

**COTTAGE GROVE CITY COUNCIL MEETING
MINUTES
March 23, 2009**

CALL TO ORDER

Council President Thomas Munroe called the meeting to order at 7:30 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

City Recorder Joan Hoehn called the roll. The following were

Present: Council President Thomas Munroe, City Councilors Wayne Clark, Diane Conrad, Mike Fleck, Lynn Miller, Heather Murphy

Absent: Mayor Gary Williams

Youth Representative was absent.

Staff Present: City Manager Richard Meyers, Finance Director Bert McClintock, Community Development Director Howard Schesser, Public Works Director Jan Wellman, Police Chief Mike Grover, Community Services Director Pete Barrell

City Attorney Sean Kelly was present.

New Media Present: Cameron Reiten - KNND Radio

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

(a) Public Hearing on Comprehensive Plan Amendment 1721 & 1723 Hwy. 99 N. to H High Density Residential (CPA-1-08), City of Cottage Grove

Howard explained that this hearing is on Comprehensive Plan Amendment (CPA-1-08) regarding 1721 and 1723 Hwy. 99 N. to redesignate the land to High Density Residential. He said the Planning Commission held a public hearing on January 21st, and they recommended approval of the proposed amendments. He said for the record he gave Councilors copies of a letter dated today from Cathy Bellavita regarding this item.

Councilor President Munroe opened the public hearing on Comprehensive Plan Amendment (CPA-1-08).

There was no one in the audience to speak; therefore, the public hearing was closed.

(b) Public Hearing on Comprehensive Plan Amendment to Redesignate Middlefield Golf Course, North Regional Park and Adjacent Parcels to 'P' Parks and Open Space or 'M' Medium Density Residential (CPA-2-08)

Howard said this is a public hearing on the Comprehensive Plan Amendment to redesignate Middlefield Golf Course, North Regional Park and adjacent properties to 'P' Park and Open Space or 'M' Medium Density Residential. The Planning Commission held a public hearing on January 21, 2009, and they recommended approval to Council of the proposed amendment.

Council President Munroe opened the public hearing on Comprehensive Plan Amendment (CPA-2-08).

There was no one in the audience to speak; therefore, the public hearing was closed.

(c) Public Hearing on Zone Change Application (ZC-1-08) to Rezone Middlefield Golf Course, North Regional Park and Adjacent Parcels, City of Cottage Grove

Howard said this public hearing is on Zone Change Application ZC-1-08 which is to rezone Middlefield Golf Course, North Regional Park and adjacent properties to either PR Parks and Recreation or R-2 Medium Density. The Planning Commission held a public hearing on January 21st, and they recommended a favorable recommendation to Council.

Mayor Williams arrived at 7:36 p.m.

Councilor President Munroe opened the public hearing regarding Zone Change Application (ZC-1-08).

There was no one in the audience to speak; therefore, the public hearing was closed.

Council President Munroe relinquished the gavel to Mayor Williams at this point.

(d) Public Hearing on Development Code Text Amendment (DCTA-5-08) to Amend Title 14 Section 2.2.190.C(2) Articulation

Howard explained that this is an amendment to the Comprehensive Development Code to clarify the original wording talking about decorative windows. Staff has had some difficulty in working with people on that as to meeting articulation in the architectural standards. Staff changed it to refer back to a protrusion or bay window because that does break up the facade. The Planning Commission considered this at their public hearing on January 21st, and they recommended

approval to Council.

Mayor Williams opened the public hearing regarding Development Code Text Amendment (DCTA-5-08).

There was no one in the audience to speak; therefore, the public hearing was closed.

(e) Public Hearing on Development Code Text Amendment (DCTA-6-08) to Amend Title 14 Section 3.1.200 related to Fire Access and Turnarounds

Howard said the development code makes reference to the State Fire Code in several places with regard to turnarounds and access and includes a chart. The state has changed that chart a couple of times since the adoption of the City's code. In order for staff to change that chart they have to go through a public hearing and come back each time. The Council has already adopted the State Fire Code with any amendments that the legislature makes, therefore, this amendment would take the chart or figures out and just refer back to the chart that's in the State Fire Code whichever one is in effect at the time. The Planning Commission held a public hearing on January 21st, and they recommended approval to Council.

Mayor Williams opened the public hearing regarding Development Code Text Amendment (DCTA-6-08).

There was no one in the audience to speak; therefore, the public hearing was closed.

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

(a) Resolution Amending the Comprehensive Plan Designation for 1721 & 1723 Hwy. 99 N. as 'H' High Density Residential (CPA-1-08)

Howard said the resolution before Council would amend the comprehensive plan for the above parcels to go to High Density Residential. Council has held the public hearing at which no one spoke and had one submission and Planning Commission has held a public hearing. Planning Commission recommended approval.

Howard said Councilor Conrad talked to him earlier today on a couple of issues. He said the property itself right now is developed with a density that's greater than the maps in R-2 density. So it's developed already at a high density residential development. He said there are buildings a two story on the interior along the river and a one-story building on the interior. It's the one-story that they want to take out and replace with a two story structure; maybe two, which is actually located on the larger of the two lots. They're requesting high density residential over

the total property even though all of the property is within the greenway.

Howard said the question was also asked while it's in the greenway are they intensifying use. He said first a majority of the development was there prior to the establishment of the greenway. But the greenway goal includes the requirement that development shall be directed away from the river to the greatest extent possible provided however that lands committed to urban uses within the greenway shall be permitted to continue as urban uses including port, industrial, commercial and residential uses and uses pertaining to navigational requirements water and land access needs and related facilities. He said the proposal is to keep this at residential to allow for the redevelopment. In order to do that redevelopment it can't be done under the R-2 zoning. The high density zoning is needed because the property is already over the maximum amount that's allowed in R-2 for density. It only has one access to Hwy. 99, and they won't get another one from ODOT because of the closeness to the bridge and that access goes where the one story is.

Councilor Conrad said if she understood what Mr. Schesser just said only one of those parcels then would be out of compliance with the R-2 or both would be out of compliance with the R-2.

Howard responded that it's not the parcels themselves because it's a one-development site. And the one-development site is over the maximum density allowed in an R-2 zone.

Councilor Conrad asked again if just one parcel would be over R-2 or both.

Howard said the small one only includes the units that are along the river right by the bridge, and the bigger parcel includes the one story and the other is over as well.

Councilor Conrad asked if both parcels were in the flood plain.

Howard said a portion of both properties are in the flood plain.

Councilor Conrad asked if the policy would be to give variances to older type buildings.

Howard responded that it depends whether it's nonconforming to use a regulation. If it's a regulation, it's one of the regulations that are allowed to have a variance per the code, they could go through the variance process. If it's nonconforming to use, their only option is to see whether they could do a comp plan change and to rezone. Depending on where they're located they may or may not be successful.

Councilor Murphy asked if the main purpose of this is to bring it into compliance or if it's because this person wants to develop or redevelop.

Howard responded that it's both to bring it into compliance and to take the single story and replace it with either one or two story structures. The owner is also looking at improving the entrance, which he can't do with the way the existing single story sits. He will need to rezone

but he's not ready for that yet and that's why that's not before Council at this time as well.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT RESOLUTION NO. 1700, "A RESOLUTION AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP (CPA 1-08) MAP 20-03-28-11 TL 200 & 300 1721 & 1723 HWY. 99 N," BE ADOPTED.

Councilor Conrad said she understands this is a very confusing and difficult process, but for her one of the main issues is how can they legislate for the greenway. She said what's before Council now is a resolution to change the comprehensive plan. She asked if Council really wanted to legislate maximum density in the greenway. She said the purpose of the greenway is to protect, enhance and maintain the natural, scenic, historic, agricultural, economic and recreational qualities along the Willamette River. She said when they legislate comprehensive plan, they are legislating into the future, so in 30 years if this person wants to sell this property and the new owner then wants to further intensify this, it might be possible. She said she will be voting against this because of the concern for the greenway.

Councilor Fleck asked what percentage of that building could be repaired before it actually triggered compliance with the code, because nonconforming he thought you could rebuild something exactly as it is but there's only a certain percentage.

Howard responded that it's only if 60% of the value is destroyed then you have to comply with the code. But you can do repairs such as if there was a fire. You could do repairs on the same footprint even the ones along the river. Those could be taken down and rebuilt as long as the same footprint is used and have that setback from the river. If someone did a different footprint then they would have to comply with the 50 foot setback.

Councilor Fleck said he understands Ms. Bellavita's and Ms. Conrad's concerns about density, but he thought in this situation it doesn't necessarily apply given the density in the surrounding area, the fact that it's on Hwy. 99 a very high use highway. He said essentially this is away from the river and will improve the access in and out of the property. He shares the concerns about density along the river, but in this situation he would be supportive of this application.

Councilor Miller said she would support this as well. It would be different if it weren't developed.

Howard said where the one-story building is, he can change the footprint, but it isn't within the riparian area. The whole property is in the greenway and has been established there.

Howard clarified that the Willamette Greenway in this area is the same one that was established in the '70s. The riparian setback from the river under the old code was 25' and is 50' in the new code, and that's not related to the greenway. It's a different code section.

Councilor Munroe said he's concerned about the setback. He said to him that's the important part of the greenway. If they're within compliance to that when they originally built the structures how can there be an adjustment to that.

Howard said there isn't one. With the structures along the river, if they use the same footprint, then they can build on the same footprint which is the 25 or 30' setback and don't have to comply with the 50'.

Councilor Clark asked in the greenway if there are other areas zoned like what's being asked tonight.

Howard said there's very little high density zoning in the City, and that's a difficulty. There is an area between Bohemia Elementary and Main Street, that field area, is zoned and designated for high density. They're going to have to look at this issue in the next year or so with the economic opportunity analysis and building land analysis and the issue of whether or not to expand the urban growth boundary.

Councilor Clark asked if this is an uncommon practice throughout the state.

Howard responded that it isn't and that's why the state wide goal and greenway says that for urban areas urban uses are appropriate and there are places that are industrial uses that are in the greenway. So it's not unusual.

Councilor Murphy asked if they want to change the apartments right along the river, do they have to incorporate specialized plans because it will be along the river.

Howard said any time there's building within the riparian areas, that 50', they look to make sure they can limit any impact on the area. If they're building in the existing footprint then staff will require standards that they can get dirt from getting into the river and runoff and things like that, but they can't stop them from rebuilding on the existing footprint. If they build something totally different that's not on the existing footprint along the river then they're going to have to comply with the 50' setback.

Councilor Conrad said she's now on the Watershed Council and she spoke to a person on that council because this is in the flood plain, and she was told that the Dorena Dam is over 50 years old and the dam was built with an expected life time of 50 years. There is a concern that if the Dorena Dam is not substantially upgraded that they will experience flooding in this area in the not too distant future. She said that's another concern she has. Again, if Council sees itself as a legislative body what they're doing is almost setting a precedent of allowing high density use in the greenway and flood plain areas.

Mayor Williams noted that all Planning Commissioners voted for this amendment with the exception of one who was absent.

Howard made a clarification to a comment Councilor Conrad made with regard to Dorena Dam. As the emergency program manager, he said Dorena Dam wouldn't impact this property because the maps developed by the Corps have flooding at the airport area and the golf course but not into this area being discussed. The impact to this area would be the Cottage Grove Dam, and by the time it gets down to this level the inundation would be minimal.

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
NAYS						X	
ABSTAIN							

(b) Resolution Amending the Comprehensive Plan Designation for Middlefield Golf Course, North Regional Park and Adjacent Parcels (CPA-2-08)

Howard said this takes the City owned land, the golf course and changes it from the commercial designation to parks. He said what started this process was staff is working through the Economic Opportunities Analysis which includes looking at the needs for the City for industrial and commercial land over the next twenty years and going through an analysis of population and land availability as required by the state. This land that's being use for recreation and open space is getting tagged as being developable land for commercial, yet that's not the intent by both the comprehensive plan, park plan or the purpose for which the City bought the golf course. So staff looked at changing the comprehensive plan and the zoning on the property so it could get out of that inventory and also get into the parks inventory. When staff did that, they found the one house as you enter Middlefield Estate on the left hand side that use to be the model home at the time they were leasing lots and placing homes is no longer used for an office, but is now a residence yet it was zoned commercial. So that one is recommended to go to the R-2 which is the same zoning as the rest of the properties in Middlefield Estates. The other lots in looking at the analysis are the City one in between two properties owned by Kris Woodard; one's vacant and one has RV storage on it. Those properties are recommended to be redesignated to the medium density. Chris Woodard, as the property owner, is in favor of seeing this happen. The one house that the City owns on the golf course at the end of Thornton Lane is a nonconforming use because it's not allowed in that CTL Tourist Commercial zone; it would go as park as well because it's not a separate parcel. It's no longer not conforming to use per se because under the

park zone you can have a house for caretaker or security. And eventually they'll look at rezoning it again, but there's other issues that have to be dealt with.

IT WAS MOVED BY COUNCILOR MILLER, SECONDED BY COUNCILOR MUNROE THAT RESOLUTION NO. 1701, "A RESOLUTION AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP (CPA 2-

08),” BE ADOPTED.

Councilor Conrad said talking about the parks and recreation zoning for the golf course. She said Howard mentioned this residential house that would then be zoned as Parks and Recreation. She asked how they were going to get around the requirement that only a caretaker or watchman can have residential houses on park land.

Howard said if the City wanted to build a new house on any land that’s designated as park it would have to come in as conditional use for that. The house is already existing and was existing originally with the park land and was existing prior to the City buying it, so that nonconforming continues. It is a nonconforming right now under the commercial zone, so it doesn’t have to be brought into compliance with the code. Down the road if the decision is made by Richard and Pete not to rent that house but to use it for a park use, then the nonconformity would go away and it would be used for an allowed park use. But you don’t have to at this time make it come into compliance.

Councilor Conrad asked if it would make more sense to zone that as a residential.

Howard explained that you can’t at this time because of the issue of dealing with exception lands under Goal 2 and Goal 14 because of the way Middlefield Estates/golf course/airport were brought into the urban growth boundary in the late ‘80s and staff has to address that. If they do that right now Mr. Hammer has a claim to come back to the City and say you wouldn’t do it for me yet you’re doing it for yourself and not going through the exception process.

Councilor Conrad asked if Howard is then saying to zone it as parks and then make it nonconforming.

Howard said again that it’s nonconforming now; it doesn’t comply with the zoning that’s on it now.

Councilor Conrad said the other lots, the two parcels that have signs on them, are now zoned as Tourist Commercial. She asked if that was a nonconforming use in Tourist Commercial.

Howard said he believed it was, because he didn’t think those types of signs, billboards, were permitted. It’s the type of sign that makes it nonconforming. Signs are permitted but they’re limited in size and height and illumination and everything else. He thought it was nonconforming even now. Those signs were there prior to the property even being in the City.

Councilor Conrad said regarding the Medium Density Residential there is a recreational center on Middlefield, and she asked how they would be rezoning the recreational center as Residential.

Howard said it’s owned in common by the Middlefield Estates Homeowners Association. All of their property including their common lands is zoned R-2. It’s an accessory use to the development as it’s a community center for them. It would be in compliance with the

Residential zoning.

Councilor Conrad said in the code on page 212 it talks about accessory structures, and if the accessory structure is above a certain size then you need a conditional use, so she asked if they would be getting a conditional use for that recreational center.

Howard responded that they wouldn't because it's existing. If it was a new structure they wanted to build, they would have to get a conditional use.

Councilor Conrad asked if Howard was suggesting that they could just rezone it even though the land is not used for that use.

Howard responded that it's common land that's owned by the association that is part of Middlefield Estates which 99% is all zoned RM Medium Density.

Councilor Conrad said her last concern is the RV storage facility. She said staff's suggesting that it be zoned as residential as well.

Howard said that's correct. When you look at the other uses in the area to the south and to the east of that area, those are residential uses. Staff is recommending that it not stay commercial. The property owner which is not the homeowners association, but is Kris Woodard, a private individual who still retains ownership of those, is in favor of going to residential. Staff doesn't recommend that it be left as commercial.

Councilor Conrad said in the code it describes self-service storage as commercial zoning and on page 210 of the code, it lists self-service storage as not permitted on any residential property.

Howard said it will be a nonconforming use, and the property owner is well aware of the fact that it's nonconforming. His original eventual intent is to put a residence there.

Councilor Conrad asked if even if he's using it as a business, and she understands that people have to pay to use that storage, it is functioning as a business, it can be zoned as residential and let it function as whatever it wants.

Howard said if the present property owner has an objective, he would have been at the Planning Commission and here. He said staff met with Mr. Woodard through this whole process and he's in favor and support of the rezone.

Councilor Conrad said she finds difficulty with this because there are so many items lumped into one change to the comprehensive plan. She said she would feel more comfortable if some of these items had been separated out. She said she again had to question Council as a legislative body do they want to pass legislation for land use when the land is not being used for what it is being zoned for.

Councilor Fleck said having spent so many years on the Planning Commission, he would like to share with the Council that this is actually fairly common. He gave the Cory Commons development an R-3 as an example where there is a common gathering room as part of their private use, which isn't generally open to the public. RV parking in a large PUD is very common especially where parking at the individual units is limited. As Howard said it will become a nonconforming use at that point, which means if they want to make a change they will have to make it conforming at that point. He pointed out that this has been going on for years, and was built long before this code even came into existence. He said he is comfortable with this.

Mayor Williams pointed out that all Planning Commissioners voted in the affirmative for this.

Councilor Conrad said she noticed that the Planning Commission had no discussion on both these items, so it was very hard to get into the understanding of what they were thinking. She said she has difficulty that if the land is being used as a business, why should they change the land use laws and the comprehensive plan. There's other ways to get around this. It can be left as commercial. She likes the idea of the golf course being in parks and recreation, but there's just certain issues she thinks are not true to the true land use of what they are legislating.

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
NAYS						X	
ABSTAIN							

(c) First Reading of Ordinance to Rezone Ten Parcels including Middlefield Golf Course & North Regional Park (ZC-1-08) City of Cottage Grove

Howard said this is the same item that the Council just did the Comprehensive Plan Amendment Resolution which was approved. This is to rezone the property pursuant to what that resolution requires.

IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MUNROE THAT ORDINANCE NO. 2978, "AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE, THE CITY WIDE ZONING MAP. (NORTH REGIONAL PARK, MIDDLEFIELD GOLF COURSE et al.)," BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION IT BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION OF ADOPTION.

Roll was called on the motion and the vote 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							

City Attorney Sean Kelly read Ordinance No. 2978 once by title only.

(d) First Reading of Ordinance for Development Code Text Amendment to Amend Title 14 Section 2.2.190C(2) related to Articulation (DCTA-5-08)

Howard said this is a clarification ordinance whereby decorative windows and surrounds are being removed and bay windows are being added to clarify what the intent was.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED COUNCILOR MILLER THAT ORDINANCE 2979, “AN ORDINANCE AMENDING SECTION 2.2.190.C(2) ARTICULATION OF TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE,” BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION FOR ADOPTION.

Roll was called on the motion and the vote 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							

City Attorney Sean Kelly read Ordinance No. 2979 once by title only.

(e) First Reading of Ordinance for Development Code Text Amendment to Amend Title 14 Section 3.1.200 related to Fire Access and Turnarounds (DCTA-6-08)

Howard stated this is the fire access and turnaround, and they’re basically removing the figure and referring people back to the State Fire Code which is where the figure comes from. This way as the state changes that over the years, staff doesn’t have to keep bringing this back and go through the public hearing process to amend the City code.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT ORDINANCE NO. 2980, “AN ORDINANCE AMENDING SECTION

3.1.200.M OF TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE,” BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION IT BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION FOR ADOPTION.

Roll was called on the motion and the vote 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							

City Attorney Sean Kelly read Ordinance No. 2980 once by title only.

BUSINESS FROM THE CITY COUNCIL

(a) Approval of Sale Agreement for 1345 Birch Avenue (South Lane Mental Health)

Howard said Mr. Tom Wheeler, the director of South Lane Mental Health, is in the audience to answer any questions. He said the City on behalf of South Lane Mental Health received an \$800,000 Community Development Block Grant for the purchase and renovation of the facility at 1345 Birch Avenue. South Lane Mental Health has raised over \$450,000 match money, and they have moved forward on the project. Howard explained some of the difficulties they’ve had and why they’re a couple of months behind in the schedule. He said the owner agreed to sell the property to the City at the appraised price of \$450,000 (it was originally listed at \$495,000), and closing is scheduled for April 1st. Staff’s recommendation is for Council to approve the purchase of 1345 Birch Avenue for the appraisal price of \$450,000 and authorize the City Manager to close on the property.

Councilor Conrad asked how much the grant was for and Howard responded that it was an \$800,000 grant.

Councilor Conrad stated she didn’t understand a sentence in Howard’s letter where it said something about the security deposit not be returned.

Howard explained that one of the intricacies in this whole process is that South Lane Mental Health is a tenant in the building and has a lease with the present owner. One of the reasons for the closing on April 1st is to avoid another \$3,000 lease payment. South Lane Mental Health has a \$3,000 security deposit with the owner, and through negotiating down to the \$450,000 price, the owner asked if the \$3,000 could agree not to be returned. Mr. Wheeler agreed to not have it be returned, and asked the City if they were in agreement. It’s money they’ve already spent and if it made the deal close staff agreed to that. If this gets approved and closes on April 1st, South

Lane Mental Health won't get the \$3,000 security deposit, but they also won't be paying \$3,000 in rent for April. So it was sort of a win, win situation for all.

Councilor Conrad said it's the cost of \$450,000 plus closing. She asked if the seller was going to pay part of the closing.

Howard responded that it would split 50/50.

Councilor Munroe stated for the record, while the Mayor was gone Howard asked him to sign this documentation and for verification everything Howard just explained is exactly what he was told.

Councilor Fleck asked if the organization he works for had any involvement in this process, and was informed that it didn't.

Howard pointed out as an addition to the \$3,000 the owner wanted to keep, he isn't charging the City or South Lane Mental Health any of the Realtor fees; it's all coming out of the seller's realty fees.

IT WAS MOVED BY COUNCILOR MILLER, SECONDED BY COUNCILOR MUNROE THAT THE SALE PRICE OF \$450,000 FOR THE BIRCH AVENUE PROPERTY BE APPROVED AND THE CITY MANAGER BE AUTHORIZED TO CLOSE.

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							

(b) Intergovernmental Agreement

Public Works Director Jan Wellman said this is an intergovernmental agreement between the City and Lane County for street striping services. For the past several years the City has had an intergovernmental agreement with Lane County for purposes of street striping, and the current agreement will expire in June 2009. The City allocates funds in the street fund, street maintenance budget under the contractual services line item for street striping services. As an example in calendar year 2008, the City paid Lane County \$9,102.88 for this service. The renewal of the agreement is a three-year agreement that begins July 1, 2009 and runs through June 30, 2012. Staff recommendation is to approve the intergovernmental agreement between the City and Lane County and authorize the City Manager to sign the documents. The cost for

this agreement has a not to exceed price of \$100,000 during the three-year term.

Councilor Munroe asked why when it's only \$9000 a year do they put in not to exceed \$100,000.

Richard responded that's the County's limit for purchasing and for agreements with other jurisdictions. It's just their boiler plate.

Jan said it also gives the City the flexibility if we want to request some additional services from Lane County.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT COUNCIL APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND LANE COUNTY AND AUTHORIZE THE CITY MANAGER TO SIGN THE DOCUMENT.

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							

(c) "If I Were Mayor, I Would...." Contest

Richard said the Oregon Mayors Association is doing their annual contest, which the City has participated in previous years. The program has expanded this year to add 4th and 5th graders to the poster contest with the Middle School students doing essays and High School or College students doing Video/PowerPoint. Last year the City had a cash prize of \$100 for first place and \$50 for second place, and it cost \$300.00 as there were no entries for PowerPoint or video. This year it could cost \$450 if there were entries in all categories. Councilors would judge the entries again.

Mayor Williams asked that the Council support this.

Councilor Conrad said she supports this but the year before there was the difficulty of only one applicant and the question came up as to whether that was really a winner. Maybe Council should think about what constitutes a winner and how they're going to judge it. Opening it up to a more complex contest and look at how to make the prizes more equitable for the winners. How do you pick a winner in these very broad range of ages.

Mayor Williams said a lot of that lies in the way the Mayors Association has set up the contest.

IT WAS MOVED BY COUNCILOR CLARK, SECONDED BY COUNCILOR MURPHY THAT COUNCIL SUPPORT THE “IF I WERE MAYOR, I WOULD...” CONTEST INCLUDING THE CASH AWARDS.

Councilor Munroe said last year the schools changed the requirements especially for high school, and now part of the middle school and high school graduation is that they be more involved in government. This would be a good push to get them started in that direction.

Richard said information about this contest is put out in the schools and the YAC members help promote it.

There was discussion about the fact that this contest is held the same time each year, and it is bad timing for the students to enter the contest.

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							

(d) Joint Meeting Request - City Council/County Board of Commissioners

Richard said Council received a letter from the county administrator asking if Council would like to have a joint meeting with the County Commissioners. Council hasn't met with the Commissioners in the past. He suggested if Council wants to have a joint meeting, that they think of some topics for the agenda. Staff would suggest meeting with them prior to a regular City Council meeting. He said staff could provide some topics to talk to them about.

Council discussed whether to meet and what type of agenda to prepare.

Mayor Williams said he will work through Richard and Board Chair Peter Sorenson on topics of discussion, and if any Councilor has any specific concerns or items they would like to discuss, they should get with the City Manger to have those included in the agenda.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT THE CITY MANAGER SET UP A JOINT MEETING WITH THE COUNTY COMMISSIONERS AND THE CITY COUNCIL.

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							

(e) Concerns from the City Council

1) Mayor Williams reminded everyone to get their ethics forms filled out and mailed by April 15th.

Richard reminded Councilors that they have the quarterly report due as well as the SEI.

2) Councilor Conrad asked if somehow a message can get to the Planning Commission that when they make certain decisions that there be some kind of statements of discussion included in the minutes. She would appreciate following through with the reasoning and the understanding of the Planning Commission. Maybe some notes as to why they're voting the way they are.

Howard said he could relay that request, but they're an independent body so it's up to them as to how they operate.

Councilor Conrad said they are the arm of the City Council.

Howard said there's no way he can tell them they have to say anything; it's up to them. If they're in agreement with the information before them, there are times they don't say anything. These are people who are involved on the planning side and don't get involved in a whole bunch of other issues. They're involved in the economic opportunities analysis, so they see a lot of the vacant land use, so they have a much bigger picture than just the little application that might be before them. He said he'll ask them.

Richard said it's important to note that the Planning Commission adopts their findings with the resolution and those findings are their statement of why they're voting the way they do.

3) Councilor Fleck said he would like to make a formal request of the media, paper and radio station, to have a forum about the upcoming election. There are contested seats on the school board as well as the fire board. He thought a forum would be of benefit and encouraged the Council to be involved as it will have a dramatic impact on fire and life services.

4) Mayor Williams said he spent last week in Washington D.C. talking with numerous legislators, congressmen and senators. He said the attitude regarding the now called "Recovery funds", formerly the "stimulus funds", changes almost weekly. He said he was in Washington three weeks ago with the National Association of Regional Councils and change in attitude in

that time is phenomenal. He explained that he was in Washington with the United Front of Lane County with most of the expenses paid through the Bohemia Foundation for him to advocate for Bohemia Park. He said he also got to advocate for a \$2.77 million request for some over sizing of pipes in the City's storm water drainage. The presentation was well put together and well received, but he didn't know if they would receive their requested amount.

Councilor Clark said he would like to remind the public that it's easy to jump on this is pork barrel, this is wasteful spending band wagon and makes for great rhetoric for politicians. He said every buck he can get back from Washington DC and to the community is tax money we sent there that we're getting back. He thought people needed to be a little more intelligent about how they're looking at the things going on and our representatives and senators advocating for us getting some of our money back. There are states that receive a much higher percentage of the money they send to Washington back, and he's all for getting more money back.

Mayor Williams said the sentiment in DC from our congressmen and senators who represent the same people Council represents back home, and they find it a little resentful when some of their colleagues talk about this being pork barrel spending or earmarks, or whatever. Both former Senator Gordon Smith and Representative DeFazio told him that it is their job to bring the tax dollars back home for projects, because that's their responsibility.

Councilor Conrad said she wanted to put it on the record, since they're talking about federal and state issues, that not all of the members of the Council will agree with the some of the statements that were just made.

BUSINESS FROM THE CITY MANAGER

(a) Report from the City Manager

1) Richard said regarding the SEIs and Quarterly Reports, if people will get those to Joan she'll mail them certified.

2) Richard said City Hall Day is April 1st and starts at 8:00 a.m. Those who have signed up can meet him at 6:30 at City Hall to car pool to Salem.

3) Richard said this week he will be going to Vancouver, Washington for a Northwest Regional Managers meeting where they'll be talking about regional issues associated with management, sustainability and developing new employees and the next generation of local government officials.

4) Richard said when he went to Salem last week he had an opportunity to talk with Representative Hanna and Senator Prozanski about the City's economic stimulus funding for transportation. The City is getting \$202,000 and have some requirements from ODOT. It looks like they would use up more than half of the money we have to hire consultants that are on ODOT's list, requires an inventory of road hazards, and everything has to be engineered even

though what we're doing is an overlay. Representative Hanna got a hold of officials at ODOT and he met with the officials from ODOT to talk about some of these restrictions and limitations. Richard said ODOT gave them some ideas on how to try to minimize that expense, and they're also working on things they've never done before to try to minimize some of those expenses.

Richard said one idea ODOT suggested and one that staff has talked about earlier is partnering with Florence. They're in the same situation as Cottage Grove. They also have just over \$200,000. Because the City and Florence are both just over \$200,000 they cannot fund exchange that money. Richard explained that fund exchanging is where the City gives the federal money to the state and then they give the City 96 cents for every dollar back and all the strings are gone. We don't have the federal and state requirements and can do all roads, not just the federally aided roads. Nine other cities are in this same situation of not being able to exchange the money. Lane County is certified to do the consultant and inspection work on federal projects. He said he talked with Florence today and they are interested in partnering with the City, and also interested in being in under Lane County and using them to do the consultant work and inspection stuff. He said staff will be talking with Lane County Road Department to see if the City can use them instead of getting a consultant and also work on the partnering with Florence.

5) Richard said he received an email from Laurie Bass, a Family Relief Nursery board member. The board is asking the City to take in monetary donations on the water bills for the Family Relief Nursery as a part of the Child Abuse Prevention Month in April. He said they are asking that the City put the opportunity forward for people to donate on their water bill and pay with one check for their water and donations to Family Relief Nursery. He said he didn't get the email until Friday afternoon, so it wasn't included in Council's packet.

Richard said staff is concerned about doing this for two reasons. First, it opens it up to others and where do you stop and say who do we not do this for. The other big thing is this would make the City do all the work, i.e., the accounting, keeping it separate from the water bill. He said what staff would suggest is go back to the Family Relief Nursery Board and ask them to print up small envelopes with their address on them and the City will insert them with the water bills and put a message on the bills that says enclosed is an envelope if they want to donate to Family Relief Nursery during Child Abuse Prevention Month. They could write their check to the Family Relief Nursery. The City would have to do a supplementary budget to do this since no money has been budgeted for this. People could mail their donations directly to the Relief Nursery or turn them in with their water bills. This way there would be less impact on staff time and it would be cleaner. There would be a cost to the City for inserting the envelope about \$200.

Councilor Murphy said she would not be voting on this because she would clearly have a conflict. She said this was brought up by one of their board members who had seen something in the water bill regarding the bridge and Bohemia Park. She said she pretty much stayed out of this conversation, but she thought Laurie just approached Richard to ask what would be the process to ask about this. They're open to whatever, and they have preprinted envelopes. It is the 15th anniversary of the Nursery, and they are also doing several other things to highlight that

during the month of April, which is child abuse prevention month. Typically there is a proclamation made and this was just an idea that came from a board member. She said she supports the idea but won't be voting on it.

Councilor Miller agreed this is a wonderful project but it's still \$200 for the City to mail them. They also have South Lane Wheels wanting a mailing.

Councilor Murphy asked if the precedent wasn't already set.

Richard responded that the only thing that's been done is for the bridge and that's the City's project. He said an insert was done at Christmas time for the Chamber just as a test. Staff is in the process of developing a policy on how they do inserts in the future, because it did work and would be a worthwhile thing. The City needs to have some control on this without getting into the censorship issue. He said they want to do this for the April bills which is this week that it would need to get done. So staff is asking Council how they feel and if this is a direction you want to go. The water bills may become something that are of value. We've had requests from South Lane Wheels, from the theater and now Family Relief Nursery. Every time we do it, it does cost the City money, and the question is do we want to recover that. Do we set different rates for the nonprofits and then do something once every quarter for businesses in the community to help fray some of the costs on those bills.

Mayor Williams said perhaps some of these nonprofits might have benefactors that would cover the \$200.00 cost for the inserts.

Sean said that would be helpful but it wouldn't mitigate some of the concerns that the City Manager has raised along with a few others that he also has.

Council discussed the issue and whether or not something like this should be done until staff has developed a policy regarding these requests.

IT WAS MOVED BY COUNCILOR CLARK, SECONDED BY COUNCILOR FLECK THAT COUNCIL ACCEPT THE PROPOSAL TO INSERT FAMILY RELIEF NURSERY ENVELOPES INTO THE CITY WATER BILLS FOR APRIL.

Sean said to him the financial consideration is the lowest of all considerations when talking about this. He said his concern is more over controlling content. There are a number of nonprofits out there that might not jive with this City's political opinions and you may get a request from someone you may not want to do an insert for. He suggested waiting for the policy to be developed.

Council discussed the issue further and some voiced their concern of not having a policy developed before approving this request.

Councilor Clark suggested that the policy could be developed later and they could go ahead with

this request now.

Richard suggested that the motion could be amended to do this for the Family Relief Nursery and not do anything else until the policy is adopted.

Councilor Conrad pointed out that Council isn't debating whether this is a worthy cause. The question is does Council want to do something without a policy, without procedure that may have consequences even legal consequences that haven't been discussed at this point.

Councilor Clark said the question before Council is if the City would insert envelopes into the water bill for April for Relief Nursery. Council isn't setting some huge precedence for future generations. Council can develop policy for what is going to be inserted with water bills.

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
NAYS		X	X			X	
ABSTAIN				X			

Richard indicated they would put on the water bills that this is Child Abuse Prevention Month, support Family Relief Nursery. This has already been done for others and doesn't cost anything to the City.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

CONSENT AGENDA

(a) Minutes of the March 9, 2009 Regular City Council Meeting

ITEMS REMOVED FROM THE CONSENT AGENDA

None

IT WAS MOVED BY COUNCILOR MILLER, SECONDED BY COUNCILOR FLECK THAT THE CONSENT AGENDA BE ADOPTED.

Councilor Munroe pointed at that the date of the next meeting on the last page of the minutes says March 9, 2009 and it should be March 23, 2009.

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 9:20 p.m.

The next regular City Council meeting will be held on April 13, 2009 at 7:30 p.m. in the Council Chambers at City Hall.

Joan Hoehn, City Recorder

Gary Williams, Mayor