

**City of Cove
Council Meeting Minutes
April 6, 2021**

Mayor Sherry Haeger opened the regular session of Cove Common Council at 7:00 p.m. with, Council President Matt McCowan, Councilor Lana Shira, Councilor Jason Stone and Councilor Jordan Hackwith. Also present were Public Works Director Dave Johnson, Recorder Donna Lewis and Recorder Sherry Riley, Mace Cadwell, Brent Cadwell, Darla Lyon, Brianna Troutman with Blue Mountain Humane Association, Cindy Edwards with Cove Cherry Fair. Public attendance at City Hall or Virtual: Councilor Shawn Parker, Blake Lawrence CEO of Windwave Communications, Sam Delaney with Oregon Soap Box Derby, Maxine Parker, Larry and Alexis Cannon, Michael Otterstein, Mike Riley. Virtual attendance by public and City Councilors were on "Go to Meeting".

Not in attendance: Councilor Alan Cadinha.

Mayor Sherry Haeger called the meeting to order and led in the Pledge of Allegiance.

Mayor Sherry Haeger asked if anyone wished to add or change items on the Agenda. Councilor Jason Stone asked of the letter from Baker and the County addressing local control of Covid. The Mayor said yes, it will be discussed in the Agenda #10 Mayor's Report Covid 19 update.

Public Comment

- **Proposed Nuisance Ordinance Complaint**

- Darla Lyon and Brent Cadwell, who live at 1301 Jasper Street, addressed the Council regarding a frustrating issue they have had for 9 ½ years with the neighbor dog barking from 5 am and throughout the day, very frustrating. They have made formal complaints with Animal Control in La Grande. Officers have come out, but the neighbor, Lonnie, has been a difficult person to deal with. Councilor Jason Stone remarked, the cops hate going over there.

Mayor Sherry Hager asked so are you worried the Nuisance Ordinance is not going to cover you or are you bringing this up because you want something done?

Darla Lyon, Yes. Brent Cadwell said, we were wondering if it is covered.

Mayor Sherry Haeger, it does. You need to put in a written complaint, and we go from there.

Councilor Jason Stone addressed the complainants, the county should be able to fine him, send a citation to appear in court before the judge to explain himself. You would appear in court, explain to the judge, you can also subpoena your neighbors that are having problems to tell the judge how bad it is. Make recordings of it.

Darla said we have made 7 or 8 recordings.

Council President Matt McCowan suggested, you can document in order for this to move to the next level; your written complaint with names of the officers that you talk to, when you talk to the Mayor, include date, time, what was said. Document everything and then it will escalate to the municipal court.

Mayor Sherry Haeger told Darla and Brett to document everything, then send a copy to me, Mayor at City of Cove and to Union County Animal Control.

Councilor Jason Stone told Mayor Sherry Haeger you can probably make a direct call to the new Sheriff Cody Bowen. The Mayor agreed to call the Sheriff.

Councilor Jason Stone also mentioned to Darla and Brett to have the county issue a citation and Darla/Brent can sign it. Then you can prosecute yourself.

Mayor Sherry Haeger agreed, good idea.

Brent Cadwell said, we have all the records.

Mayor Sherry Haeger asked if there were any public comment online. No public comment given.

Presenter

- **Oregon Soap Box Derby** on Haeger Lane, Saturday, May 29, 2021 – Speaker Sam Delaney (virtual) seeking approval from the Cove City Council to hold the Soap Box Derby on Haeger Lane May 29th. The road would be closed between Jasper and Conklin. Sam gave an overview. This is the third year for youth ages 7 to 18 years old. We have had racers from Cove, Union County and from out of the area. It is mostly in the United States, but races are held all over the world. In Oregon, right now, there are races in Salem and Cove. Mayor Sherry Haeger mentioned it is the same day as the Cove High School Graduation and Sam has already received permission from Earl Pettit Cove School District no conflicts. Councilor Jason Stone made a motion to give the approval to close Haeger Lane for the Soap Box Derby. Council President Matt McCowan 2nd the motion. Vote unanimous.

- **Blue Mountain Humane Association** presenter – Brianna Troutman. Brianna owns American Family Insurance in La Grande and she is also the Vice President on the Board for the Blue Mountain Humane Association (BMHA). Brianna gave a brief history of the challenges the BMHA has gone through prior to the new board. Brianna asked for a donation for BMHA in the letter. The Council said it needs to be addressed by the Budget Committee.

- **Cove Cherry Fair** – presenter Cindy Edwards. Cindy stated she had 3 things to discuss.
 - Request for a donation towards the Cove Cherry Fair.
 - This will be the last year Cindy will be in of charge of the Cove Cherry Fair. Cindy needs a shadow this year. If you know someone, give them Cindy's name/number/email.
 - Cove Cherry Fair will be needing a storage place for all the equipment.

Public Hearing 7:30 pm

Mayor Sherry Haeger Opened the Hearing and reported the Hearing Disclosure Statement (ORS 197,763) asked if anyone had exparte to proclaim. Mayor Sherry Haeger stated she had exparte as she had previously attended Mace Cadwell's pre-meeting with Scott Hartell Union County Planning Director, Public Works Director Dave Johnson, Recorder Donna Lewis and Recorder Sherry Riley. We talked about this project and that is my exparte communication.

Rose Meadow Subdivision application by Mace Cadwell of Royal Rock as Agent for John & Cheryl Robinson, Map 03S4022C, Tax Lot 601 and Map 03S4022BC, Tax Lot 500 for tentative plan for Rose Meadow Subdivision partitioning 13 lots.

Recorder Donna Lewis introduced Scott Hartell, the Union County Planning Director. Scott attended to help guide the City of Cove Council through the Tentative Subdivision Hearing.

- Presentation:** Mace Cadwell gave a brief overview, the Rose Meadow Subdivision is located below the Cove Cemetery. The Subdivision has 12 Lots, which all exceed the minimum lot size slightly four of the lots will be accessed by the existing Rose Ridge Road. The other lots will be accessed by this new road that has a cul-de-sac at the bottom. I have met and talked with Dave Johnson, the City of Cove Public Works Director, quite a lot about it on how to get all that done, like meet city standards. I think we've got a good plan to get that done. There is a lot of interest in the subdivision already, people are talking about being interested in a lot. We feel it will be good for the community. We are going to have CCR's (Covenants, Conditions and Restrictions) on the lots so there will be stick built houses required. There will be a square footage, I don't know the details as that is still being discussed.

Council President Matt McCowan: asked, do you have square footage minimum yet?

Mace Cadwell: I don't know what that number is, but it is being discussed. Any question that you have?

Council President Matt McCowan looking at the 11x17 plat map provided to the Council: So, it's 12 lots?

Mace Cadwell: Yes at the bottom. This is an existing road that is already there. It goes up the hill and this is the new road.

Councilor Lana Shira: How will the lots on this eastern block look, doesn't that go up hill?

Mace Cadwell: Yeah.

Councilor Lana Shira: So the driveways are going to be off the Rose Ridge here? It is really steep.

Mace Cadwell: Yeah, it's just a matter of putting fill in. More than likely a day light basement on those homes so the garage will be on the second floor. Kind of like yours is built backwards if you garage wasn't around the bottom of the parameter involved, it would be similar.

Council President Matt McCowan: These properties are facing Mt Fanny?

Mace Cadwell: Yeah, they'll view Mt Fanny.

Councilor Jason Stone: What about water services up there Dave?

Public Works Director Dave Johnson: We have a water line on the map. The "W" line we have an existing water line that flows from the reservoir going right up through that cul-de-sac.

Council President Matt McCowan: I see the "W" line, it runs right down the street.

Councilor Lana Shira: Do you have a problem with the elevation?

Mace Cadwell: Lana, we are going to have some artist renditions on those lots. I know there will be other people that can't conceive how that house would look in their mind. So on some of those lots we will have an artist rendition to show how a house would be constructed to fit the elevations on those lots.

Councilor Lana Shira: When do you think the CCR's will be final for this particular subdivision?

Mace Cadwell: Oh I don't know. It won't be soon. It will be sooner that what is up above. In fact, we are actually looking at those CCR's and pattern after those.

Council President Matt McCowan: Will those be required, Dave, for the septic to get it over that it can go down around the bottom?

Public Works Director Dave Johnson: Well, it will still be somewhat of a pressurized system. We'll have to get it across the bridge.

Council President Matt McCowan: That's what I was curious about.

Public Works Director Dave Johnson: It won't be gravity. Each house will have to have the same system as what is up at Lana's house, unless something has changed.

Council President Matt McCowan: Okay.

Mace Cadwell: no, we're still on the same page like you and I talked. I think that makes the best sense for all of it to do it that way.

Scott Hartell Union County Planning Director: So when you make that motion, you're making it based on your criteria and approval conditions that your document says has to be met.

Mayor Sherry Haeger: Yes, agreed.

Scott Hartell Union County Planning Director: So in this whole process, I probably should have done the Staff Report before Mace even came up. So that I could lay the foundation to Mace is actually doing a 13 Lot Subdivision, 12 of those are inside the city and one of those is in the county.

Mayor Sherry Haeger: Is there is anybody online that has Testimony. Anybody online that has Testimony? You have 3 minutes. Please state your name.

No Testimony in Favor.

No Testimony in opposition.

Public Testimony was taken- Neutral

Larry Cannon discussed with the Council about possibly hooking into the pressure sewer line for this development.

Mayor Sherry Haeger: Okay we had Testimony. We had Mr. Cannon. Is there anybody else that has Public Testimony? No more Public Testimony given.

Mayor Sherry Haeger: Is there any rebuttal?

Rebuttal:

Mace Cadwell: Just that the "T" request is not an issue. We can sort that out.

Mayor Sherry Haeger: Hearing is now closed and it is time for a Council Discussion and Vote.

Council Vote: Council President Matt McCowan moved to approve this application.

The applicants have satisfied City of Cove R-1 Residential Zone Section 4.04 Lot Size and Dimensions criteria for the following reasons: the applicant has provided a Tentative plan that identifies lots in the City of Cove will exceed 100' X 100' dimension size requirements, and the applicants have satisfied City of Cove Partition and Subdivision Ordinance Section VII Tentative Plan Requirements and Approval of Tentative Plans for the following reasons: the applicants Exhibit C submitted with this request, Approval Conditions: 1. The applicants are required to satisfy the City of Cove, Partition and Subdivision Ordinance Final Plat requirements. 2. The applicants are required to build or bond for constructions the access roads and road surface treatments prior to a final plat being submitted for review.

Councilor Shaw Parker 2nd the motion. Motion passed unanimously.

The Council thanked Scott Hartell the Union County Planning Director for his help getting everyone through the steps in the subdivision application towards approval.

Cove Temporary Dwelling Renewal Mace Cadwell – 3S4016DD-700 – 502 Caddie Street.

- Original Temporary Use Application was approved on May 5, 2020 for one year. Mace Cadwell provided a letter to the Council requesting an extension of his Temporary Use Zoning 8.13 – allows for renewal.
Council President Matt McCowan asked what the end game would be. Mace stated he wants to get the subdivision settled so he can build a house in the subdivision.
Councilor Jason Stone made a motion to approve the request for an extension of one year.
Councilor Jordan Hackwith 2nd the motion. None apposed. Motion passed unanimously.

Windwave Technologies/Inland Development Corporation Franchise Agreement (Underground Fiber Technology) representative Blake Lawrence in virtual attendance.

- Overview: Windwave Communications, located in Boardman Oregon, was hired by InterMountain ESD (Education Service District) to build a fiber optic line to the Cove School District. A Franchise Agreement was submitted by Windwave Technologies Inc, DBA Windwave Communications to the City of Cove. Cove City Council requested at the March 2nd Council Meeting to get legal review of one of the Franchise Agreement, as the Windwave Technologies, Inc. and Inland Development Corporation Franchise Agreements were very similar in content and City of Cove to decide which legal firm to hire. Mayor Sherry Haeger contacted Windwave Communications to let them know the Franchise Agreement needs to be legally reviewed and the Cove City Council would like Windwave to absorb the costs. Windwave requested the estimated legal review costs. Blake Lawrence the CEO responded he would attend the April 6th Council Meeting to speak to the Council.
- Blake Lawrence CEO of Windwave Communication in attendance virtually. The Windwave Technologies Inc. Franchise Agreement needs to be legally reviewed. Blake presented to the Council he has reviewed the legal review estimates of \$800 to a maximum of \$1200, provided to City of Cove from several legal firms. While Windwave cannot directly pay the legal firm reviewing the Windwave Technologies Inc. Franchise Agreement. Blake of Windwave Communications agreed to compensate the City of Cove in some other way.
- Blake's conversation with the Council discussed the mention of 7% Compensation Franchise Fee. Blake also pointed out that Windwave is not a residential provider. They only provide fiber for schools, hospitals, government agencies and businesses.
- Council Vote:
 - Councilor Jason Stone moved to motioned that the Council approve to ask Laura Westmeyer, Attorney with Cable Houston LLC to do a legal review of the Windwave Technologies Franchise Agreement and the City of Cove will initially pay and will be reimbursed from Windwave Communications. Councilor Lana Shira 2nd the motion. Councilor Shawn Parker abstained.
 - Council President Matt McCowan and Councilors Jordan Hackwith, Lana Shira, Jason Stone all in favor.
 - Motion passed.

Consent Agenda

Approval of prior minutes from March 2, 2021 Council Meeting and the Bills to Be Paid.

- Council President Matt McCowan asked if Doug Kruse was filling in while someone was on vacation. Public Works Director Dave Johnson stated yes. Dave was on vacation and Eric Stone, who works part time, had surgery scheduled so Doug Kruse covered for that week. Matt said, luckily, we have the back up. Thank you, Doug!
- Council President Matt McCowan moved to approve the March 2, 2021 Meeting Minutes and the bills to be paid. Councilor Jordan Hackwith second the motion. Motion passed unanimously.

Recorder Report

Council reviewed reports by the Recorders Donna Lewis and Sherry Riley.

Donna Lewis

- **SEI Report.** Each Council Member and Staff report online with State of Oregon Statements of Economic Interest by April 15 of each year. Remind Council members.
- **City County Insurance (CIS).** At the March Council Meeting, the Council had asked Donna to look into whether we needed an insurance agent or can go direct to CIS. Donna checked with Tena Purdy at CIS. An insurance agent provides valued services, otherwise we would need to be our own agent.
- QuickBooks changeover. Meeting for changeover on April 21st.
- Working on a Procedures Manual, plus notes Recorder Sherry will add.
- Donna asked the Council for percentage Cost of Living needed to pencil in for the proposed Budget. Some cities have 2% to 3% and are struggling with Covid. Councilor Jason Stone mentioned to pencil in 3% this year, Council agreed.
- Donna created a Zoning Application Form at the request of Mayor Sherry Haeger for future permits to help the applicants provide project details which can be verified for consistency with the City of Cove Zoning Ordinances.
- Donna's Tentative Retirement Plan is to work full time until the end of April, then part time starting May 1st as part time under 30 hours per week until the end of July at the part time Public Works employee wages. This will get us through the Budget Fiscal Year process. Do the yearly audit in July. We want to plan for the codification of the ordinances. We budgeted for that this year, but we have not been able to get that done. Need to find out what records they are going to want and pull them.
- Recorder Sherry Riley will need part time help.

Recorder Report Sherry Riley

- Notary Public completed
- Budget Training Phase 3 of 4 completed
- Working on the Budget
- Correspondence in preparation for Council Meeting Agenda: Presenters, Subdivision, Temporary Use Permit.
- Nuisance Ordinance given number 1-2021
- Tentative Cove Clean Up Day in the works for May 22
 - Requested quote for Volunteer Insurance
 - Council agreed having Cove Clean Up Day after the Nuisance Ordinance 1-2021 passes would help the community a great deal.
 - City of Cove will do a mailing to all residences in 97824 zip code.
 - Looking for volunteers

Public Works Report Dave Johnson

- Continuing to work with FEMA on flood damage reimbursement from February 2020 flood.
- Continue treating and pumping wastewater effluent.
- ADA Ramp work has started on Main Street. Wildish is the contractor.
- Sent in TGM grant pre-application.
- Will have a Safe Routes to School field visit on May 5th.
- Received 2 quotes for a radar "Your Speed" sign. Waiting on 3rd quote. Sign could be placed on Jasper at speed change location. Low quote so far for solar sign of \$2,599.
- Would like to have a discussion with the Council on placing 4-way stop signs on Orchard and Bryan streets to reduce speed and traffic wear on street surfacing.

The Council and Staff discussion:

- The Council agreed:
 - 4-way stop signs on Bryan Street and Orchard Street would slow down the traffic in the neighborhood and vehicles would rather go on the highway instead of having to stop at all the intersections.
 - Also mentioned 3-way stop signs on Church Street.
 - On Church Street there is concern for the preschool with the speeding.
 - Cove has a speeding problem.
 - There have been high schoolers speeding when getting out of school.
- Public Works Director Dave mentioned we could put in the Budget for next year to ask for more signs. The City of Cove is zoned residential and controls the intersections in our Transportation System Management Plan.
- Councilor Jason Stone added all the city streets are City of Cove jurisdiction and the Council can decide.
- Mayor Sherry Haeger asked if we would need a Public Hearing on it?
- Council President Matt McCowan answered no, as City Council we vote on it.
- Public Works Director Dave Johnson mentioned Haefer Street is a collector street.
- Councilor Jason Stone said Haefer is a problem. People are speeding down 60 to 80 mph into a 25-mph zone. It is a miracle no one has been hit.
- Recorder Donna Lewis asked PW Director Dave if he has had any signs this month. There is \$2500 left in budget.
- Working with RHT Energy and Keller Associates on feasibility of a solar project.

Mayor's Report

- Mayor Sherry Haeger said, Union County Commissioners sent a letter to the Governor's office asking for control over the county as far as how we treat the Covid risk factor. They want to OPEN the county and be in control. The Governor's office said they would take a look at it and get back to them. Basically, the Governor's office does not want to relinquish control over our county to the commissioners. Mayor Sherry Haeger told the Council she will find out more at the next Mayor's Meeting.

Budget Resolutions

- Resolution 2021-1
 - Recorder Donna Lewis stated shows the Covid money used to adjust the Budget to receive the money and spend the money. We spent the money and got reimbursed through the Covid money. This is everything that we have so far plus some to continue with for: Go To Meeting and Chromebooks Agreement Work Station. We have about less than \$17,000 left. This resolution does not include a ventilation system, I will do another resolution for the ventilation system.
 - Council President Matt McCowan asked can we use in conjunction with the remodel?
 - Public Works Director Dave Johnson stated this money only applies towards this fiscal year. If we do the remodel, we would need to buy the ventilation system now, then shelf it until we do the remodel.
 - Recorder Donna Lewis stated, we will find out if that would be approved for the Covid money.
Council President Matt McCowan moved to accept the Resolution 2021-1 as written.
Councilor Jason Stone 2nd the motion. Motion passed unanimously.

- Resolution 2021-2
 - Recorder Donna Lewis stated this resolution addresses my retirement plan. I originally planned to retire in the next Budget year, so we have not budgeted for this having Sherry Riley and I both here. So this will cover that along with the part time help we have already budgeted for so It's about a \$4420 increase. It will give us plenty of money for me to work another month and then go to part time. It is not unreasonable.
 - Council President Matt McCowan moved that we accept Resolution 2021-2 as written. Councilor Jason Stone 2nd the motion. Motion passed unanimously.

Municipal Court - Nuisance Ordinance 1-2021

Mayor Sherry Haeger read, **ORDINANCE 1-2021 AN ORDINANCE DEFINING AND PROHIBITING NUISANCES; PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES; REPEALING ORDINANCE NUMBER 1 SERIES 1971; REPEALING ORDINANCE NUMBER 1999-1; and THE COUNCIL DECLARES THERE TO BE AN EMERGENCY NECESSITATING THIS ORDINANCE TAKING EFFECT IMMEDIATELY.**

- Mayor Sherry Haeger opened for Public comment. There was no Public comment. We will have the Second Reading for the Nuisance Ordinance 1-2021 at the next Council Meeting May 4, 2021 and the Council will vote on it then.
- Council President Matt McCowan asked if after the next reading and vote will it go into effect immediately? Mayor Sherry Haeger responded, Yes.
- Council takes Public input when asking during the Council Meeting for Public Comment.
- The Council discussed how to get it out to the citizens of Cove. Print a link on everyone's water/sewer bill statement. Post on www.cityofcove.org website. People can also pick up a copy at Cove City Hall.

Good of the Order – No comments given.

Public Comment

- Future considerations. No comments given.
- Public comments on today's decision. No comments given.

Mayor Sherry Haeger adjourned the meeting.

Mayor

Recorder