

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING
August 24, 2009**

CALL TO ORDER

Council President Munroe called the meeting to order at 7:31 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

City Recorder Trudy Borrevik called the roll. The following were

Present: Mayor Gary Williams (7:34pm), City Councilors Mike Fleck, Lynn Miller, Thomas Munroe, Wayne Clark and Diane Conrad

Absent: City Councilor Heather Murphy

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

None

PUBLIC HEARINGS

None

PUBLIC COMMENT ON AGENDA ITEMS

1- Council Meeting Minutes, 8/24/09

Tom Chrestman, 78158 Hwy 99, Cottage Grove, advised he is the one who proposed the Disc Golf Course in North Regional Park. He advised Council that the baskets or targets will be available from the Eugene Disc Golf Club to use for the course. He provided his email address should anyone have questions, tom@oregonnaturalstone.com.

Noelle Moen from the Youth Authority Council spoke in favor of Family Day, a Day to Eat Dinner with Your Children, which is the 4th Monday in September. She stated it was important for families to eat dinner together as studies have shown it reduces drug and alcohol abuse. She encouraged the Council to support this event and eat dinner with their families on September 28, 2009.

Skyler Berg, Chair for the Family Day, a Day to Eat Dinner with Your Children for the Youth Advisory Council, stated this project was special to him because every day he eats dinner with his family. He realizes that not everyone enjoys that benefit to eat dinner with their families and if they can make a single family realize how great it is to communicate and have the open family dinner forum than it is worth it and he feels they definitely make an impact.

RESOLUTIONS AND ORDINANCES

(a) Resolution Authorizing the Execution of a Loan Agreement with US Bank for the Acquisition of a Green Roller and Vactor

Finance Director, Bert McClintock, advised that an amended Resolution was placed at the Councilor's desks with a change the bank wanted with language added determining that the loan was a tax exempt qualified loan. The loan is to purchase a Smithco Ultra Green Roller and a 2100 Plus PD-18 Vactor (catch basin cleaner) for approximately \$320,000 for a period of five (5) years.

Councilor Fleck recused himself as he works for Siuslaw Bank, one of the banks submitting a proposal although he was not involved in the process. He advised if council wanted to deliberate with him out of the room he would be glad to do so.

Councilor Munroe asked Public Works Director Jan Wellman if the City would recover any funds from the old Vactor.

Mr. Wellman advised that the City would sell the old Vactor but it was a trailer mounted unit which is very old and they might recover a few thousand dollars.

Councilor Miller stated she didn't see a problem with Councilor Fleck not being able to vote.

City Attorney Sean Kelly advised there was no problem under the new ethic rules and that he would not have to recuse himself, however the decision is up to him. The rules state if you have

any pecuniary interest you would have to recuse yourself, however there is always the appearance of a proprietary which is something the council may take into consideration in deciding whether or not they feel they should recuse themselves.

Councilor Fleck stated he would feel better if he recuse himself.

Councilor Munroe asked what the problem is if he does not work for US Bank.

Councilor Fleck stated he could influence the council to vote against the recommended proposal.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER TO ADOPT RESOLUTION NO. 1718 “A RESOLUTION AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT WITH US BANK FOR THE ACQUISITION OF A GREENS ROLLER AND VACTOR.

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
NAYS							
ABSTAIN	X						

(b) Ordinance Amending Chapter 8.12.200 & 8.12.220 of the Cottage Grove Municipal Code Related to Abatement & Declaring an Emergency

Community Development Director, Howard Schesser explained that the section deals with the City’s abatement of nuisances which the City is currently in the process of and all notices that have been sent out have advised that the administrative costs were \$100 minimum. It was discovered that the two sections were \$50 which doesn’t even cover the City’s costs of doing the administration, inspections and the certified mailings that have to be done, so staff is recommending that the ordinance be amended to change the \$50 to \$100 and that an emergency be declared to make it effective immediately.

IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MILLER THAT THE COUNCIL DETERMINES THAT IT IS IN THE PUBLIC INTEREST THAT ORDINANCE NO. 2984 BE ADOPTED AT A SINGLE MEETING.

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							

City Attorney Sean Kelly read the ordinance.

IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MILLER THAT ORDINANCE NO. 2984 BE READ TWICE IN TITLE ONLY AND PLACED ON ITS FINAL PASSAGE UNLESS ONE MEMBER OF THE COUNCIL PRESENT REQUESTS THAT THE READING BE IN FULL.

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							

City Attorney Sean Kelly read the ordinance twice.

IT WAS MOVED BY COUNCILOR FLECK, SECONDED BY COUNCILOR MILLER THAT ORDINANCE NO. 2984 BE ADOPTED.

Councilor Clark asked Howard whose nuisance is it when the neighbor's plants, etc. are growing from their property into the alley?

Howard responded that the City does cut the alleys at least once each summer however it is the property owners responsibility for anything growing from their property out into the alley or onto the sidewalks.

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							
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(c) Ordinance Adding Section 9.16.052 Regarding Public Nudity

City Manager Richard Meyers presented the Council with the background on this item and the need for the ordinance. He advised that the language for the ordinance was from a City of Portland ordinance which was upheld in court.

Mayor Williams also provided information about the incident that occurred prompting the passage of the ordinance.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT ORDINANCE NO. 2985 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.

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							

City Attorney Sean Kelly read Ordinance No. 2985.

BUSINESS FROM THE CITY COUNCIL

(a) Family Day, A Day to Eat Dinner With Your Children Proclamation

City Manager, Richard Meyers, provided the background on the Family Day, a Day to Eat Dinner With Your Children and advised that this was the third year the City has participated. The Youth Advisory Council will be promoting the event by placing a banner over Main Street and will have brochures and magnets to distribute.

Mayor Williams read and signed the Proclamation proclaiming September 28, 2009 as Family Day - A Day to Eat Dinner With Your Children.

(b) Transfer of Ownership of All-America City Square From the EBID to the City

City Manager, Richard Meyers advised Council they had before them a revised Agreement for the transfer of the All-American City Square from the Cottage Grove Economic and Business Improvement District (EBID). George Devine, President of EBID was present at tonight's meeting and could answer questions if needed. The transfer was requested by EBID for the ownership to the City to maintain and take care of as a City park indefinitely. Property and liability insurance was one issue for this transfer in that EBID is required to have insurance for accidents, etc. that might happen in the park and the City is mutant under State law.

Under the agreement EBID will fund the maintenance of the restrooms three days a week for five years as well as assist the City in finding volunteers and other groups that might participate with the cleaning and maintenance of the park. The Garden Club is interested in taking an active role in taking care of the planters in the park.

Richard explained about an existing Warranty Deed on the property that was signed by Sandra Stewart that deeds the property to the EBID for the purpose of a park and they can't do anything else with it short of using it for a park and if they ever dissolve then it goes to the City and the City would have to continue to use it. There is also Deeds that are required to be signed in order to transfer the property with Sandra Stewart approving the transfer and then the EBID transferring it to the City.

Councilor Clark asked if the property could never be commercial property again.

City Attorney Sean Kelly stated yes because of the way it was deeded originally from Sandra Stewart to the EBID there is a restriction that it be used only as a park. Originally it couldn't be transferred without the EBID being dissolved.

Richard explained that if the City did try to sell the property in the future, the proceeds from that sell would go back to the Community Foundation who originally owned the property from a donor.

Councilor Clark asked about #7 on the Agreement.

Richard explained that the City would be responsible for all aspects of the park.

Councilor Munroe stated that a lot of pride and work has gone into the park and he hopes that this won't be overshadowed by total City authority. The Art Guild and Garden Club have put a lot of work into this park, the graffiti was pretty bad and the clubs went into the bathrooms and did a lot of art work and it has pretty much stopped. Even though it will be a city park, he would hope that the City would allow their participation as long as they want to participate.

Richard explained that service clubs are always welcome to do improvements and maintenance in the parks.

Councilor Fleck stated it is a beautiful park and a lot of work has gone into it and he hopes it will continue.

Mayor Williams stated that this agreement has been kicked around for 1-2 years now and items were addressed and worked out and he was happy that an agreement has been reached between the EBID and the City.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT COUNCIL APPROVE THE DONATION OF ALL-AMERICAN CITY SQUARE TO THE CITY FROM THE COTTAGE GROVE ECONOMIC/BUSINESS IMPROVEMENT DISTRICT AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH EBID FOR THE TRANSFER OF THE PROPERTY.

Councilor Clark commented that Item #3 in the agreement is not needed, that the EBID shouldn't be required to pay for the cleaning of the restrooms. If they wanted to make a donation to clean the restrooms that would be okay but he felt this item wasn't needed.

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							

(c) City Council Ward 2 Recruitment

City Manager Richard Meyers presented the background on this item. The City has received one application from Jeff Gowing for the Ward 2 position. Council needs to decide how they wish to proceed with the process, however appointment cannot be made until after September 1, 2009 when the position becomes vacant.

Councilor Conrad expressed concern for only receiving one application and if they City should re-advertise to get at least one more applicant.

Councilor Fleck stated that he had spent three years sitting in the audience before running for council and normally he would agree with Councilor Conrad, however this prospective Councilor has shown that he is willing to put in what it takes to be a City Councilor and he has put in his time and shouldn't be penalized for the lack of interest for the position and he feels comfortable scheduling an interview.

Councilor Clark stated he agreed. He didn't want to penalize Mr. Gowing for other people's disinterest and that he has heard the public talking about Councilor Miller leaving so they are

aware of the open position and he feels Council should proceed with the process.

Discussion was held about the process.

IT WAS MOVED BY COUNCILOR CLARK, SECONDED BY COUNCILOR MUNROE THAT COUNCIL MEET AT 6:45PM ON MONDAY, SEPTEMBER 14, 2009 TO INTERVIEW JEFF GOWING FOR THE WARD 2 POSITION.

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							

Richard stated this was Councilor Miller's last meeting and that she hadn't wanted a party, however ice cream cake was provided to everyone at the meeting

(d) Concerns from City Council

Councilor Munroe asked Richard who was maintaining the approach to the Overpass on Hwy 99? He stated there was a hole in the road that has been there awhile and they were just here paving and could have fixed the hole.

Richard advised that Oregon Department of Transportation (ODOT) maintains Hwy 99. The City had hired contractors to complete paving to repair a failed waterline.

Discussion was held.

Councilor Clark apologized for missing several meetings due to health issues.

Mayor Williams apologized for being late to the meeting tonight. He was speaking to an out of town group.

Mayor Williams reported on the 1st Annual Concours d' Elegance held at the Village Green Resort and Gardens. The event was very successful with 85 cars and over 700 people in attendance.

Councilor Munroe commented on the number of events held over the weekend and that Cottage Grove is building a reputation as a good place to come and have a good time.

Mayor Williams commented as well about the number of events and said that there were other

events that were rescheduled due to the fact there were so many other things going on.

Councilor Fleck advised that he was going to be elk hunting on September 14th and would not be available for the interview with Jeff Gowing for the Ward 2 position. He asked if it would be possible for him to get together with Jeff at another time to discuss the position.

Mayor Williams advised that he just realized he too would out of town on September 14th and that council would need to reschedule the interview for another date and time.

Discussion was held and it was decided to hold the interview on Thursday, September 10th at 7pm in the council chambers.

BUSINESS FROM THE CITY MANAGER

(a) Disc Golf in North Regional Park

Howard Schesser, Community Development Director, stated that Tom Chrestman approached the City on behalf of Cottage Grove Disc Golf Association to inquire about establishing a Disc Golf Course in the southern portion of North Regional Park, primarily south and east of the wastewater treatment plant. A description of disc golf and information about other courses in Oregon was provided to Council. Baskets have been located to use for the course and the only thing needed was the t-boxes which are 4' x 4' made of rubber to begin with and eventually a concrete pad, to tee off of and the baskets on poles throughout the course with signage at each pole and each tee providing directions. There would be no tree removal, however they would be removing some of the undergrowth under the trees and creating a path with bark which would help in keeping some of the illegal campers out of the area by having more public in the area.

Public works would remove the dump site into the fenced paved area that PP & L was going to use and therefore cleaning up that portion of the park to use for recreational activity. They would also put in a parking lot off of North Douglas south of the wastewater treatment plant. This would also be used by citizens using the bike trail in that area a place to park as well.

Staff is recommending that the request for the establishment of a Disc Golf Course be approved for the North Regional Park subject to a conditional use permit being issued by the Planning Commission and the City Manager entering into a use agreement with the Cottage Grove Disc Golf Club.

Mr. Schesser also advised he had a discussion with Councilor Conrad last week and one item she was concerned about was with regard to the Coast Fork Watershed that is doing some rehabilitation of wet lands and if this would impact that work. Mr. Schesser advised that he had met with Pam Reber from the Watershed Council and that property is not City property that they are going to do the work in, it is north of the North Regional Park and owned by ODOT.

Councilor Conrad asked about the cost to the city for removing the piles of debris and putting in the parking lot.

City Manager Meyers stated that removing the piles of debris was something the City needed to do anyway, that the City can't continue to dump the street sweepings in that area. The limbs and other wooded debris on the site, the City intended to have that chipped and disposed of and used in the parks anyway.

Councilor Conrad asked if the golf park wasn't created, would that preclude the City from using the land to use the affluent water? Staff responded, no.

She advised she had called four cities with disc golf parks and all cities thought it was an asset, if there were problems they were minor but they did recommend a few things. One was to build a buffer zone because the discs can go flying all over. Another suggestion was that minor trouble does come and involves alcohol use and in the agreement there be some kind of dispute resolution process between the City and the association. It was also recommended to have bathroom facilities on the site.

Councilor Munroe asked what liability the City would have about smoking if a lot of the property was left as is.

City Manager Meyers advised that you would have the same liability potential for damage or fire as you would as it exists now. He stated he didn't think disc golfers would be a large population of smokers.

Councilor Munroe stated he agreed but also that he thought there should be no smoking in any of the City parks.

City Manager Meyers stated the one thing that may benefit is that the use of the property is so sparse and minimal currently that if someone smoked and started a fire, the likelihood of someone seeing them is very slim. With the disc golf adding an additional use with more people using and frequenting the park, things will be noticed and reported more.

City Attorney Kelly stated he had played disc golf in at least three states and courses and with smokers and non-smokers golfers are pretty conscientious about it.

Mr. Schesser stated the fire department has responded five times in the last three weeks to that park as a result of smokers who have caught the grass on fire. He feels the more people and activity in the southern end will be a benefit.

Councilor Fleck said laying the course out correctly is important, that he would hate to see discs going into the treatment plant or the creek that is pretty steep.

Councilor Conrad said another recommendation by cities who currently have disc golf courses is to provide ongoing education or signs with the rules and etiquette.

Councilor Clark asked about alcohol use.

City Manager Meyers advised that the City parks are all alcohol free and the only way to have alcohol would be with a special event permit and if it was catered.

IT WAS MOVED BY COUNCILOR MUNROE, SECONDED BY COUNCILOR MILLER THAT COUNCIL APPROVE THE NORTH REGIONAL PARK SUBJECT TO A CONDITIONAL USE PERMIT BEING ISSUED BY THE PLANNING COMMISSION AND THE CITY MANAGER.

Councilor Conrad asked if this involved any kind of master plan for the parks in the City.

Mr. Schesser answered no, that it will fit into another recreational activity and down the road the City will be doing a Master Plan update.

Mayor Williams stated he appreciated the questions and thoughts and the discussion and that this will be a plus for the City and will enhance an already great park system and thanked Mr. Chrestman for bringing the concept to the community.

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) Bid Award South Lane Mental Health Remodel

Community Development Director Howard Schesser advised that the bid opening was held last Friday for the South Lane Mental Health Renovation that is going to occur at 1345 Birch Avenue. This is being funded by South Lane Mental Health through other grants as well as the Community Development Block Grant (CDBG). The City received three qualified bids out of the nine pre-qualified bidders which include the base bid and all eight alternatives. The estimate was \$700,000 and 2G Construction was the low bidder at \$671,434. In accordance with the CDBG requirements, all three contractors have active Contractor's licenses in the State of Oregon and all three are not on the federal exclude parties list.

Staff is recommending that the bid for the renovation of the South Lane Mental Health facility at 1345 Birch Avenue be awarded to 2G Construction in the amount of \$671,434 and the City

Manager be authorized to execute a contract with 2G Construction.

IT WAS MOVED BY COUNCILOR CLARK, SECONDED BY COUNCILOR FLECK THAT COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH 2G CONSTRUCTION IN THE AMOUNT OF \$671,434 FOR THE RENOVATION OF SOUTH LANE MENTAL HEALTH.

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							

(c) Report from the City Manager

City Manager Richard Meyers advised Council that he had received the latest report from the National League of Oregon Cities on the prescription program for the month of July. There were 46 prescriptions purchased using the cards, 26 people using those for an average prescription savings of 26% off of the cost. To date since the program was started in June, there has been a savings of \$666.26 for 70 prescriptions and 38 people using the programs. A monthly report is received showing all the cities in the country that are participants in the program and Cottage Grove is the only participating City in Oregon.

There was an article in the Register Guard regarding the armory building. Richard advised that the City is waiting for the official appraisal from the military department so the City can look at it with professionals. He has seen the appraisal and the appraiser states that the boiler and heating systems are fine and operational and sufficient, however when you open the room to the boiler room, there is 1 to 1 ½ inches of water in the room. If you touch any of the pipes that are in the ceiling in the basement, they will start leaking, you cannot touch them. The appraiser also stated the electrical was upgraded recently and meets all requirements, however there are two outlets in a room which is not sufficient. The windows need to be replaced and there is asbestos and lead containment that wasn't addressed real well in the appraisal. Staff will look at that and see if the numbers that they used for some of the costs were lower than what the City estimated and see if we can get the purchase price of \$760,000 down to something reasonable. Something for Council to be asking themselves and talking to citizens about is, what is the value of that building? Having that fixture remain in the community makes you think what it would have been like if we still had "The Goose". This is that kind of thing and if it is gone, it will be gone. The military department doesn't have a connection to it, if the land is suitable for something else, they will raze it and the City will lose that facility or if sits for too long it will become uninhabitable. The City is looking at somewhere around \$1M-\$1.4M for acquisition and remodeling. The City is looking for cultural heritage and historical preservation money to help

with purchasing the property.

Councilor Munroe asked if the building could be turned into a commercial venture, where is the parking?

Richard stated it is in the downtown district and the downtown district doesn't require that they have any parking because there are parking lots in the downtown area. There is a federal law that requires the military department to sell the property, they cannot give it away. The rumors that Coos Bay is getting their armory for free are not true. They did upgrade the facility but they are not getting it for free.

Councilor Conrad stated she felt the City needed to give the citizens reasons for what the building would be used for if purchased. Recently she was at Fort Vancouver in Washington and Vancouver had ideas of purchasing Fort Vancouver and have lost a considerable amount of money on that venture. The City should develop a business plan before deciding to purchase the building.

BUSINESS FROM THE CITY ATTORNEY

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

CONSENT AGENDA

- (a) Approval of Minutes of the July 27, 2009 Regular City Council Meeting
- (b) Approval of Deed of Reconveyance of property

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
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Councilor Miller adjourned the regular meeting of the City Council at 8:47p.m.

The next regular City Council Meeting will be held September 14, 2009 at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor