

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

Council President Matt McCowan opened the regular session of Cove Common Council at 7:00 p.m. with Councilor Jason Stone, Councilor Shawn Parker, Councilor Alan Cadinha, Councilor Jordan Hackwith. Also present were Public Works Director Dave Johnson, Recorder Sherry Riley, City of Cove Advisor Donna Lewis. Public presence: Amber Parker. Debra Hansen and Nate Conrad. Virtual attendance by public, Cove City Councilors and staff were on "Go to Meeting": City of Cove Public Works Dept. Eric Stone. Public: Alexis Cannon, Maxine Parker, Michael Otterstein, Mike Riley, Heidi Rogers, Chris and Christina Thew. Council members not present: Mayor Sherry Haeger (was not attending the meeting as it was her birthday) and Councilor Lana Shira.

Council President Matt McCowan called the meeting to order and led in the **Pledge of Allegiance**.

Additions to the Agenda

- Cove Rural Fire Protection District – Deb Hansen and Nate Conrad.

Council President Matt McCowan announced items to be addressed in the meeting:

- Municipal Court – discuss steps for the future.
- TSP Transportation System Plan – August Council meeting choose a 3-person committee.
- SCA Grant (Small Cities Allotment). Asphalt Project on French/Hill/2nd Streets. Bid award for street overlay.
- Chris & Christina Thew – Nuisance 1-2021 complaint
- Scott Spears – Nuisance 1-2021 complaint

Public Comment

Council President Matt McCowan asked for public comment.

- Sandy Stone had called in a complaint the previous week of vehicle speeding by her home and nearly being struck by a stone in her front yard.

Councilor Jason Stone spoke on her behalf. Sandy had contacted Cody Bowen A radar speed sign was placed on Haefer just below the 25-mph speed limit sign to help people stay aware of their speed. Jason said that basically 50% of people are ignoring it.

Councilor Jason Stone mentioned documentation would be helpful and traffic enforcement is getting to be an issue.

Council President Matt McCowan stated an update will be given with the Public Works Report.

Announcements & Presenters

- Cove Cherry Fair Dance at The Cove Drive In – music will be Steven K & the Bounty Hunters. Amber Parker requested \$300 donation from City of Cove.
 - **Council vote:** Councilor Jason Stone made the motion to approve. Councilor Alan Cadinha 2nd the motion. Three in favor, one abstained Councilor Shawn Parker. The motion passed.
- Cove Rural Fire Protection District (CRFPD) – Deb Hansen/Nate Conrad. Deb mentioned the CRFPD has their own district and has no affiliation with the City of Cove. Deb received numerous complaints over the past 3 weeks of people burning stinky stuff in burn barrels, in piles and of them smoldering. There are two repeat offenders. Deb stated they

have no recourse to do anything about it and she had a long conversation with Cody Bowen Union County Sheriff. At this point, the memos they have put out saying, "Please follow Union County Fire Ban Regulations", is what the City of Cove is under. Since the City of Cove has no ordinance of their own and the Cove Rural Fire Protection District (CRFPD) has no ordinance of our own, we fall under that Union County Burn Ban.

Deb provided the Council with Union County Ordinance No. 2018-1: IN THE MATTER OF AN ORDINANCE REGULATING BURNING OUTSIDE CITY LIMITS.

Deb said the CRFPD found out when the Chief Scott Loree, Assistant Chief Darren Hansen are on the scene, they can legally write a ticket to the County Court. There is only one other town in Union County who can use the burn barrel luxury besides Cove and we are going to lose it if people continue to abuse this allowance. Deb mentioned, people can personally text her, Scott or Darren when they have complaints. They will go there and see if it is a legitimate complaint. Right now there are only burn barrels allowed from 6 am to 10 am. They need to be out by 10 am. There is no open burning whatsoever. One complaint that came in, Darren did go check that she said was toxic was actually just tree limbs, which is okay for them to burn. But I have had three people call me from downtown that one still was burning in the evening and they could not leave their windows open or sit on their deck as it was smoldering and awful.

Councilor Jason Stone said So what you can do is call the person who is the offender, let them know if this happens again you will be cited. You call the sheriff's office. They will issue a case number, then if you have to go out and cite them later, there is a record.

Deb said, once we get a phone call, we want to be able to go down verify the complaint. Right now, the Oregon Department of Forestry (ODF) has no open burning whatsoever. We may be to the point of no burn barrels soon.

Public Works Director Dave Johnson stated the Cove Rural Fire Protection District (CRFPD) has a 2007 Burning Ordinance currently on the City of Cove website. Deb was handed a copy by Cove Recorder Sherry Riley.

Deb was not aware of this ordinance and said Cody Bowen UC Sheriff said CRFPD cannot enforce the ordinance.

Council President Matt McCowan asked if Cody could enforce it.

Deb replied, yes. Deb said she would take the 2007 ordinance copy, go through it.

Council President Matt McCowan told Deb, one of the reasons we are having discussions with the CRFPD is it was requested by the former mayor for us to create an ordinance. We don't have a municipal court and no way of enforcing either. But if it is already in place, you can ticket someone and the sheriff can handle the complaint side, the city doesn't need to come up with another one.

Deb stated, that was our confusion was could the UC Sheriff's Department do the cities and he said, if the city had their own ordinance, no. You have to police your own ordinance. You can contract with the UC Sheriff's office.

Councilor Jason Stone mentioned there is also Oregon Revised Statute Reckless Burning and anyone can enforce that. You could get ahold of the Sheriff's office or the Oregon State Police and say I need you to come out here and fill out a citation and I'll sign it.

Deb responded, so we found out we do have some recourse when we never thought we did. But we do want to be able to go to these people at the time and make sure the complaint is valid. We were also talking about sending out to everyone with a Cove address the copy of the ordinance along with this is the number. You call for a fire permit every time you burn. We are going to rework this and report back.

The Council thanked Deb for attending.

The City of Cove on July 6th received two Cove resident complaints of possible fire hazard regarding property owned by Jim Bars.

Council President Matt McCowan read their letters aloud.

- Chris & Christina Thew – Nuisance 1-2021 complaint letter regarding neighbor, Jim Bars very long pile near the fence is a serious fire concern.
 - Chris and Christina were online.

“I am writing this letter to notify you of a violation of the City of Cove Ordinance 1-2021. This specifically relates to a nuisance that has the potential to affect public safety (1-2021 B). Cove resident James Bars (1501 Jasper St, Cove, OR) has two large rubbish piles located not on his personal property, but in the city easement behind his home. One of the piles is approximately 6 feet high and 40 feet long. This pile consists of large amounts of garbage, tree limbs, etc. and is an extreme fire danger. The second pile is located about 30 feet to the south of the large pile and consists of a large amount of yard waste and debris. Both piles are near trees, dry grass, wood fencing, and not too far from the homeowner’s firewood wall. I am very concerned now, as well as whenever the homeowner decides to burn the pile. If you have any questions, please do not hesitate to contact me. Christina Thew.”
- Scott Spears – Nuisance 1-2021 complaint email July 6th requested the Council to review the potential fire hazard that had been created behind Jim Bars fence in the platted street of Susie Lane. Given the size of the rubbish pile the potential for a fire is tremendous. Scott also questioned if this was a violation of the City's Updated Nuisance Ordinance.
- Council President Matt McCowan asked the Council how they wished to proceed. Do we want a letter or person visit? Storing garbage on your property is a violation of the Nuisance Ordinance 1-2021.

Public Works Director Dave Johnson asked if the Fire Department would be involved. Deb Hansen said they could send someone with Public Works Director Dave Johnson to check it.

Council President Matt McCowan asked if there was anything Chris Thew wished to add to the letter.

Chris Thew stated they did have pictures for a visual on the size of the pile.

Council President Matt McCowan asked Chris to email to Sherry Riley the pictures.

Councilor Jason Stone asked Chris if any of the neighbors have approached Mr. Bars and asked if and when he was going to remove the piles.

Chris responded, not that he knew of.

The Council agreed to have a Cove Fire Dept representative and Public Works Dave Johnson to investigate.

Copies were made of Christina Thew and Scott Spear’s Fire Nuisance complaints and given to Deb Hansen of the Cove Rural Fire Protection District.

Consent Agenda

- Approval of prior Council Minutes
- Approval of Bills to be Paid
 - **Council Vote:** Councilor Jason Stone motioned to approve the July 6th Council Minutes and the Bills to be Paid. Councilor Shawn Parker 2nd the motion. Unanimous vote.

Recorders Report

- Change office hours to Monday through Thursday 8:30 am to 12:30 pm

- **Council Vote:** Council President Matt McCowan motioned to change hours, Jason 2nd the motion. Unanimous vote.
- Recorder's detailed report emailed and printed for Council.
 - Researched Municipal Court information. Received options from League of Oregon Cities. Emailed to Council and printed out for the July 6th Council Meeting.
 - Completed form for Resolution 2021-4 online State of Oregon.
 - Tallied Cove Clean Up Day expenses sent to Union County Commission.
 - Signed up City of Cove Council to have a booth at the Cove Cherry Fair. We will share booth in the shade of the trees near the deck of the Ascension grounds entrance with Cove Community Association.
 - Working with QuickBooks entering data.
 - Created Agenda, met and went over July 6th Agenda with Matt McCowan Council President (Mayor Sherry Haeger off to celebrate Birthday with family).
 - Update Agenda/Post with City of Cove
 - RSVP response important to confirm Quorum.
 - Volunteers Snow Removal donation response from CIS Insurance agent Lisa Masters – Does not put City of Cove at any additional risk.

Public Works Director Report

- Asphalt Project on French/Hill/2nd Streets bids provided by Hampton Paving LLC (Mike Hampton) and Hampton's Inc, dba Rogers Asphalt Paving (Lisa Briggs).
 - Council discussion with Public Works Director Dave Johnson: The bids came in \$70,000 plus over the anticipated \$100,000 SCA Grant. If the project was done now it would drain money from the City of Cove.
 - **Council Vote:** Councilor Jason Stone motioned to reject the bid this year and let the participants know who provided bids, it was too high and to renegotiate the costs for next year. Councilor Alan Cadinha 2nd the motion. Unanimous vote.
- A SUV was purchased for the City of Cove with the Cares money.
- The Council agreed to have Public Works Director Dave Johnson put stop signs on Foster and Caddie to slow people down and to cover the City of Cove for any liability.

Mayor's Report

Council President Matt McCowan

- Covid Update – Union County is Open.

Windwave Franchise Agreement

Council President Matt McCowan spoke with Council who agreed to approve legal review changes made by Laura Westmeyer of Cable Huston LLC.

- **Council Vote:** Councilor Jason Stone motioned to forward the Windwave Franchise Agreement to Windwave Communications. Councilor Jordan Hackwith 2nd the motion. Unanimous vote.

League of Oregon Cities Legal Advice Program – Resolution 2021-6

LOC renewed for 3 years with 15 hours a year for free legal advice for the City of Cove.

- **Council Vote:** Councilor Shawn Parker motioned to continue to use League of Oregon Cities (LOC). Councilor Jason Stone 2nd the motion. Unanimous vote.

Transportation Plan System (TSP)

Councilor Jason Stone opened the discussion regarding changing the TSP. Jason stated he inquired at the Union County Clerk's Office and the Union County Planning Department if they had a copy of the City of Cove 1998 Transportation System Plan. The employees said they could not find it. Jason had inquired with the title company and the employee stated he did not have a copy of the TSP. The Council requested the City of Cove staff to drop off copies the following day with the Union County Clerk's Office and the Union County Planning Department.

Councilor Jason Stone spoke of the TSP and the Comp Land Use 1984 ordinances as he is concerned with the City of Cove's liability in regards to updating every 5 years.

Council President Matt McCowan suggested the Council form 3-person committee for the TSP at the August Council Meeting.

Public Works Director Dave Johnson stated, the Transportation Growth Management (TGM) Grant, the application is for if you want to do amendments or updates to the TSP. It is a yearly thing, we don't have to do this year. You submit the application, but you need justification as to why you want to change or modify the plan. Because it is old, does not qualify. It is approved by the State of Oregon by Development of Land Conservation and Development (DLCD). There is an approval process. We apply for grants and need a consultant who comes in, writes the amendment, writes the update to the plan. It's a competitive process.

City of Cove staff asked Councilor Jason Stone if he was referring to the Transportation System Plan or the City of Cove Comprehensive Land Use Plan 1983. Councilor Jason Stone responded that they came out of the same plan. It was coordinated with the Land Use State and Federal agencies, protected by local decision. We are supposed to do every 5 years. Public input and put on file.

Council President Matt McCowan stated the following day a copy of the documents discussed would be dropped off with Union County Planning Department and the Union County Clerk's office in La Grande.

Council President Matt McCowan asked before adjourning the meeting for 3 Council members to volunteer to be on the Municipal Court Committee and present it to the Council? Municipal Court Committee was decided to be Councilor Jason Stone, Councilor Alan Cadinha and Council President Matt McCowan.

Public Comment

Council President Matt McCowan asked if there was any public comment. No public comment was presented.

Adjournment

Council President Matt McCowan adjourned the meeting.

Mayor

Recorder