

COTTAGE GROVE CITY COUNCIL
COTTAGE GROVE, OREGON

LOCATION: COUNCIL CHAMBERS, CITY HALL
DATE: September 28, 1992 TIME: 7:00 P.M.

Jim Gilroy, Mayor
Darrel Williams
Jean Sinclair
Ken Stevens
Bob Jaysinger
Pat Patterson
Betty Horvath

COUNCIL ACTION

ROLL CALL FOR THE REGULAR CITY COUNCIL MEETING

PRESENT

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The September 28, 1992 Regular City Council Meeting was called to order by Mayor Gilroy at 7:04 p.m. in the Council Chambers at City Hall.

The County Commissioners were called to order by Chair Ellie Dumdi. County Commissioners present were: Ellie Dumdi, Marie Frazier, Steve Cornacchia and Jack Roberts. Commissioner Jerry Rust was not present.

CITY STAFF PRESENT: Jeff Towery, Bob Sisson, George Lavios, Mike Grover, Steve Allen and Joan Hoehn

COUNTY STAFF PRESENT: Jim Johnson, County Administrator; Bill Van Vactor, County Counsel and Roger McGuckin, County Building Official

NEWS MEDIA PRESENT: Wayne Clark from KNND Radio and Mike Page-English from the Cottage Grove Sentinel

ALSO PRESENT: Gary Ackley, City Attorney

Commissioner Dumdi asked if there was public comment for the Commission. There was no one in the audience to comment; therefore, the meeting continued.

DISCUSSION OF ITEMS OF JOINT CONCERN

(a) County Approval of Outside-City Hardship Residency without Checking with City for Water Service Availability

Roger McGuckin stated that he is here tonight to pass on some copies of some draft requirements County staff has drawn up to try to address the problem (see attached Exhibit A). He stated that a burden has been placed on the City because the County has been issuing development permits on property inside the Cottage Grove water district and some times there is no approval by the City to make those connections for water and sewer. He stated that the problem is fairly clear and he didn't think the County did this with any clear agenda; it was just a mistake and so they have

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DISCUSSION OF ITEMS OF JOINT CONCERN continued

taken steps to address it. He read the three processes (see Exhibit A attached) the County will require when someone applies for a hardship permit. Mr. McGuckin stated that if City staff can provide them with maps of the water district, they believe they can initiate this process as early as next Monday morning.

Councilor Patterson asked if there was any way that when development occurs in the urban growth boundary that the County could send a letter to the City Planner.

Roger stated that he hopes the draft plan he presented would take care of that.

(b) South River Road Adjacent to the White Property

Commissioner Dumdi stated that she understands there is going to be some improvements made to the high school in the not to distant future and the recommendation of the City is to hold up any improvements on the road until the high school project is completed. She stated that this makes a lot of sense.

Mayor Gilroy explained that the City is looking at entering into a partnership with the school district and Lane Community College to build a joint use facility on some property that the school district owns in the southwest corner of town, which is right off South River Road. He stated that our goal is to be as efficient with the use of taxpayer dollars as possible, so if we can put our project together like we are proposing, we will give the County plenty of notice as to what our game plan is so that you have time to react. He stated that the main thing is that we wanted the Commissioners to know that we are very interested in that project and we certainly will want to cooperate to facilitate it so that the County can be ready to do what it needs to do. He stated that this is more of an information item.

(c) Economic Development Grant for Storm Drainage in Row River Road Adjacent to Cook's Industrial Park

Bob Sisson explained that the City has an industrial park on the east side of town that borders on Row River Road which is a County arterial. He stated that we are finding that in order to develop the industrial park we're going to be hard surfacing a lot of area

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DISCUSSION OF ITEMS OF JOINT CONCERN continued

and in the process that hard surfacing is going to mean runoff that's going to be directed towards Row River Road because that's the only direction that it has to go in order to drain and it gets to some existing storm drainage facilities that are also located in the Row River Road right-of-way. He stated that what we would like to do is to extend the storm drainage facilities in order to accommodate the runoff that's going to be created by the new development. He explained that we really can't permit the development to take place short of accommodating the drainage, and we can't accommodate the drainage short of building drainage facilities. He stated that we have been talking to County public works staff related to perhaps using the economic development program related to installation of storm drainage facilities; drainage being an eligible road fund item. Bob stated that we're kind of at a standstill right now in terms of full eligibility or partial eligibility. He stated that he thought at this point it was a legal question.

Ellie Dumdi stated that Bob is referring to the Economic Development Assistance Program and Commissioner Cornacchia chairs that committee.

Steve Cornacchia stated that this project was discussed at the Roads Advisory Committee level. He stated that he knows legal counsel has looked at this as has county administration; there is question on the eligibility of road funds for storm drainage purposes not associated with the right-of-way nor with the operation of the street.

Bill Van Vactor stated that he had a short briefing from public works staff about this issue and to him the issue that immediately arises is the eligibility of road funds for that purpose. He read a few quotes from the Supreme Court Case, Rogers versus Lane County, 1989 which explains why he has reached the conclusion that the expenditure is probably not eligible. He indicated that with the outcome of this case, he didn't feel that that expenditure qualified for road funds; however, in discussion with Mr. Johnson this afternoon there may be other options that the Board of County Commissioners are interested in pursuing. Mr. Van Vactor stated that there is another state statute that does allow the County to grant road funds to cities pursuant to an intergovernmental agreement.

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Jim Johnson stated that in talking with Bill today he mentioned that storm drainage that's connected with and protects the road from storm drainage damage would be eligible but not the oversize to take care of something off the property; so a portion of the project would be covered.

Bob Sisson stated that he feels the argument breaks down, because we are obviously trying to develop a piece of property for whatever purpose and we can go ahead and do that and direct the storm drainage to the road where it has to go. We don't want to really facilitate the improvements and direct the run off to the logical pathway in which the water is going to go without having facilities to accommodate, because essentially what it would do is result in flooding the road. He stated that the logic is if you were to construct the road today knowing what the tributary areas and the size of the facility that would be needed to accommodate the drains that's ultimately going to be handled in the right of way how would you size the storm drainage line there and the answer is you always size it to accommodate the run off that's going to get to the road itself, so it just seems to be kind of an inherent part of the road problem itself.

Jim Johnson suggested that Bob Sisson make this argument in writing and then the County Commissioners would have something to react to.

Bob stated that City staff has been talking about the issue over the last several months and there are a couple of letters on file. He stated that what County Public Works has done has been very accommodating and what they have suggested is if we would really like to pursue it a little bit further is to actually put it in a grant request and that's what we would really like to do but haven't had an opportunity to yet.

Commissioner Roberts stated that he is not interested in having another case like the Roger's case cited by Mr. Van Vactor, so based on what they know now he is going to support the more conservative interpretation that Bill Van Vactor gave them because to the best of his knowledge that is the only case they have. He stated that he is interested in exploring what Jim Johnson was talking about earlier. He stated that unless we can get something definitive and he doesn't think that's possible, he is not

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interested in encouraging City staff to come to the County and make argument.

Mayor Gilroy stated that what he is hearing is that City staff needs to get together based upon this conservation tonight and talk about the best way to approach the County and come back to the Council with a point of action.

Commissioner Cornacchia stated that what we are really talking about is size of pipes and the size of the hole to accommodate those pipes.

Bob explained that the problem that exist today is that the drainage really is inadequate. He stated that we are looking for storm drainage without road improvement. He explained that all of the improvements that are perspective at this particular point are all located within the County road right of way.

County Commissioners were in agreement that if this were all laid out in writing they would take a look at it and see what other ways are available to assist other than road funds.

In closing this subject, Bob Sisson stated that it is his intent to contact John Goodson and lay out specifics in terms of what the City's request is and ask a generic question of is there a source of funding through Lane County that might be able to assist us in this economic development project.

Jim Johnson stated that he will talk to Mr. Goodson and have John communicate with Bill and look at the facts presented by the City.

(d) County Room Tax

Jim Johnson explained that the County placed this item on the agenda should the City Council want to discuss it, and he stated that Jeff indicated that the Council has discussed it more than once and do not care to discuss it tonight.

Ellie Dumdi announced that there will be a meeting Wednesday night at Harris Hall for a brainstorming session as a result of discussion at the meeting two weeks ago where it was determined

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that it would be a good idea to take a long range look at the room tax issue.

(e) Gravel Roads Program

Mayor Gilroy stated that this was placed on the agenda for information. He explained that the City has done its very best to match County monies with citizens' money to improve some of our streets. In fact we are committed to all of the money the County has approved for the City through next summer.

Bob Sisson stated that a summary was sent to all of the board members regarding the gravel roads program. He stated that we received for the three year allocation \$128,000 and we have committed two projects to date totaling \$102,000 and the other \$26,000 is still pending on at least one more improvement project which we would expect to complete next summer.

Commissioner Cornacchia stated that Cottage Grove is one of four cities that still have substantial mileage left to pave after the three-year program. He stated that he feels the program has had success especially if you look at what the City of Cottage Grove has done. He stated that he would suggest if the City has remaining needs that suggestions to your commissioner who represents you here could lead to more funds. He stated that this is something the two rural commissioners have to discuss amongst themselves and bring it to the board.

County Commissioner Chair Ellie Dumdi thanked the City Council for inviting the Commissioners to come down and visit.

Chair Ellie Dumdi adjourned the County Commissioners' joint meeting with the City Council.

Mayor Gilroy thanked the Commissioners for coming and adjourned the joint meeting at 7:45 p.m.

The regular meeting of the City Council was called to order at 7:55 p.m.

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BUSINESS FROM THE CITY MANAGER

(a) Bohemia West Subdivision Bid Award (including LID 189)

Jeff stated that staff has had an opportunity to meet with the property owners/developers and after reviewing the bids that were submitted, the property owners feel comfortable with proceeding with the project at this time; therefore, staff is recommending that Council award the bid to Eugene Sand and Gravel in the amount of \$301,918.65.

THAT COUNCIL ADOPT THE RECOMMENDATION OF STAFF AS IT RELATES TO BOHEMIA WEST SUBDIVISION AND AWARD A BID OF \$301,918.65 TO EUGENE SAND AND GRAVEL.

(b) Chamber of Commerce Agreement

Jeff explained that this agreement tries to address the three or four issues raised by Council. He stated that those concerns were getting accurate reporting in a timely manner and getting a good exchange of information on specific projects. He stated that we tried to get across that the primary use of the funds is tourist promotion in the community and we also incorporated the tourist marketing plan that the Chamber commissioned to have done.

Staff responded to questions from Council.

Councilor Patterson asked if the increase in room tax proposed by the County Commissioners is going to have any impact on the City.

Jeff stated that it isn't going to have any impact on the revenue that we're able to collect. He stated that the impact that it may have will be a positive one if we can maintain the opportunity to have a say in how the funds are expended at the County level.

Rebecca Smith, Executive Director of the Chamber of Commerce, 710 Row River Road, Cottage Grove stated that she spoke with Ellie before the Commissioners left and she stated that the County hopes to have a plan developed and in writing some time in November. She stated that it will have an aspect of it that will represent some equitable funding for rural communities.

There was further discussion.

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BUSINESS FROM THE CITY MANAGER continued

(c) Report from the City Manager

1) Jeff reminded Council that Falcon Cable will be hosting the Business After Hours this Thursday from 5:30 to 7:30 p.m.

2) Jeff stated that he will be taking vacation time Thanksgiving week; leaving town November 21 and returning on the 28th.

3) Jeff stated that he would like to set a work session with the Council to discuss the issue of the White Property Development with the School District in October. He stated that he would like to have this some time between October 12 and the end of the month. He stated that during a regular meeting in November he would like to have this as an item for discussion and then ultimately ask for Council's decision on whether or not the City is interested in participating at the December Council meeting.

It was Council consensus to hold the work session on October 28, 1992 at 7:00 p.m.

4) Jeff gave an update on Bruce Lamb's condition.

BUSINESS FROM THE CITY ATTORNEY

(a) Gary stated that after sitting in the audience during the joint meeting with the Commissioners that it becomes clear to him why people say they can't hear the Council or ask them to use the microphones. He stated that he thought it was a combination of both the system and how Council uses it.

Mayor Gilroy asked that staff look into lapel microphones or a new system.

CONSENT AGENDA

(a) Permanent Report of the July 15, 1992 Planning Commission Public Hearing

(b) Permanent Report of the August 19, 1992 Planning Commission Public Hearing

