

**COTTAGE GROVE CITY COUNCIL MEETING
MINUTES
April 13, 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

City Recorder Joan Hoehn called the roll. The following were

Present: Mayor Gary Williams, City Councilors Diane Conrad, Mike Fleck, Lynn Miller, Thomas Munroe, Heather Murphy

Absent: City Councilor Wayne Clark

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.

News Media Present: Cameron Reiten - KNND Radio

ITEMS TO BE ADDED TO THE AGENDA

Mayor Williams said there is a proclamation regarding Public Safety Telecommunicators Week to be added to the consent agenda which takes a unanimous vote.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR FLECK THAT THE PROCLAMATION BE PLACED ON THE CONSENT AGENDA.

The vote on the motion was as follows:

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

PUBLIC HEARINGS

None

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

(a) Resolution Amending the Comprehensive Fee Schedule

Finance Director Bert McClintock explained that Council has before it a resolution amending the Comprehensive Fee Schedule specifically dealing with the Community Center and the rental of the reception hall. The recommendation is that the fees be increased from \$20.00 per hour to \$25.00 per hour for the group C type, \$25.00/hr to \$30.00/hr for the group D type and \$30.00/hr to \$35.00/hr for the group type E. These adjustments create an equality between the large meeting activity room and the reception hall.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT RESOLUTION NO. 1702, "A RESOLUTION AMENDING THE FEE SCHEDULE ADOPTED BY ORDINANCE NO. 2361," BE ADOPTED.

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							
ABSTAIN							

(b) Second Reading of Ordinance No. 2978 to Rezone Ten Parcels including Middlefield Golf

Course and North Regional Park (ZC-1-08) City of Cottage Grove

Community Development Director Howard Schesser explained that this is the second reading of the zoning ordinance related to rezoning of Middlefield Golf Course, North Regional Park and various adjacent parcels. Council passed the Comprehensive Plan amendment at the last meeting and gave this ordinance first reading. Staff is recommending that the ordinance be adopted.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER 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 READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

Councilor Conrad said she would be more comfortable with this change if some things had been separated out rather than bringing it to Council in one lump. She said she sees at least two items that she’s very uncomfortable with. She asked again whether Council is exercising the best stewardship of land use and zoning that it can. She said she has some concern as Middlefield Golf Course includes some residential property and to not recognize what the land is actually being used for and then zone it as park land when the state regulations and the City’s own ordinances say that no residents shall be in park land except if it’s for caretaker. She said they would be going against the City’s own ordinances in having this zoned as residential property. She said she had hoped to have that sectioned out and then since they are rezoning to then zone it as residence which is what it’s being used for.

Councilor Conrad said her other concern is about the RV storage business. She said that it’s an on-going business that’s now going to be rezoned as residential, and she didn’t think that was good stewardship of land use to rezone things with not realizing what they’re actually being used for. She reiterated that she could not support these two items in this ordinance, and encouraged Council to rethink this and maybe separate out some things.

Councilor Miller asked Howard to respond to what Councilor Conrad just said. She said to her it’s all in the documentation as it’s been gone over extensively. All the facts have the findings and makes this evident that Council is doing the proper thing.

Howard responded that the residential house that the City owns on the golf course property is being rented out right now. It was nonconforming and it still remains nonconforming. This doesn’t change just because the zone is being changed. The residence can’t be rezoned residential at this time, because they would have to take exception to goal 2 and 14, and can’t do that until the urbanization study is completed after the Economic Opportunity Analysis is done later. He said the other issue regarding the RV storage is not conforming under the CTL zone now. By rezoning it to R-2 Medium Density, it will remain nonconforming. The property owner, Kris Woodard, is aware of this and in favor of the change. His long-term goal is to put residential there in accordance to the R-2. Even if the owner didn’t, he would recommend changing it because it has residential surrounding it, and Park and Recreation surrounding it on

the north. So it doesn't make sense to have a pocket of CTL, and that has very limited uses.

Richard said in addition to what Howard said and in explaining a little bit on the stewardship portion, this is a stewardship ordinance. This is planning for the future uses of these properties, and sometimes that future use isn't what the current use is, so that current use becomes a nonconforming. When it ceases it moves into those conforming uses and has to meet the new regulations. It is an attempt to get things into the proper use and the proper planned use. So it is an act of stewardship in moving forward and directing that action for the future.

Councilor Fleck said when this property was originally brought into the City it was brought in under an exception to State Land Use Goals, which compounds the whole issue. When the City purchased the golf course, part of the agreement was that if the property couldn't be rezoned residential then the City had to buy it (he was referring to the house on the golf course property).

Councilor Conrad said she understands all that was said, but it's a matter of different view points and getting different interpretations. She said so far as forward thinking, she remembers the discussion in buying the golf course that the residential portion would be sold in the future to offset the price of the golf course. So now if it's being rezoned park, if the City wanted to sell it, it would have to be rezoned again.

Councilor Munroe said he didn't recall that being part of the original stipulations.

Richard said the initial stipulation was that the City was buying the golf course and that parcel was being divided off and Mr. Hammer was going to keep that portion. If it could not be rezoned for him to put four or five lots on, then the City had to purchase it.

Councilor Conrad said she didn't think it was in the discussion that the City should maintain that as residential and the City would then be in the business of landlord.

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
NAYS							
ABSTAIN							

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

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER 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 ADOPTED.

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
NAYS						X	
ABSTAIN							

(c) Second Reading of Ordinance No. 2979 for Development Code Text Amendment to Amend Title 14 Section 2.2190C (2) related to Articulation (DCTA-5-08)

Howard explained that this ordinance is for second reading and deals with removal of the term decorated window and surrounds out of the articulation and adding bay windows into an extension. This is a process whereby a 30 foot blank wall would be broken up.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT ORDINANCE NO. 2979, “AN ORDINANCE AMENDING SECTION 2.2.190.C(2) ARTICULATION OF TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE,” BE READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

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
NAYS							
ABSTAIN							

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

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT ORDINANCE NO. 2979, “AN ORDINANCE AMENDING SECTION 2.2.190.C(2) ARTICULATION OF TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE,” BE ADOPTED.

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
NAYS							
ABSTAIN							

(d) Second Reading of Ordinance No. 2980 for Development Code Text Amendment to Amend Title 14 Section 3.1.200 related to Fire Access and Turnarounds (DCTA-6-08)

Howard explained that this is an amendment to the development code where the figure of fire access and turnarounds is taken out of the code and makes reference to the Adopted Oregon Fire Code. It's a procedural thing; the requirement remains the same.

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 READ ONCE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE.

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
NAYS							
ABSTAIN							

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

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 ADOPTED.

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
NAYS							
ABSTAIN							

BUSINESS FROM THE CITY COUNCIL

(a) Change of Ownership Liquor License Application for Cottage Grove Speedway

Richard explained that this is the application for the new owner of the Cottage Grove Speedway. The Police Department has reviewed the application and found no derogatory information. It is before Council for a recommendation to the OLCC.

IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MILLER THAT COUNCIL FORWARD A FAVORABLE RECOMMENDATION TO OLCC.

Councilor Conrad asked if the hours of operation listed on the application are the allowed hours.

Richard responded that the hours are there for the purpose of not knowing when the exact time that the Speedway would close. Once the events are over that's when the Speedway will shut down; those could vary depending upon the type of race.

Councilor Conrad asked about the seating capacity of 5300 and if that's the correct number allowed.

Richard indicated he couldn't remember, but it really wouldn't matter on this liquor license application if it weren't correct.

Councilor Conrad made the statement that since this is not a change in business, but just a change in ownership, she will support this license.

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							
ABSTAIN							

(b) Concerns from the City Council

1) Councilor Miller said she has gotten a number of calls from people regarding all the signs going up in the City along the roadways.

Councilor Conrad pointed out all the banner signs that are up and signs that are in the bushes along Hwy. 99 and signs draped over a bush.

Councilor Miller voiced her concern that these signs are going up in the ODOT right-of-way and

they don't really care. She asked if staff could tell people exactly how and where they should be placed.

Richard said that people can place signs on private property with the permission of the property owner, but they can't put them in the public right-of-way or on utility poles or on street sign posts.

Councilor Conrad asked how the City is following up that ordinances are being followed. The sign ordinance is just one of them. She said she understands that if there is a complaint a form has to be filled out, so people know who is reporting them. She understands that if there's no written complaint, there's no follow-up, and asked if that's true.

Richard said a phone call will do as a complaint; there's no formal process that requires that there be a form so the person complaining can be identified. The City doesn't have the means to be driving around all day looking for illegal things. But as things pop up and people notice and call, staff will take care of them.

Councilor Conrad pointed out for clarification that if people do call in they are to call the Planning Department and not the Police Department.

It was pointed out that police officers are removing signs when they're in illegal locations, but they can't remove them if they're on private property. Public works employees go out every Tuesday and remove signs that are in the public right-of-way.

2) Councilor Munroe said he wanted Council to know that he had a discussion with Jan Wellman this morning, and it would appear that the section of W. Harrison Avenue between River Road and R Street is coming apart rapidly. Jan assured him that public works will look at it, and it looks like there's two bad places that they'll repair.

3) Mayor Williams said US Senator Merkley sent a representative to Cottage Grove to meet with him, Richard and Faye Stewart, and they had a very productive meeting. They were able to put forward a number of concerns and projects in the community, and he thought the gentleman was very receptive and open to the projects.

BUSINESS FROM THE CITY MANAGER

(a) Report from the City Manager

1) Richard suggested everyone go to the EPA website as the City is highlighted on their web page. There is a news clip from KVAL when the City was awarded the Green Cities Green Power Award.

2) Richard said the County Commissioners have suggested a joint meeting on June 22nd at 6:00 pm. This is the last meeting in June and is typically the budget meeting.

3) Richard reminded those who haven't turned in their QPODs or SEIs, that they're due Wednesday, April 15th. If the legislation gets passed, it will do away with the QPODs, and will only have the SEIs.

4) Richard said the City received a letter of resignation from the police officer who is under investigation by the FBI.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

1) David Seidel, 1142 Ash Avenue, Cottage Grove, asked how he can respond to items that come up under items (7) Business from the City Council, (8) Business from the City Manager and (9) Business from the City Attorney when he doesn't know what they're going to bring up. He thought there was a lapse here in his ability to respond to items on the agenda.

CONSENT AGENDA

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

(b) Proclamation regarding Public Safety Telecommunicators Week

ITEMS REMOVED FROM THE CONSENT AGENDA

None

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

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							
ABSTAIN							

ADJOURNMENT

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

Council at 8:08 p.m.

The next regular City Council Meeting will be held on April 27, 2009 at 7:30 p.m. in the Council Chambers at City Hall.

Joan Hoehn, City Recorder

Gary Williams, Mayor