

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
October 26, 2009**

CALL TO ORDER

Mayor Gary Williams called the meeting to order at 7:31 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

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. 2987 Amending Section 13.04.190(B) of the Municipal Code Regarding Leak Adjustments

City Manager, Richard Meyers, advised Council that the Ordinance before them was introduced and read by title only at the October 12, 2009 meeting regarding leak adjustments for multi-family units and was before the Council for a second reading and adoption.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE THAT ORDINANCE NO. 2987 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. 2987 by title.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE THAT ORDINANCE NO. 2987 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							

BUSINESS FROM THE CITY COUNCIL

(a) November/December City Council Meetings

City Manager, Richard Meyers, said that typically in late October the Council Agenda calendar is reviewed for the November and December meetings. There are no conflicts with holidays this year, however the Mayor will be attending the National League of Cities in San Antonio and will be leaving early on the morning of Tuesday, November 10, 2009. Staff is recommending that the November meeting be scheduled for Monday, November 23, 2009 and the December meeting be scheduled for Monday, December 14, 2009 and if needed a second meeting in December could be scheduled for December 28, 2009.

Councilor Fleck stated he supported both of the dates but would not be in town on December 28,

2009.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE TO ACCEPT NOVEMBER 23, 2009 AND DECEMBER 14, 2009 AS THE DATES FOR THE CITY COUNCIL REGULAR MEETINGS FOR NOVEMBER AND DECEMBER, 2009.

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) Appointment of Council Subcommittee to Interview Applicants for Planning Commission

City Planner, Amanda Ferguson, advised Council that there were three vacancies on the Planning Commission that expire December 31, 2009. The notice of the vacancies has been published in the Cottage Grove Sentinel and the Friday Update. Applications are being accepted until November 16, 2009. A Sub-Committee needed to be appointed consisting of three Councilors, one of whom to be the chair, the Chairman of the Planning Commission and the Community Development Director, both of who would be non-voting members.

Mayor Williams appointed Councilors Fleck, Munroe and Murphy to the Sub-Committee and Councilor Fleck as Chair.

(c) Concerns from the City Council

Councilor Conrad said she had received a second letter from Mr. Warren and would like the City to respond to letters the Council received. She said she understood one of the main issues he had was why the City wasn't paying him \$10,000. She asked for an explanation of this from the City Manager.

City Attorney, Sean Kelly, responded since this matter was in potential litigation and he advised he didn't want to discuss the issue in too much detail. Mr. Warren had drawn his own analogies of what happened up river from his residence and what was happening now. Sean stated the City had no legal requirement to pay any money up river and the payment to the Row River water customers did not create a precedent to pay any money to Mr. Warren. The situations were distinctly different, one involved an active transmission line from the City running across people's properties that served the City and Mr. Warren's was an ancillary line that only served his property and ran across other people's property that had no benefit to the City whatsoever. From a legal view the City had no duty and no obligation to compensate Mr. Warren. He had

paid for water, he had received water and he had received the benefit each time he paid.

BUSINESS FROM THE CITY MANAGER

(a) **Dark Fiber Lease Agreement Between the City of Cottage Grove and LS Networks**

City Manager, Richard Meyers, stated the next two items were two agreements before Council that were related. The first was a Dark Fiber Lease which was an agreement between the City of Cottage Grove and LS Networks to lease four strands of fiber from the City's point of presence in Creswell Cottage Grove's regeneration hut behind the Creswell City Hall. The City installed 144 strands of fiber for future needs and so other providers or carriers could lease the fiber to provide service in Creswell. LS Networks is interested in improving the service with CenturyTel, which is the incumbent telecommunication provider in Creswell. They would pay the City \$700 per month for 4 strands, \$350 per pair, per mile fiber link. They would also pay a one time initial fee of \$1000 to cover costs of connections or other services that the City might incur in getting them hooked up.

Staff was recommending approval of the Lease Agreement, which the City Attorney had reviewed and it was also reviewed by the consultant. The date of the agreement would be changed to start November 1, 2009.

Richard said the Council may want to consider adjusting Section 4.4, the interest charged for late payments. Councilor Conrad pointed out that it was 1% per month which was high at this time.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK TO AUTHORIZE THE CITY MANAGER TO SIGN A DARK FIBER LEASE AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND LS NETWORKS.

Councilor Murphy said she fully supported this and asked if the costs the City was charging were researched. She also asked if the ending date of the contracts would be October 31, 2012.

Richard stated costs were discussed with the Fiber Consortium, Dan Mulholland and Milo Mecham of LCOG, who had done a number of other leases and other costs were looked at as well.

Councilor Fleck stated he was okay with the interest rate.

Councilor Clark commended Richard and staff on the forward thinking on the project.

Councilor Munroe said he hoped this was a start to show that this venture was good business management and that it would continue as such.

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) Co-Location Agreement with LS Networks

City Manager, Richard Meyers, stated this was the second agreement for LS Networks to co-locate in the City's hut located by City Hall in Creswell. The City constructed a small hut in Creswell which had enough space for the City's equipment and a rack for LS Networks for their equipment which they would lease for \$500 per month plus a one time payment of \$2500 for connection costs.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN A CO-LOCATION AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND LS NETWORKS.

Councilor Clark asked how many racks would fit in the hut in Creswell.

Richard said that 2 or 3 and the City had all the other space used up.

Councilor Conrad said that when the fiber optics first was discussed she was opposed to the idea because there was no business plan in place, however with the last two motions, it was starting to build hope and she thought it was a wonderful idea.

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) Report from the City Manager

Richard said that he and a Councilor had contracted the H1N1 Virus, they had both worked at the shredding event on October 17th and he hoped that no one else contracted the virus as it was a miserable experience.

He said he hoped Council had all had an opportunity to watch the Liquid Assets video that he provided Council with. It was Councilor's homework for tomorrow's night's meeting on SDC charges.

Richard advised Council that in their notebooks was a letter from the Auditors who were at City Hall last week.

He reminded Council of the prescription drug program that he wrote about in last week's Friday Update. There has been \$1200 worth of savings since the program has been in effect, 134 prescriptions have been filled for 78 people. There were a lot of prescription cards still available which could also be used for pet prescriptions. Locally the savings had been 21% and nationally the savings had been 24%. The National League of Cities hopes that by the end of 2009, \$1M has been saved by all the participants.

Richard reminded Council about tomorrow's Work Session at 6pm and asked Council to show up a little early to judge the City employee's annual pumpkin carving contest. Friday was the light parade and the downtown trick or treating from 4-6pm.

He also reminded those planning to attend that the Community Foundation Dinner was this Wednesday beginning at 6:30pm.

BUSINESS FROM THE CITY ATTORNEY

(a) **Report from the City Attorney**

Sean had no report but wanted to acknowledge the article in the Register Guard over the weekend regarding the library exhibit.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

CONSENT AGENDA

None

ADJOURNMENT

There being no further business, Mayor Williams adjourned the regular meeting of the City Council at 7:52pm.

The next regular City Council Meeting will be held November 23, 2009, at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor