

City of Lowell, Oregon
Minutes of the City Council Meeting
September 20, 2011

The meeting was called to order at 7:00 p.m. by Council President Alvarez

Members Present: P. Bryant, G. Reese, J. Burford, M. Alvarez

Members Absent: B. George

Public Comments, General:

Ken Larsen, 657 N. Moss Street, read a prepared statement which objected to the City Administrator addressing the Council during the public comments period at the last Council meeting, to the Mayor for allowing it, and to City Administrator for talking directly to a citizen who had earlier made a statement. He submitted a copy of his written statement for the record.

Dave Rommel, 375 Marina Vista Drive, read a prepared statement which objected to the City Administrator addressing the Council during the public comments period at the last Council meeting, to the Mayor for allowing it, and to City Administrator for criticizing a citizen who had earlier made a statement. He submitted a copy of his written statement for the record.

Councilor Bryant addressed the Council during public comments. She read a prepared statement addressing what the City Administrator had said at the previous Council meeting. In the statement, she expressed the opinion that the vitriolic nature of the Council meetings was solely the result of conduct and actions by three members of the Council and the City Administrator. In her statement, denied that she or Councilor Reese's conduct and actions contributed to the problem. She addressed various other issues that she had with the conduct and actions of the Council majority and City Administrator. Midway through reading her prepared statement, the Chair directed her to complete her comments. Councilor Bryant refused and continued reading the statement to its conclusion. She declined to submit a copy of the statement for the record.

Approval of Minutes: City Council Meeting, August 16, 2011 and Special City Council Meeting, September 1, 2011.

City Administrator Spies referred the Council to a change to the language of September 1, 2011 Special meeting minutes requested via email by Councilor Reese. Councilor Burford stated that he could accept the change if the word "majority" was inserted in the new language before "approval". Councilor Reese had no objection to this additional change. J. Burford moved to approve the minutes of the August 16, 2011 City Council meeting as proposed and the minutes of the September 1, 2011 Special City Council meeting with the change requested by Councilor Reese, as modified. M. Alvarez seconded the motion. During discussion on the motion, Councilor Bryant stated that she disapproved of the minutes because she did not feel they met ORS requirements to reflect the substance of the meeting. She specifically objected to the minutes related to public comments and approval of the previous meeting minutes. She did not identify any specific requested language changes to the minutes and no changes were made to the motion.

Motion failed for lack of a majority. Ayes: J. Burford, M. Alvarez
Nays: P. Bryant, G. Reese

Approval of Expenditures: September 6, 2011 and September 20, 2011

City Administrator Spies presented the expense reports dated September 6 and September 20, 2011. He answered Council member questions regarding the listed expenses. J. Burford moved and G. Reese seconded a motion to approve the expenditures dated September 6 and September 20, 2011 as presented.

Motion Carried: Unanimously.

Old Business: There was no Old Business.

New Business:

1. Action, Request to Purchase a Portion of a City Owned Land on Alder Street.

City Administrator Spies presented a request from Richard and Susan Montgomery to purchase of portion of two City owned lots adjoining their property at 84 N. Alder Street. He also presented a staff report and recommendation regarding their request and an additional issue with dealing with combining the two tax lots the City owns into a single tax lot. He briefly explained the issues involved with a sale of the property. Because this lot was one of three lots which were a part of the property acquired with the Hyland Cemetery, the biggest issue was the possibility of grave sites on the property, even though none were known, and the City's need to limit liability should it decide to sell the property. He answered Council member questions regarding his recommendation to sell a 20 foot strip of the property or provide a permanent easement in the same area. He emphasized that the decision before the Council was to agree in principle to one of the options before any further costs were incurred by the City or the Montgomerys. Councilor Reese asked Mrs. Montgomery is she agreed with having to reimburse all out-of-pocket costs to the City as proposed and she stated that she agreed to that requirement. Councilor Bryant suggested that the City considering selling more of the property than the 20 foot strip proposed if it could be done and still have a legal buildable lot. She also suggested that the Montgomerys be offered the opportunity to purchase the entire City lot is they wished. City Administrator Spies advised that such action would require a public hearing and formal appraisal of the property. (Note: It would also require that sale of the property be open to anyone by sealed bid or auction.) Mrs. Montgomery indicated that they weren't interested in acquiring the entire lot. Councilor Bryant then suggested that the \$2,180 that the Montgomerys had spent some years ago for tree removal on the City lot be deducted from the fair market value. City Administrator Spies requested clarification that she making this suggestion event though the expense had been incurred before the City owned the property and she stated she was. Finally, Councilor Bryant questioned why the proposed area to be sold was large enough to include the five foot side yard setback when the encroaching storage shed and deck were exempt for setback requirements. City Administrator Spies stated that portions of the deck were higher than 30 inches and as such were not exempt from setback requirements.

Following this discussion, P Bryant moved and G Reese seconded a motion that staff be directed to take action to remove the lot line between City owned lots 204 and 3200 outlined in staff recommendation 6a contained in the staff report..

Motion Carried: Unanimously.

P. Bryant then moved and G. Reese seconded a motion to direct staff to negotiate with the Montgomerys to either sell a portion of the property or grant a permanent easement as outlined in staff recommendation 6b contained in the staff report.

Motion Carried: Unanimously.

2. Discussion: Formal notification to Citizens regarding agenda items which directly affects them or for which they have requested.

This agenda item was requested by Councilor Reese.

Councilor Reese explained that at the July 19th meeting the Council decided not to accept a the donation of land from Mia Nelson and that he had subsequently heard that she had not been made aware of the meeting and wanted to insure such was not the case in the future. City Administrator Spies explained that he had advised Ms Nelson by email of the meeting dates when both the Parks Advisory Committee and City Council would take up action of the donation offer. He further stated that he did not send Ms Nelson a courtesy copy of his staff report because all this information was now on the City's website which he knew she had access to. He also reported that Mr. Valencia, the owner of Bridgeway Contracting, the low bidder on the stage project which was also on the agenda, was also not present at the same meeting. He explained that Mr. Valencia had been advised by telephone of the date of the meeting and the fact that staff was recommending the project not be awarded. There was a general discussion regarding the need to require official notification, under what circumstances such notification would be required and current practices regarding such notifications. Following this discussion, P. Bryant moved and G. Reese seconded a motion to direct staff to draft a Resolution or Ordinance to require notification of parties directly who have requests for action by the Council on the agenda. Motion failed for lack of a majority. Ayes: P. Bryant, G. Reese

Nays: J. Burford, M. Alvarez

3. Discussion: Ordinance Prohibiting Bundling of Public Works Projects

This agenda item was requested by Councilor Bryant.

Without discussion, P. Bryant moved and G. Reese seconded a motion to direct staff to draft an ordinance to restrict bundling or grouping of capital improvement projects. During discussion on the motion, City Administrator Spies reviewed a staff report regarding the issue which explained in some detail why staff was cautioning the Council against setting specific policy which limited the City's options and could increase costs for such projects. There was a short discussion regarding the City Administrator's reservations and how the policy might be worded to not unduly limit funding options.

Motion failed for lack of a majority. Ayes: P. Bryant, G. Reese

Nays: J. Burford, M. Alvarez

Reports:

1. Parks Advisory Committee Report

City Administrator Spies presented the minutes of the September 1st Parks Advisory Committee as the Parks Advisory Committee Report. He answered Council questions regarding the report. There was no significant discussion or Council direction based on the report.

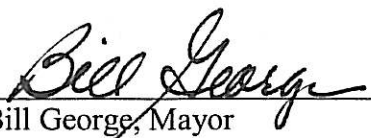
2. Council Update Report

City Administrator Spies presented the Council Update Report and briefly reviewed each topic. Councilor Reese questioned whether the Oakridge Patrol was able to provide their 40 hours of monthly patrol as a result of Police Department personnel cuts recently made by Oakridge. City Administrator Spies stated that a separate report he receives, which should not be made public, lists the date and time that Oakridge patrols in Lowell each month and showed at least 40 hours of patrol each month. He went on to explain that the main change was that more hours were provided by Reserve Officers instead of paid officers. There was a discussion of the relative costs and training of the reserve officers versus the paid officers. There was no other significant discussion or Council direction based on the Report.

The City Administrator went on to announce the groundbreaking ceremony for the first St Vincent de Paul affordable housing project home on Monday, September 26th at noon at lot 1 in the Wetleau Estates Subdivision. He also announced that Maggie Osgood, Lowell's volunteer librarian had been selected as the Lane County United Way/Register Guard Volunteer for the Month for September and that an article would be in the Register Guard on the last Sunday of September. Finally, he announced that he had scheduled vacation between January 26 and February 5, 2012 and would be out of state.

Other Business: There was no Other Business.

Adjourn: The meeting adjourned at 8:20 p.m.

Approved: 
Bill George, Mayor