

# **CITY OF ROGUE RIVER**

# **City Council Minutes**

**THURSDAY, OCTOBER 27, 2016**

**CITY HALL COUNCIL CHAMBERS**

**CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON**

**CALL TO ORDER** The Regular Council meeting was called to order by Mayor Pam VanArsdale at 7:00 p.m.

**INVOCATION** Father Carl Schray with St. Ann's Catholic Church delivered the Invocation

**PLEDGE OF ALLEGIANCE** Mayor Pam VanArsdale led the Council and audience in the Pledge of Allegiance

**QUORUM** **COUNCIL MEMBERS PRESENT:**

Mayor Pam VanArsdale  
City Councilor Bill Jones  
City Councilor Fred England  
City Councilor Robert Catherwood  
City Councilor Shelli Spencer  
City Councilor Don Daugherty  
City Councilor Mark Poling

**ALSO PRESENT:**

Mark Reagles, City Administrator  
Carol Weir, City Recorder  
John Krawczyk, City Engineer/Public Works Director  
Bonnie Honea, Finance Officer/Planning Assistant

A quorum was present and due notice had been published.

**COMMITTEE REPORTS:**

**Finance Committee:** City Councilor Bob Catherwood reported that they met twice during the month of September 2016 to review and approve bills and signed 84-checks totaling \$196,974.69

**Personnel Committee:** City Councilor Mark Poling reported that they met but there were no issues to be concerned with and during this meeting they would be swearing in the new Police Officer.

**Planning Commission Liaison:** City Councilor Mark Poling reported that they were still conducting their Ordinance review on conversion plans, hillside slope protection and micro generation facilities.

**Police Commission:** City Councilor Fred England reported that he was happy to say the Police Department was doing well under the supervision of the new Chief

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Chris Snyder. They were doing a lot of office and storage cleaning, having a mold issue taken care of, one of the patrol units had an equipment issue and fortunately the warranty covered it and it's back in service. He mentioned how happy he was to see so many police officers attending the meeting. Everything was going well.

**Rogue Valley Council of Governments (RVCOG):** Mayor Pam VanArsdale reported that they had almost collected all the money they needed for the Food and Friends Building. They were only \$60,000 short and were hoping to find another grant for \$30,000 from the Ben B. Chaney Foundation. RVCOG was an advocate for clean energy and was looking into installing solar energy at their offices in Central Point.

**Middle Rogue Metropolitan Planning Organization (MRMPO):** Mayor Pam VanArsdale reported that they were still adding projects to their Transportation Plan because any projects located in their borders needed to be included on their inventory list.

**PUBLIC INPUT:**

Francis Gilbert, a member of the City's Council Advisory Committee and a citizen of Rogue River, Oregon, updated the City Council on Senate Bill 1573 did away with voters annexation which reflects the quality of life substantially. The League of Oregon Cities and the City of Corvallis had filed suit against Senate Bill 1573. About six weeks prior a bill was filed in a pre session of the legislature, that would repeal Senate Bill 1573. The bill had not been assigned to a committee and it was not clear what committee it would be assigned to. It's out there and people are seeing that there was a problem. He felt that they could have a great impact on the legislation of home rule and asked the City Council to continue contacting their representatives and voicing their opinions on home rule.

**OLD BUSINESS:**

**AGENDA ITEM 1** **Council Bill No. 16-2327; Ordinance No. 16-398-O:** An Ordinance granting a Non-Exclusive Franchise to Falcon Cable System II, LLP, dba, Charter Communications, to operate and maintain a Cable Communications System within the City limits of the City of Rogue River, Oregon, and repealing Ordinances No. 00-298-O, 01-305-O, 04-321-O and 09-359-O.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2327.

City Administrator Mark Reagles reminded the City Council that at the time of the second reading that new information had come out about a law suit that the City of Eugene won against ComCast where the City had charged fees for not only cable television but also the internet service that they provided and the State Supreme

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Court favored in the side of the City of Eugene, so his suggestion last prior month was that the City should sit back and wait and see how that progressed and if there was any opportunity to see if the City wanted to include internet service in the City's Franchise Agreement with Charter Cable. After long conversations with the City's Attorney it was determined that there was an opportunity that there was an opportunity to collect for internet service but not with this Franchise Agreement.

**NEW BUSINESS:**

**AGENDA ITEM 2** **Oath of Position:** Swear in Trevor Scott Waldeyer as a Patrol Officer for the City of Rogue River, Oregon, was sworn into Service by City Administrator Mark Reagles and witnessed by City Recorder Carol Weir.

Chief Chris Snyder commented that it had been a long, extensive recruitment process and felt that they found their man, someone with integrity, honor and felt that Officer Waldeyer had that in spades. He thanked the City Council for their support.

Mayor Pam VanArsdale asked Chief Snyder how long he thought it would be before Officer Waldeyer could be sent to DPSST?

Chief Chris Snyder said his official day was February 20, 2017 but he was on a waiting list for any cancellations. He would be working with Officer Buren, Chief Snyder or Office Jordan until that time.

Mayor Pam VanArsdale welcomed Officer Waldeyer stating that they were glad to have him on staff, wished him good luck at the academy and looked forward to seeing him as a fully Certified Patrol Officer.

Mayor Pam VanArsdale dismissed the Officers from the meeting.

**AGENDA ITEM 3** **Public Hearing:** Hold a Public Hearing to hear comments from the public regarding an application for a Conversion Plan to Partition one tax lot into three parcels located at 294 Wards Creek Road, Rogue River, Oregon. Planning File No. CONV 2016-01.

Mayor Pam VanArsdale declared the Public Hearing open at 7:24 p.m. and read a script outlining the procedure of the meeting into the record which would become a permanent document of the land use file.

Mayor Pam VanArsdale asked if there were and City Council's that wished to abstain or declare ex-parte contact, had any conflicts of interest concerning the issue, including conflicts of interest, bias and ex parte contact.

No comments were heard from the City Council.

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Mayor Pam VanArsdale asked if anyone from the audience wished to challenge any of the City Councilor's qualifications to participate in the hearing?

No comments were heard from the audience.

Mayor Pam VanArsdale continued with the list of procedures advising the audience that if they had documents, maps, or letters, that they wished to be considered by the City Council, they must be formally placed in the record of the proceeding and staff was directed to make sure the evidence was properly maintained.

Mayor Pam VanArsdale stated that Title 17, Chapter 17.110 contained the applicable substantive criteria upon which the quasi judicial decision would be decided as addressed in Chapter 17.110.404, Findings and Conditions. And, that their decision shall be based on A) that the proposed conversion plan was consistent with the Rogue River Comprehensive Plan, B) that the proposed conversion plan was consistent with the facility plans for the City, and C) that the recommendations for changes and/or amendments to the conversion plan were deemed necessary to protect the public health, safety, general welfare, and to further implement the City's Comprehensive Plan and Facility Plan.

City Engineer/Public Works Director John Krawczyk presented the Staff Report concluding that the Conversion Plan complied with the Rogue River Municipal Code requirements; it was consistent with the Comprehensive Plan by being comprehensively planned and zoned for residential use; consistent with the future zoning map for the City being located within the City's Urban Growth Boundary and the proposed future zoning map showed the property zoned as residential R-1-8 and R-E; and the conversion plan was deemed necessary to protect the public health, safety, general welfare by being in compliance with the future implementation of the comprehensive plan and the future zoning map as the applicant proposes to use the land for residential use.

City Engineer/Public Works Director John Krawczyk read the Staff Recommendation into the record stating that further division beyond the proposed Partition Plan could not comply with the City's Comprehensive Plan; the future zoning map; therefore a Conversion Plan was deemed not necessary to protect the public health, safety, general welfare, and to further implement the City's Comprehensive Plan and Facility Plan and therefore a recommendation for a waiver of a conversion plan should be forwarded to the City Council.

City Engineer/Public Works Director John Krawczyk presented the City Council with the Planning Commission's recommendation was based on that they held a Public hearing on October 25, 2016 as advertised; that they reviewed all evidence submitted by the applicant, the City Planner's staff report and the City's Zoning Map and Ordinances together with the City's Comprehensive Plan and Map; and, through the public hearing the Planning Commission voted to approve forwarding to the City

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Council a recommendation to approve Planning File CONV 2016-01, to allow the applicant to proceed to file a partition application with Jackson County to divide a tax lot into three parcels located on Wards Creek Road, legally described as T36S, R4W, Section 22A, Tax Lot 201 without a conversion plan as it complied with the applicable criteria and determined that the application was consistent with the City's Comprehensive Plan, Zoning Ordinance and with the future zoning map and adopted the Findings of Fact and Conclusions of Law in the staff report. Therefore, recommended that, for the public interest, health and welfare of the Citizens of the City of Rogue River, Oregon, that the City Council approve File No. CONV 2016-01.

City Councilor Don Daugherty asked if the properties would be septic systems up there and wells for water supply?

Mayor Pam VanArsdale commented "for the time being."

City Councilor Don Daugherty asked if during development could it open up something later where it might be a problem?

City Engineer/Public Works Director John Krawczyk stated that with the topography of the land it could not be meet City Standards, a city street could not be put in, so it would not be an urbanized area. It's in the county's jurisdiction making it a county issue.

City Councilor Bob Catherwood asked if they were referring to the nine-acre parcel?

City Engineer/Public Works Director John Krawczyk commented that residential zoning was 5-acres in the county, so they would not be able to further divide the nine-acre parcel.

City Councilor Bob Catherwood asked if the property division was done because of the topography?

City Engineer/Public Works Director John Krawczyk said that he would need to ask the agent.

Mayor Pam VanArsdale asked for testimony from the proponents.

Herb Farber with Farber Surveying located in Central Point, Oregon, and agent for the applicants stated that the basic context of the application made since when you have land that can be developed. He worked on the Wards Creek Project and with the zoning as it was, they did a lot of lots that had steeper slopes than this lot, physically making it near impossible to build. This property is across the road from that project. The maximum build able slopes was 35% in the city and you cannot build a city road on anything with more than a 35% slope. And, it was impracticable to build anything other than what they were proposing. The county requires a road

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to be built to develop the property into five-acre lots. The county and city land use road development code would only allow for a private road to the three-lots.

City Councilor Mark Poling said that the recommendation from the City Planning Department was that they waive the need to have a conversion plan, was that correct? So why were they discussing the item?

Mayor Pam VanArsdale stated that the applicant had applied and the agent had the ability to give testimony why they were asking for the division even though it was the Planning Commissions recommendation.

Mr. Farber stated that the reason he said anything at all was because land use laws were if he did not say something that it could go back and haunt his client. It was important for them to follow all the rules and regulations during the land use process so it didn't open the door for someone that wanted to cause trouble.

Mayor Pam VanArsdale asked for any opponents that wished to speak in opposition of the application?

No comments were heard in opposition.

Mayor Pam VanArsdale asked if there was anyone that had any further questions of the public or staff?

No further questions were heard.

Mayor Pam VanArsdale brought to the City Councils attention that when reading Section 3.5 Title 17, Chapter 17.110 contains the applicable substantive criteria upon which this "legislative" decision would be decided. That should be "Quasi-judicial." The correction was made for the record.

Mayor Pam VanArsdale as the City Council if they wanted to close the public hearing or continue the public hearing to a date certain?

MOVE (POLING), SECONDED (CATHERWOOD) AND CARRIED TO CLOSE THE PUBLIC HEARING.

Mayor Pam VanArsdale declared the public hearing closed at 7:42 p.m. on the 27<sup>th</sup> day of October 2016.

Mayor Pam VanArsdale announced that no more input would be allowed unless the City Council reopened the public hearing.

**AGENDA ITEM 4** **CONV 2016-01:** Consider an application including the recommendations from the Planning Commission regarding a Conversion Plan to Partition one tax lot into three

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parcels located at 294 Wards Creek Road, Rogue River, Oregon. Planning File No. CONV 2016-01. Applicants: William Oberlin, Christine Piatt and Brandon and Janine Smothers.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO APPROVE PLANNING FILE CONV 2016-01 TO ALLOW THE APPLICANTS TO PROCEED TO FILE A PARTITION APPLICATION WITH JACKSON COUNTY TO DIVIDE A TAX LOT INTO THREE PARCELS FOR PROPERTY LOCATED AT 294 WARDS CREEK ROAD, ROGUE RIVER, OREGON, LEGALLY KNOWN AS T36S, R4W, SECTION 22A, TAX LOT 201, WITH THE PLANNING COMMISSION AND STAFF FINDING THAT FURTHER DIVISION BEYOND THE PROPOSED PARTITION PLAN IS NOT FEASIBLE UNDER THE CITY OF ROGUE RIVER DEVELOPMENT CODE DUE TO GEOGRAPHIC CONSTRAINTS. THEREFORE A CONVERSION PLAN IS DEEMED NOT NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND TO FURTHER IMPLEMENT THE CITY OF ROGUE RIVER'S COMPREHENSIVE PLAN AND FACILITY PLANS AND THEREFORE A RECOMMENDATION FOR WAIVER OF A CONVERSION PLAN BE APPROVED.

**AGENDA ITEM 5** **Retainer:** An annual retainer between Steve E. Rich, Attorney at Law and the City of Rogue River, Oregon, to serve as legal counsel and advisor to the City and its officials and authorized agents.

MOVE (CATHERWOOD), SECONDED (ENGLAND) AND CARRIED TO APPROVE AN ANNUAL RETAINER BETWEEN STEVE E. RICH, ATTORNEY AT LAW AND THE CITY OF ROGUE RIVER, OREGON, TO SERVE AS LEGAL COUNSEL AND ADVISOR TO THE CITY AND ITS OFFICIALS AND AUTHORIZED AGENTS. AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

**AGENDA ITEM 6** **Budget Calendar:** Budget Calendar for the 2017-2018 annual budget.

MOVE (CATHERWOOD), SECONDED (DAUGHERTY) TO ADOPT THE BUDGET CALENDAR FOR THE 2017-2018 ANNUAL BUDGET.

Mayor Pam VanArsdale commented that the first date on the budget calendar fell in conjunction with the December holidays so they needed to decide what date to hold the November and December City Council meetings. She suggested that the November meeting be moved to November 17, 2016 with a workshop being held earlier in the day and if that worked for everybody, then, in December the meeting regularly fell on December 22, 2016 but she did not know if any City Councilors would be out of town or have family for the Christmas Holiday asking if they wanted to meet on December 22<sup>nd</sup>, the 15<sup>th</sup>, or to the 29<sup>th</sup>?

It was the consensus of the City Council to hold the City Council meeting on December 22, 2016.

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CITY COUNCILOR (CATHERWOOD) AMENDED HIS MOTION TO APPOINT THE BUDGET OFFICER; BUDGET COMMITTEE MEMBERS REAPPOINTMENTS TO DECEMBER 22, 2016, SECONDED (DAUGHERTY). MOTION CARRIED.

**OTHER BUSINESS:**

City Councilor Bill Jones commented that he had missed the workshop and wanted to know if staff responded to Mr. Seaton's letter regarding the events he addressed going on in town?

City Administrator Mark Reagles stated "no" that it was two letters that were sent out for two months time and he was on the board of the Homeowner's Association for Cluster Drive. He had contacted members of the home owner's association President and they had suggested that he not contact him. He said he felt that he was reading the monthly newsletter with the utility bill and he reads it and questions the action that the City Council was taking. He felt if he received another letter from him he would contact him.

Mayor Pam VanArsdale felt that since Mr. Seaton did not live in town and that was the reason for his questions. When he questioned the need for the fifth-officer and when the City Council served as the Contract Review Board was they going to be compensated for doing so. With his questions you could tell that he was not familiar with the operations of the City. This is the same issue for all property owners that don't live in the city. She also commented that they did not want Mr. Seaton to think they were not taking into consideration his concerns but many of his concerns were unfounded.

City Administrator Mark Reagles stated that it was his understanding that he came into town once a year for their annual Homeowner's Association meeting and if the City heard from him again he would invite him to come to a City Council meeting while he was here and he could see how it goes.

The Mayor and City Councilor's thought that Mr. Reagles idea was a good one.

**ADJOURN**

There being no further business to come before the City Council and upon motion duly made (CATHERWOOD), seconded (SPENCER) and carried, the meeting adjourned at 7:55 p.m.

**ATTEST:**

Carol J. Weir, MMC  
City Recorder