

City of Lowell, Oregon
Minutes of the City Council Regular Session
March 15, 2022

The Regular Session was called to order at 7:03 PM by Mayor Bennett.

Members Present: Mayor Don Bennett, Gail Harris, Tim Stratis, Maureen Weathers

Staff Present: CA Jeremy Caudle, Public Works Director Max Baker

Consent Agenda: Councilor Weathers moved to approve the Consent Agenda as presented, second by Councilor Harris. PASS 4:0

Public Comments: None

Council Comments: None

City Administrator Report: CA Caudle presented report which included Library project update on the advertising for bids on the construction for the building update, with bidding closing March 31, 2022, at 2:00 pm.

Our Library Consultant has submitted applications for grants for \$20,000 and a second application also for \$20,000.00 for building our collection that includes media.

LCOG is working on an IT systems budget for the new library/city hall for phone, computer and server and server rack as well as equipment set up. They are working on the MOU which will be brought to the council for approval when completed.

A Parks renovation update and information regarding a second grant. East Main Street property update.

Code update project update and restarting the code Update committee.

The 8 North Hyland property sale and surplus property partitions.

Budget is the current immediate focus at this time, the planned first meeting for the Budget committee is scheduled for 4/27/2022 at 6pm with potential follow up meetings 5/4/22, 5/11/22 if needed.

Blackberry Jam committee has met and plans to hold the event at the end of July.

Two applications have been received for the open position for the City Council vacancy.

Public Works Report: Max Baker, Public Works Director presented report which included information about the gate at the Covered Bridge is damaged preventing it from opening and closing. Staff is working with Lane County Parks to determine a permanent fix.

The IGA with Lane County regarding the parks has expired and will be brought before council for review

The plumbing was repaired at Rolling Rock Park and restrooms were re-opened.

City staff replaced the UPS for the PLC during the scheduled power outage on Thursday the 10th. Staff is working on a leak detection survey Citywide. Two confirmed leaks were discovered on Parker Lane. 250 water meters in total have been replaced to the new Kamstrup meters.

On February 23, 2022, the City received a Notice of Civil Penalty Assessment and Order from DEQ. The letter is to inform the City of Lowell that DEQ has issued a civil penalty of \$2,362.50 for the Lift Station Overflow in November 2021 and for exceeding Effluent BOD limits in July 2021. The letter offers 20 days to appeal the Notice. City Staff worked with Civil West to write

an appeal letter and on March 10, 2022, sent it to DEQ. In the appeal, The City is not contesting the violations, or the penalty assessed, we are contesting the term Negligence used in determining the formula for penalty.

The remaining parts to install the second RAS pump were received and installed. Both pumps are now in operation.

Civil West was onsite Thursday March 3 to perform Manhole inspection and flow measurements for the I&I study.

Police Report: February report provided in packet.

Old Business:

1. **“Long-Term Residential Right-of-Way Use Agreement” with Lowell Investment Properties, LLC. –**

Regular session in recess at 7:24pm

The public hearing open at 7:24pm

CA Jeremy Caudle presented that Section 2.413 of the Lowell Revised Code (LRC) authorizes the City Council to grant long-term right-of-way permits. Applicant Jimmy Martini, of Lowell Investment Properties, LLC, is requesting a long-term residential right-of-way agreement from the city. The agreement would allow the property at 103 N. Shore Dr. to access W. 2nd St. via a city-owned public access. The applicant owns 103 N. Shore Dr. and intends to build a single-family residence on the property. The applicant is requesting access to the city-owned public access due to the permitting difficulties of obtaining driveway access off North Shore Drive, which is county owned. The existing driveway leading from 103 N. Shore Dr. to North Shore Drive has not been properly permitted through the county. Staff recommended that the applicant obtain a residential right-of-way permit through the public access to secure legal and long-term access for the property. Without legal, long-term access for the property, the City would be unable to approve building permits for the intended single-family residence.

Public comments:

Bob Kizer 68 W 2nd Street – he stated that the alley way does not go through and has never gone through. That the family had used and maintained the alley way for decades.

Public hearing closed at 7:41 pm

Regular session reconvened at 7:41 pm

Councilor Harris made a motion to approve the application for the “long-term residential right-of-way-use agreement.” With Lowell Investment Properties. This was seconded by Councilor Weathers. PASS 4:0

New Business:

2. Lake Town tentative subdivision plat approval – LU #2021-13 – Review Planning Commission recommendation for approval of a 16-lot subdivision for property located at Assessor’s Map 19-01-14-13, Tax Lot 03700

Regular session in recess at 8:02 pm

The public hearing open at 8:02 pm

Staff report was given by Henry Hearley, Associate Planner, Lane Council of Governments.

Public comment:

Breanna Roberts 456 E 1st Street – can the property be divided and why not. How can the current residents who currently live in the area recoup the equity they will surely lose by the blocking of the view?

Response to which was that the previous owner did not choose to make any changes in the partitioning of the property. There is no known rule that would limit the second story of the current dwellings.

Ken Hern 40 Trailblazer Court – he spoke in approval for the Lake Town Subdivision.

**Public hearing closed at 8:27 pm
Regular session reconvened at 8:27 pm**

Councilor Harris made a motion to accept the Planning Commission’s recommendation for approval of the Lake Town tentative subdivision plat approval in lane use application file #2021-13 subject to the findings and conditions contained in the staff report.” This was seconded by Councilor Weathers. PASS 4:0

3. CA Caudle informed Council on a proposed Dollar General commercial business and four-plex multi-family residential development on N. Moss Street and options for public input and engagement for our citizens.
4. Motion to approve Resolution #777, “A resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations.” – Discussion/Possible action

Regular session in recess at 8:51 pm
The public hearing open at 8:51 pm

CA Jeremy Caudle made a presentation that staff are requesting approval of a supplemental budget resolution for the Building Fund so that expenditures don't exceed budgeted amounts. The supplemental budget increases anticipated revenues from building permit fees by \$57,250. Expenditures are also increased by \$57,250. The reason for the budget amendment is that building activity within the city has greatly exceeded what was projected when the budget was adopted.

Public comment: None

**Public hearing closed at 8:52 pm
Regular session reconvened at 8:52 pm**

Councilor Weathers made a Motion to approve Resolution #777, “A resolution adopting a supplemental budget for fiscal year 2021-2022 and making supplemental appropriations.” Seconded by Councilor Harris. PASS 4:0

5. CA Caudle presented information regarding the property at 205 E Main Street. Councilor Stratis made a Motion to authorize the City Administrator to sign a “Purchase and sale agreement and receipt for earnest money” and “Option agreement” with Lowell

Investment Properties, LLC for the sale of 205 E. Main St. this was seconded by Councilor Harris. PASS 4:0

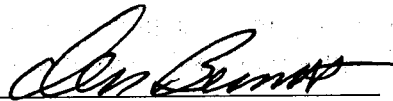
6. Mayor Bennett made a Motion to approve Resolution #778, "A resolution authorizing the City Administrator to apply for funding through the Local Government Grant Program for the Rolling Rock Park Phase 1 project." Seconded by Councilor Weathers. PASS 4:0
7. Council approved Review Blackberry Jam Festival Committee application from Marisa (Meesa) Anders. Councilor Weathers made a motion to approve Meesa Anders to the Blackberry Jam Committee Councilor Stratis seconded

Other Business:

Hall O'Regan, Parks Committee Chair brought the priority recommendation list to the Council for improvements to the two city parks. He stated that they are working on obtaining cost estimates for the items that cannot be done by volunteers.

Mayor Comments: None
Councilor Comments: None
Community Comments: None

Adjourn: 9:02 PM

Approved: 
Don Bennett, Mayor

4-19-2022
Date

Attest: 
Jeremy Caudle, City Recorder

4/20/22
Date