Opportunities Analysis

that was adopted by the Council as part of the Comprehensive Plan. The specification was already in the Comprehensive Plan, this was only implementing the document that was already adopted. She said that 10 acres actually wasn't very much, it was smaller than the Wal-Mart parking lot which was 14 acres.

Councilor Conrad asked about the page with the diagram on it and under #7 on that page, Prohibited Impacts from Uses in Business Park, which mentioned one agency and wanted to know if additional agencies, such as LRAPA could be added.

Amanda stated that air emissions was already covered under b, LRAPA didn't need to be specified as the agency that enforced that, the reason DEQ was listed because DEQ noise standards are specified under noise and vibration.

Councilor Conrad said it was questioned if something could be put in the code that said that industrial districts not be zoned adjacent to residential zones.

Amanda replied that the point of having a master plan district that was labeled as a business park is that they can be adjacent to residential zones because they have additional offering and have additional criteria to limit the type of impacts that they have on the residential neighborhoods. Industrial districts under the code, if they are zoned for business parks, could be located next to a residential district provided they meet all the criteria for mitigating the impacts. That is why it is a campus industrial rather than a normal heavy industrial or light industrial next to the residential districts.

Councilor Conrad asked about section 2.4.160 and if it was the business part or the industrial business.

Amanda stated in this implication, the only time you are required to do a master plan is if you are doing a business park and under a business park you are required to do all of the requirements that mitigate all of those impacts on the residential zones. Currently there is not any property targeted specifically for a business park to the south or anywhere else. She stated that there is an industrial district currently next to a residential zone. The industrial park is immediately adjacent to an R-1 zone in the South area.

Councilor Conrad asked if there was something that could be added to the code to prevent industrial zones being placed next to a residential zone in the future.

Amanda said the way the code was written was to prevent the conflicts between industrial and residential and still allow an industrial park to be designated next to an existing residential so that you didn't have to try and figure out how to locate the industrial park outside of the existing boundaries.

Councilor Conrad stated she thought 50 square feet of signs was too big and wanted something added that the signs be shielded from residential view.

Amanda replied that 50 square feet was only a little bigger than one of the tables in the council chambers and was currently allowed in the downtown district. She said that the business park was designed so if it was located next to a residential zone, the entrances to the units of the park are internal, so the back would have a twenty percent landscaping buffer against the residential zone and would face the back of the buildings. The uses would face the interior courtyard and the signage would be on the interior courtyard. She didn't believe that an additional standard that stated it couldn't be residential was needed but if it became a problem in the future it could be added and also incorporated through the master planning process as a condition.

Councilor Fleck stated he had received a call from Cathy Bellavita and shared some of her concerns regarding businesses locating within the district and pulling from business from the downtown area. He felt that businesses going into the business district such as day cares and beauty salons should only be for the campus setting rather than the population at large.

Amanda stated that anytime a business park was going in it would have to go through a master planning process and the uses were going to have to be identified and those targeted populations identified as part of the planning process. She said she wasn't saying there weren't going to be additional changes that are recommended to the code, particularly when they decide to actually implement it and locate a property, but at this point they think it is a good skeleton to build off of. It will be a number of years before property is identified that the City might want to implement this on and the code has worked in the current structure in several other jurisdictions to build these types of developments. It may have to be modified in the future.

Councilor Fleck said he wasn't sure how we could word it so that it wasn't too restrictive and gave an example of day cares.

Amanda said the market normally regulates how many businesses of a certain type are allowed within a certain parameter to the area.

Sean Kelly said it was a good example looking at the Sony factory in Springfield in the industrial zone and a day care built across the street filled up rapidly and then Sony disappeared but luckily they had people drawn from other areas and they continued to operate.

Richard said there were exceptions which limited to ten percent and a size limitation for the commercial retail as well, so the primary use was going to be the business park and there were limitations on space, that the City couldn't limit by type of businesses.

Councilor Fleck said we currently say that now by stating that certain types of businesses are located in one zone and not another.

Richard said to an extent but if you are doing something like this and are going to encourage business and if you look at business parks that are successful around the state, they are business parks but they have the other features such as restaurants and other things that cater to the clientele of the business but they also have evening people that come in. It's not going to be a

second Cottage Grove because it is limited in size.

Councilor Fleck said that wasn't his fear but we are in an industrial zone and we are allowing no one but industrial type of activities.

Sean Kelly stated the law is okay with allowing businesses in certain areas but when you start zoning to inhibit business, that is where you have issues.

Councilor Clark commended staff for dealing with the problem that mitigating impact on residential areas in these types of zones. He stated he didn't think council was in the business of regulating commerce and didn't think it was Council's job to favor one business over another. He said it was a first step and the City would be building on it but as the arbitrator of what business gets to go to a certain part of town.

Mayor Williams said he concurred with Councilor Clark's comments.

Councilor Munroe stated he agreed with Councilor Clark and said he didn't see the Council as trying to restrict people from being competitive, that is the way a business runs and Council shouldn't be restricting any of this. If someone puts a business in the park it might draw business from downtown.

Councilor Fleck said to offer the other point of view, it was an industrial zone and that it was not a typically approved use in that type of zone and that his concern was that was not typically the way it had been and he urged caution.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT ORDINANCE NO. 2986 BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.**

Councilor Conrad said she was in support of the Ordinance but would like to see the Ordinance get more refined.

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. 2986 by title.

**IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK**

**THAT ORDINANCE NO. 2986 BE ADOPTED.**

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) First Reading of Ordinance Amending Section 13.04.190(B) of the Municipal Code Regarding Leak Adjustments

City Manager, Richard Meyers, advised the Ordinance before Council included language that was discussed at the September 28, 2009 Council Meeting regarding leak adjustments for multi-family dwellings that have a single meter for multi units in one building. It also took care of the clause in the current code that says it had to be underground, the new language said it had to be under the building but not underground. It also changed the procedure for leak adjustments having to go to Council, that requests would go through staff instead.

**IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2987 BE READ ONCE BY TITLE ONLY AND PLACED ON THE NEXT AGENDA FOR THE SECOND READING AND SUBSEQUENT ADOPTION.**

Councilor Fleck stated he assumed there was an appeal process. Staff replied yes.

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. 2987 by title.

(c) Resolution Appropriating Funds of an Unanticipated Special Purpose Grant from the Oregon Department of Transportation

City Planner, Amanda Ferguson, stated that Council had adopted Resolution No. 1719 on September 28, 2009 which authorized the City Manager to enter into an agreement with ODOT for the administration of the 5311 Grant Funds for South Lane Wheels and the Resolution before Council was to appropriate the unanticipated grant for budget purposes. She said staff was recommending approval of the Resolution.

**IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT RESOLUTION NO. 1721 BE APPROVED.**

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) Resolution Approving the Agreement with South Lane Wheels for Administration of 5311 Funds for South Lane Wheels

City Planner, Amanda Ferguson, said now that Resolution No. 1721 had been passed the Agreement between South Lane Wheels and the City for the administration of the funds needed to be approved for the City Manager to sign the agreement.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR CLARK THAT COUNCIL ADOPT RESOLUTION NO. 1722.**

Councilor Clark asked if the City had any exposure if South Lane Wheels ceased operation.

Richard explained that it was a reimbursement grant so if South Lane Wheels stopped operations than they didn't get reimbursed and the money stayed with ODOT or the federal government. The area that the City would have liability on would be the record keeping or the means by which South Lane Wheels carried out the grant and part of the City's responsibility was to make sure that they do it correctly.

City Attorney, Sean Kelly, clarified that the agreement would indemnify and hold the City harmless.

Councilor Clark asked if South Lane Wheel's current audit process will meet the audit requirements.

Richard stated there were some concerns that were being addressed.

Councilor Munroe asked if the City would receive administration costs for the handling of the grant.

Richard advised that the City would receive five percent as administrative costs, the same that LTD received in the past.

Councilor Munroe asked the City Attorney if he had read through the Agreement and if he had any concerns and if any liability towards the City was covered.

Sean advised he had read through the agreement twice and he had made a couple of changes that Councilor Clark had addressed regarding the audit and everything was fine and he was comfortable with the City Manager signing the Agreement.

Councilor Clark asked if there was any conflict with the City giving money to South Lane Wheels. Staff replied no.

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) New Liquor License Application for Moran Foods, Inc. (Save-a-Lot)

City Manager, Richard Meyers, advised Save-a-Lot would be opening on Wednesday, October 14<sup>th</sup>, the police department had reviewed the background information on the permit and found nothing derogatory and was recommending a favorable recommendation to OLCC. He said that the Manager from the Save-A-Lot store was present in the audience if anyone wanted to ask questions.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE THAT COUNCIL FORWARD A FAVORABLE RECOMMENDATION TO OLCC.**

Councilor Conrad said she kept getting asked, since it was a simple thing to change the attitude towards liquor license, why it wasn't being done. At the last council meeting there was a comment made that a councilor would not vote for the new attitude because he didn't think that the new motion would be accomplishing anything. She passed out some posters regarding drinking and said she brought them to council's attention hoping to get a different view through

a different window at this attitude. The question could be this is not accomplishing anything, why bother with posters and she wanted to bring to the Council’s attention a new attitude towards the liquor licenses. Posters were not going to change drinking habits, they are not going to cure substance abuse, but it was a step towards change. She thought Council should accept the language that OLCC had already accepted for council, that they would not be hampering business but they could make a statement similar to the posters that build awareness, that talk of value to the goal of the community. What was better accomplished in voting the old way versus the new attitude of identifying yes.

Councilor Munroe asked for point of order.

Councilor Fleck said his position was the same and that the recommendation to the OLCC was not about whether or not Council condoned alcohol abuse or anything to do with the actual consumption of alcohol but whether the establishment was regulating the sale of alcohol correctly and that was what council’s goal was. There had been establishments in Eugene and Springfield that had had a lot of problems around their establishments and there was a tool for the council to go to OLCC and say there were problems with an establishment to have them look into it. He stated his position had been that he supports the business community as long as a business was responsible. He said he appreciated Councilor Conrad’s position but he couldn’t support it.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Councilor Gowling	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X		X
NAYS						X	
ABSTAIN							

Councilor stated her opposition wasn’t a statement against Save-A-Lot.

(b) Participation in Lane County United Front Partnership

City Manager, Richard Meyers, provided Council with the background and history of the City’s participation in the United Front Partnership for the last two years. He advised what agencies are a part of the partnership and how the partnership worked. He said that the Bohemia Foundation had paid the cost of the lobbying fee, \$18,000/per year and that they had advised the City that they would not be paying that fee this year. The contract expires October 31, 2009. He stated there had been discussion with the smaller communities in Lane County about the possibility of either participating with the United Front as a whole County or doing something in more of the rural smaller area so that the smaller jurisdictions could have some of their projects looked at and be a part of a smaller United Front where rural projects and programs are looked at. He said that the cost for participating in United Front had not been placed in the budget this

year and that it was a little expensive for the City to participate, which was somewhere around \$24,000. He asked for Council's consensus on if they wanted to continue the City's participation in the United Front Partnership.

Councilor Murphy asked if the metro area projects that had gone forward been funded.

Richard stated yes they have had some that have been funded but last year there was nothing funded through the United Front. The environment in Washington D.C. had changed and maybe some changes needed to be made in the United Front effort.

Councilor Conrad said she had concerns that the United Front process is not an open process so that they are using tax payers money and the tax payer doesn't know who is making the decisions and how they are establishing priorities. She also had a concern that Cottage Grove, as a small city, pay dues for the Oregon League of Cities and the National League of Cities and both of those organizations have lobby groups.

Richard advised that she was correct on the process on how the projects are selected, the United Front groups do not get together and vote on which projects to support, the lobbyists determine which projects have the best potential in obtaining funding. He said that the League of Oregon Cities and the National League of Cities do not lobby on behalf of a specific city for specific projects, that isn't their role, they participate in more of the policy generation or legislation that affects all or a wide range of cities.

Councilor Munroe asked if the City wouldn't be better of lobbying through our congressional delegation.

Richard said the City has had very good success in participating directly with the congressional delegation, Congressman DeFazio and Senators Wyden and Merkley, and gave examples. He said that since the City is a partner in the United Front, the City cannot submit any projects on its own.

Councilor Munroe asked if the City would be better going out on its own.

Richard said he felt so but it was an issue that projects do sometimes take years to get approved.

Mayor Williams stated he has participated for the last two years in United Front and you lobby not only for your projects but for other jurisdictions as well. He said he liked the idea of a smaller communities coalescing around a smaller United Front due to the fact that we have similar issues and needs. He said the City has developed an excellent relationship with the congressional delegation's staff.

Discussion was held and consensus was not to participate in the United Front Partnership this year.

(c) City Manager Annual Performance Evaluation Form and Evaluation Date

City Manager, Richard Meyers, advised Council that it was time for his annual evaluation and in the packet was the evaluation form and the evaluation from 2008. He said that Council needed to adopt the evaluation form and set a date for the performance evaluation.

**IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR MURPHY THAT COUNCIL USE THE EXISTING EVALUATION FORM.**

Councilor Conrad said Council should think about reviewing the form, that it could be improved. An example is that in the Charter it says that the City Manager is responsible for the enforcement of City Ordinances and the current form didn't address this.

Councilor Fleck said he was okay with the form this year but would like to take a look before next year's evaluation about some small adjustments to the form.

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							

Discussion was held regarding a date for the performance evaluation and it was determined to have the evaluation on Monday, November 2, 2009 at 6pm.

**IT WAS MOVED BY COUNCILOR CLARK AND SECONDED BY COUNCILOR MUNROE TO SET NOVEMBER 2, 2009 AT 6PM FOR THE CITY MANAGER EVALUATION.**

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) Concerns from the City Council

Councilor Fleck advised that he had the honor of reading a Proclamation to the State affiliate of the National Federation of the Blind at their conference held in Cottage Grove during "Meet the

Blind Month” and they presented the City with a 2009 Louie Braille Bicentennial Silver Dollar which he presented to the Council.

Councilor Conrad asked about a date for the retreat.

Councilor Murphy said it was her recollection that they were going to wait until after the work session with the consultant on the SDC charges.

Mayor Williams stated he attended the League of Oregon Cities Conference and one thing that was most pressing on the league officers and staff was the special session to occur after the first of the year and one of the issues will be state shared revenues.

Councilor Fleck said he also attended the League of Oregon Cities Conference and attended several sessions on economic development. One thing that was discussed was making the community development permit department as friendly as possible. Not necessarily giving away the farm but giving more options and it was something that he would like Council to look at and he had some ideas.

Councilor Conrad said she attended the League of Oregon Cities Conference and went on a tour of the City of Damascus and they had been awarded a DEQ 319 Grant for Stormwater and wondered if Cottage Grove might be able to look into that. She talked about Damascus’ goals, zoning changes and city planning. She said she talked with representatives from DEQ, LCDC and the Department of Agriculture. She also attended economic development sessions and talked about Salem and SDC charges and development of downtown areas.

Mayor Williams said it was a good conference and a good turnout with approximately 800 delegates.

### **BUSINESS FROM THE CITY MANAGER**

(a) Report from the City Manager

Richard congratulated the Mayor on being elected Treasurer for the League of Oregon Cities and being the first Cottage Grove elected official that has served on the Board and moved into the Executive Board of the League.

Richard said that city hall was closed today and staff conducted a clean-up of offices and the basement storage. Staff filled 25 large recycle bins with old papers. Many more boxes of confidential papers were downstairs waiting to be shredded this Saturday at the shredding event. A truckload of surplus items was also sent to the city shop for auction, which the City takes to Brashers, an auction company in Eugene. He showed Council an old ballot box that was located in storage.

He presented Council with a copy of the documentary “Liquid Assets” that was shown on PBS.

He showed a brief trailer of the video to Council.

He reminded Council of the shredding event this Saturday, October 17<sup>th</sup> from 10-12pm at the Community Center.

**BUSINESS FROM THE CITY ATTORNEY**

- (a) Report from the City Attorney

None

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None

**CONSENT AGENDA**

- (a) Approval of the minutes of the September 10, 2009, Special City Council Meeting
- (b) Approval of the minutes of the September 14, 2009 Regular City Council Meeting
- (c) Approval of the minutes of the September 28, 2009 Regular City Council Meeting

**IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MUNROE 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 8:52pm.

The next regular City Council Meeting will be held October 26, 2009, at 7:30 p.m. in the Council Chambers at City Hall.

---

Trudy Borrevik, City Recorder

---

Gary Williams, Mayor