

**City Of Cove  
Council Meeting Minutes  
September 6, 2022**

**Call to Order**

Mayor Sherry Haeger called the regular session of the Cove Common Council to order at 7:00 p.m. located at City of Cove City Hall, 504 Alder St., Cove, Oregon, 97824. Remote access to the meeting was active with public participation.

Council Members Present: Council President Matt McCowan, Councilors Jason Stone, Alan Cadinha, Jordan Hackwith, Shawn Parker, Youth Councilor Ashtyn Larson.

Virtual Council Members Present: No Council Members were present virtually

City Staff Present: Public Works Director Dave Johnson, City Recorder Sherry Riley, Billing Clerk Kerri McCowan

Virtual City Staff Present: No city staff was present virtually.

Council Members not Present: Councilor Lana Shira

City Staff not Present: All city staff was present.

Public Present: Yvonne Roberts, Connected Professional Accountants, LLC, Shannon Golden, La Grande Observer, Maxine Parker, Dave Coleman, Glen Joachim, Jimmy Hargrove, Carrie Hargrove, Cheryl Hargrove, Brittany Hargrove, Sam Delaney, Crystal Anderson.

Virtual Public Present: Amy Johnson, Alexis Cannon, Representative from Cove School, Mike Riley.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Mayor Haeger.

**Council Roll Call**

Roll call performed by Sherry Riley, City Recorder. A quorum was determined to be present.

Ashtyn Larson was introduced as the Youth Councilor. She provided background for herself noting she moved to Cove last year, and this is her second year at Cove High School. She plays volleyball and basketball and was recently elected Senior Class President and ASB President.

**Additions/Changes to the Agenda**

Introduction of Ashtyn Larson, Youth Councilor (See above)

Insurance Comparison from Swanson Insurance Group (City Recorders Report)

**Public Comment**

Mr. Jimmy "Jim" Hargrove provided comments regarding his concerns over the parking lot the school is constructing along Bryan Street. He reported he lives at the corner of Foster Street and Bryan Street. His house and his bedroom are just a little over 100 feet from where the first bus will be parked at the new school parking lot, and he wanted it to be known that he is opposed to the location of the parking lot. He noted the noise and smell of the buses are concerning to him with the early morning and late at night comings and goings of the buses. He further noted he felt traffic volume on Foster and Bryan will also be an issue, particularly on Foster. Vandalism is also a concern to him as the buses are parked far from the school and are not visible from the school and main road.

It was questioned of him if 100 feet is too close what would be a sufficient amount of distance from his house and he noted he would want 300 feet or an 8 feet high concrete block wall on the Foster side of the parking lot, and across the back of the lot to help with sound abatement.

#### **Consent Agenda and Approval of Bills to be Paid**

- Council Minutes August 2, 2022, Special Meeting Minutes August 9, 2022.
- Approval of Bills to Be Paid

Council President Matt McCowan questioned Sherry Riley regarding the \$59 flower gift. She explained the flowers were for the accountant from Guyer and Associates who performs the city's monthly reconciliation who recently suffered a family tragedy. However, Council President McCowan noted that expenditure was not authorized by the Council. Sherry agreed to remove the reimbursement request from the bills to be paid.

It was noted Guyer and Associates will not be performing the monthly reconciliation moving forward as they have indicated they don't currently have the staff to accommodate performing this task for the city. Sherry noted she will resume performing the monthly reconciliation but will also try to find another accounting firm to work with.

Motion: Councilor Jason Stone moved to approve the Consent Agenda as presented and bills to be paid as amended. Councilor Alan Cadinha seconded. Motion approved by unanimous vote.

#### **Correspondence**

- OTEC Reminds Member-Owners to Prepare in Event of Public Safety Power Shutoff  
The OTEC Reminds Member-Owners to Prepare in Event of Public Safety Power Shutoff letter was requested by Mayor Haeger to be read aloud by Sherry Riley. It was felt it would be a good idea to post the letter on the city website and at the Post Office and public kiosk.

#### **Unfinished Business**

- Cove School Property Improvement – Attorney Fee Request (*\*Agenda item discussed after the Feral Cat Abatement discussion and the hearing.*)  
Discussion started at 7:42 pm.

Mayor Haeger addressed Mr. Hargrove's concerns and noted they are currently silent in the city ordinances, so the city does not have any recourse at this point to do anything about where buses are parked. She noted she spoke with Scott Hartell from the Union County Planning Commission, and he is leaving it up to the Council to discuss this because our ordinances are silent. She did note in Union County parking lots can be built on commercial property without permits.

Council President McCowan questioned whether it was considered a depot or just a parking lot. It was confirmed it will just be a parking lot. He noted, if possible, it would be nice to find out if they installed or plan to install security cameras. He concluded if it's not a depot and just a parking lot, he does not have a problem with it.

Mayor Haeger reported she talked to the city's attorney today and he was under the impression the school was trying to convert the football field into a parking lot. When he found out that was not the case, he told her his fee would increase because he needs to do more investigation. So, even though he gave a \$10,000 to \$20,000 quote earlier, it would likely be more than that.

Councilor Shawn Parker clarified what the city was asking of Mr. Pettit, and it was noted he was asked to submit an application for a variance and pay a \$75 fee. However, Sherry Riley noted he did not return the application and fee, nor did he agree to a hearing.

In regards to the meeting that was held between city employees, the school superintendent and Scott Hartell, Sherry Riley reported Scott Hartell was present at the meeting at the request of the

city as he is our liaison for the planning process. Mayor Haeger noted she spoke with Scott Hartell today and his comments to her in a text, which she read aloud, was that "this would be up to the determination of the city council on interpreting the zoning ordinance." She further noted whatever we decide as City Council, which the council has not had an opportunity to discuss all of the nuances, Scott Hartell would be supportive. She read the rest of his text which stated, "either way I would be good with what the council came up with as long as adjacent property owners would have a chance to voice their opposition and receive notice that was being discussed." She then stated the neighbors received notice this subject was going to be discussed from the agenda for today's meeting, which is why the Hargrove's are here.

Councilor Parker noted on the contrary, rather that is what the application is for, which is all the city is asking to be filled out. He questioned why Mr. Pettit is going to circumvent our procedure when all we're asking him to do is basically the same thing we asked the Joachim's to do.

Councilor Stone explained initially the council's understanding was some portion of the area where the school was putting in the bus parking was residential and commercial, but it was clarified the section where the parking lot is going to be is zoned commercial. If a portion of it wasn't commercial it would require a variance because parking lots are not permitted in residential zones.

Dave Johnson interjected and clarified that if the whole area was zoned public the school wouldn't have to request a variance. But, because there is a sliver that splits the football field in half, the north side of the football field to Foster Street is zoned commercial.

Mayor Haeger stressed the city ordinance is silent on parking lots, which is the issue. She further referenced the meeting where Mr. Hartell, city employees and Mr. Pettit had a conversation after which it became a fight. So, we have a choice, we can take the school to court and make them pay a fine, or we can look at the ordinance and make a determination about what action we want to take and go from there. She emphasized we don't know what action we want to take at this time. The chair of the TSP Committee hasn't looked at this in detail, so she doesn't feel the city can tell Mr. Pettit or the school district what they can or can't do because we don't know if they have to do anything.

Councilor Parker again noted he is clarifying what we are asking of Mr. Pettit. Mayor Haeger noted we are not asking anything of him at this time. However, Councilor Parker noted the city did send a letter asking something of him. Council President McCowan stated we did not have all the information when we sent the letter. Mayor Haeger agreed, noting she had trouble with the previous minutes as there was no documentation of neighbor complaints; however, it was acknowledged that will be part of the meeting transcripts. She further noted the council still did not know that Scott Hartell was being pulled in, and he gave direction to contact the mayor and council prior to approving the letter and that did not happen. There was no conversation before the letter was presented to the mayor and council between the mayor and any city employee.

Councilor Parker, stressed again, all he is asking is clarification that the city asked Mr. Pettit to submit an application for a hearing.

Councilor Stone noted the letter that was sent explained the city was requesting a variance application which would cost \$75 which Mr. Pettit felt he did not have to do. So council is looking at the issue to decide if that's the case. Mt. Pettit spoke to an attorney who did not feel, after looking at the city ordinance, that the school district needs to request a variance.

Councilor Parker stressed he doesn't want somebody, no matter who it is, to be able to circumvent the procedure when all it is is an application. However, Mayor Haeger and Council President McCowan noted it has gone beyond that now, and has been blown out of proportion.

Mayor Haeger noted in the letter, the city asked for a variance. Since then, more information has come to light from their attorney, from our attorney and Scott Hartell. It will cost the city between \$10,000 to \$20,000 to fight it for a \$75 fee. We have a choice. We can pursue it legally, or since our ordinance is silent on parking lots, we can default to the Union County ordinance, which states parking lots, in the county, can be built on commercial property without any hearing or permits.

Councilor Stone stated another thing to consider is even if our ordinance had something in it that was vague or unclear and we end up going to court and spend \$20,000 and the school pays \$20,000 for theirs, whoever loses isn't just going to pay for their attorney, they are probably going to end up paying for the other party's attorney as well. So, the \$20,000 can turn into \$40,000 easily. It's important if there's going to be a legal battle that the language is extremely clear and not vague or missing. In looking at the letter that was sent the assumption was it was a bus depot, but a bus depot contains structures, so that definition may not fit, and that just emphasizes the unclear language and the likelihood of the judge ruling against the city.

Councilor Parker asserted he is not suggesting the city go to battle with anybody, but this is just a simple procedure that we ask of everybody, and he doesn't see how anybody should be above that, and it's not that we're going to deny it. It's just a simple procedure to go through, but now we have a liaison for the school.

Councilor Stone noted this is why he brought up the issue of the TSP, Zoning and Land Use ordinances being terribly outdated, not well written and some of the definitions are unclear. The TSP is in the process of being updated, but it's going to take time.

Councilor Alan Cadinha noted if we gave Mr. Pettit our blessing and green lighted everything, that would be the end of it. However, one thing we haven't considered is the people this is going to affect, and they are not happy about it. Mayor Haeger agreed and noted those people need to be heard and she felt there needs to be a formal hearing for the ordinance discussion so the public can have input into the rewrite of the ordinances.

Sherry Riley noted she did bring up to the council and the mayor the fact that the neighbors were complaining a few months ago and that she received an email from Carrie Hargrove and Mr. Hargrove came in to complain. She also let the council know this is why the city was sending the letter to the school. Council President McCowan questioned if the Hargrove's sent a letter to the school first. Carrie Hargrove explained she emailed Mr. Pettit on July 5<sup>th</sup> asking if they were going to build a parking lot to which he responded in the affirmative. She then noted she wrote a letter to the school asking questions that were never answered, which gave her the feeling that they were doing things secretly, so on July 10<sup>th</sup> she sent an email to the City Recorder. Mr. Hargrove interjected information explaining the day the school started the project they tore the fence down and a few days later they started taking the sod out. Approximately three days after that he spoke to the maintenance man who informed him, they were building a parking lot. The same day he came into City Hall to pay his water bill and asked the City Recorder and the Billing Clerk if they knew about it. They indicated they had no idea, so that's when the red flags were brought up. Lastly, he asked if anyone on the council was on the school board as well, and Mayor Haeger indicated we are working on communicating with the school board, but we are not allowed to at this time because of the letter received from the school's attorney.

Sherry Riley resumed her report noting she did let the council know what was going on and that the neighbors were complaining in a July meeting. She further reported she received an estimate from Yturri Rose for \$1,000 to \$1,200 which included 5 to 6 hours of legal research and analysis of the information after which the lawyer would write a letter to the school superintendent explaining the applicability of the ordinances. If, however, it went beyond that then it would cost more. Mayor Haeger explained she received clarification from the lawyer after she further explained the complexities of the issue and the lawyer noted the quote would be significantly higher.

Councilor Jordan Hackwith asserted he agreed with both Councilors Stone and Parker. He agrees that everyone should go through the process, but he also knows the school superintendent likes a fight and if pushed against the wall he will take it further. He noted it's probably not worth the fight, but he would like to see the process happen the way it's supposed to happen because nobody should be above the rules. Mayor Haeger agreed but stressed again that our ordinances are unclear on the subject, so in Mr. Pettit's eyes he's right and if we said you're right the ordinance isn't clear, you can do whatever you want on that piece of property, then he doesn't have to do anything. But if we are going to insist he file the paperwork and pay the \$75 fee, that won't get us very far. Councilor Hackwith agreed.

Dave Johnson was asked to give his opinion and he noted our ordinances are unclear on the subject. There is not enough clarity in them to enforce anything.

Councilor Stone indicated this is hinging on the definition of a bus depot, and whether or not a parking lot full of buses is the same thing as a bus depot, and our problem is we don't have the proper definition for that. It says storage which generally indicates a structure, but once again, we don't have a definition in our ordinance. Normally, for instance, La Grande's ordinance likely would have a section for definitions of all the key words in their ordinance. At this point Mayor Haeger Googled the definition of depot and read the definition which indicated "a terminal that serves bus passengers. Synonyms: bus station, bus terminal, coach station. Type of: depot, terminal, terminus – station where transport vehicles load or unload passengers or goods. Councilor Stone noted as long as they are not loading or unloading passengers there, they should be fine, but Mayor Haeger noted we cannot ask them that because they have involved an attorney. Councilor Stone then noted if they are going to start loading and unloading passengers then it's going to be a bus depot, to which Mayor Haeger noted then we would have grounds to do something.

Mayor Hager asked what the next steps should be:

Council President McCowan noted he does not feel this is a hill for the city to die on. Let's move on and address it in the rewriting of the TSP which we are actively pursuing. He does not think the city should be fighting with the school. We need to define our ordinances clearly, so in the future, the city and residents have a leg to stand on.

Councilor Parker also does not feel it's worth fighting over because it's so simple. It's filling out a simple application and paying \$75, but at the same time we can neither approve nor condone it until the ordinances can be updated and clearly defined.

Councilor Hackwith agreed. We can neither approve nor condone it.

Councilor Cadinha noted it sounds like we are giving our blessings for it. Which is not optimal but going to court seems a bit much for what this is.

Councilor Stone agreed. We can neither approve nor condone it.

Mayor Haeger noted the ball is in the TSP Committee's court now. Councilor Stone agreed noting the Committee is pushing forward with the updates, but it will take time.

- Feral Cats Abatement Discussion

Mayor Haeger reported she looked at the city ordinances and discovered they are silent regarding feral cats. It was noted there are no solutions for feral cats in the community at this time. The Humane Association will not take them, and the Sheriff's office will not do anything about them. Councilor Stone noted this is basically a self-correcting problem as the cats tend to die off or become eradicated by predators.

Maxine Parker asked if there was anything she could do as a property owner to stop people from feeding them on her property, and it was noted she is certainly within her rights to ask them not to do that.

The discussion was stopped at 7:30pm and resumed at 7:39pm.

It was suggested property owners can put up no trespassing signs and the Sheriff can be called on trespassers, but the city has no recourse at this time.

Youth Councilor Ashtyn Larson was tasked by the mayor with researching what other cities in the area are doing about their feral cats.

### **New Business**

- Soap Box Derby  
Discussion began at 8:30 pm.

Sam Delaney from Oregon Soap Box Derby was present to report on the planned Soap Box Derby on Haefer Lane this month. He reported he is waiting on the insurance certificate from the International Soap Box Derby. However, he is asking approval from the city to hold the derby on September 24<sup>th</sup> and 25<sup>th</sup> and to close Haefer Lane to regular traffic from 7am to 7pm on those two days, pending receipt of the insurance certificate.

Motion: Council President Matt McCowan moved to approve the Soap Box Derby event after meeting all criteria. Councilor Shawn Parker seconded. Motion approved by unanimous vote.

Mayor Haeger asked if there was anything else the city could do to help with the event, and Mr. Delaney noted volunteers are always needed. He has information he can send to Sherry Riley to ask for volunteer support. Youth Councilor Ashtyn Larson also volunteered to get the word out at Cove High School.

Sam Delaney departed the meeting at 8:35 pm.

- One-Time Forgiveness Allowance – Water Leak – Brandon & Kayla Rostock  
Discussion began at 8:35 pm.

Brandon and Kayla Rostock's request for assistance with their water bill was reviewed. It was noted they had a leak in their outside faucet, which they have since fixed. They are requesting assistance for their July water bill. It was agreed to forgive half of the overage which was determined to be \$149.

Council President Matt McCowan moved to approve forgiving \$149 of Brandon and Kayla Rostock's July water bill. Councilor Alan Cadinha seconded. Motion approved by unanimous vote.

- Connected Professional Accountants, LLC – City of Cove Audit Presented by Yvonne Roberts  
Discussion ensued at 8:17 pm.

Yvonne Roberts from Connected Professional Accountants, LLC, was present to review the City of Cove Audit. Yvonne noted overall things have improved and provided a verbal overview of the Finding Letter. She reviewed the Material Weaknesses, Potential Effects and Recommendations. She also reviewed the Governance Letter noting there were no negative comments about the audit process. Lastly, she reviewed the Annual Financial Report for the Year Ended June 30, 2022. Final recommendations included running a monthly profit and loss statement and consistently classifying balance sheets. The Audit was favorable and on file with the City of Cove.

Motion: Council President Matt McCowan moved to extend the meeting 15 minutes at 8:30pm. Councilor Jordan Hackwith seconded. Motion approved by unanimous vote.

Yvonne Roberts departed the meeting at 8:30 pm

#### **Hearing 7:30 p.m.**

- Glen & Joy Joachim Request Temporary RV Residence While Building a Shop
  - Open Hearing  
Mayor Sherry Haeger opened the hearing at 7:30 pm.
  - Staff Report  
Sherry Riley read the Staff Report.
  - Applicant's Testimony  
Glen Joachim reported his plan for the property. He reported he has contractors lined up to put in a road, so that he can get power to the property. He plans to build a shop first and then he will build either a barndominium or put in a manufactured home. He wants to live in his RV until he can get that done. His plan is to build a barn big enough to park the RV in and hopes to have it built before winter.
  - Proponent's Testimony  
No proponent's testimony was given.
  - Opponent's Testimony  
No opponent's testimony was given.
  - Applicant's Rebuttal  
No applicant rebuttal was provided.
  - Close Hearing  
The hearing was closed at 7:37 pm.
  - Council Deliberation & Final Decision  
The Council unanimously agreed to approve Glen and Joy Joachim's request for temporary RV residence while building a shop.

Motion: Council President Matt McCowan moved to approve the application for a temporary RV residence for location 03S40E154CC00203 as presented for one year. Councilor Shawn Parker seconded. Motion approved by unanimous vote.

#### **City Recorder Report**

Sherry Riley provided a verbal report.

- We received our American Rescue Plan funding on August 28, 2022, in the amount of \$72,520.52.
- She is going to the Oregon Association of Municipal Records conference at the end of the month.
- She reviewed the letter from Swanson Insurance Group. The letter noted all the cities that we asked for comparison have insurance through CIS, but Brittany Beamer is still continuing to research the subject.

#### **Public Works Director Report**

Dave Johnson provided a verbal report.

- He reported Jason Jayne was hired as the Part Time Public Works Worker. He has been a good asset so far.

- French Street and Second Street have been paved. We are working on gravel on the edge of the asphalt to get rid of the lip. This is still a work in progress.
- The speed hump has been installed on Antles. From what he has heard it has been slowing down traffic.
- The electricians have started installing the transfer switch for the backup generator. He is not sure when we will be getting the backup generator.
- There have been some issues with bulk water usage. A hydro meter has been budgeted for and he plans to pursue that next month.

#### **Mayor's Report**

- Community Appreciation Program  
Mayor Haeger reported she has drafted a simple community appreciation program. She will send it to Sherry Riley who can send it out to the Councilors for review.

#### **Good of the Order**

No good of the order was presented at this meeting.

#### **Public Comment**

Motion: Councilor Jason Stone moved to extend the meeting for 5 more minutes at 8:44 pm. Councilor Alan Cadinha seconded. Motion approved by unanimous vote.

Cristal Anderson reported she and her family live at the end of Common Lane, which is technically in the county. The house has a shallow well which the houses on Heritage Lane have been affecting, and they are now only getting sediment and mud from the well. They have run out of water and cannot afford to drill any further. They are requesting to hook up to city water. She noted they are willing to pay to tap into a city meter. Dave reported they would have to pay the connection fee, and outside the city rates.

Motion: Councilor Jason Stone moved to permit the city water connection to the Anderson family. Councilor Alan Cadinha seconded. Motion approved by unanimous vote.

Motion: Councilor Alan Cadinha moved to extend the meeting 10 more minutes at 8:48 pm. Councilor Jason Stone seconded. Motion approved by unanimous vote.

Maxine Parker questioned whether or not, with the information the city now has, the letter to the school would still have been sent. It was noted probably not, but we can't say for sure. She also questioned what the consequences are for someone living in an RV without getting a variance from the city. It was noted if no one complains there are no consequences. Lastly, she thanked Dave for fixing the potholes on Rose Street and Hibbler Street.

Mr. Hargrove spoke again encouraging the Council to bring the city ordinances up to date. He noted the City of La Grande is basically controlling what is done in Cove. He also indicated there will likely be an influx of population growth that the city needs to be prepared for.

#### **Suggestions for Future Workshops & Meeting Agendas**

No suggestions for future workshops or meeting agendas were made.

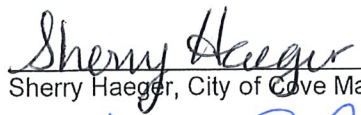
#### **Upcoming Meetings**

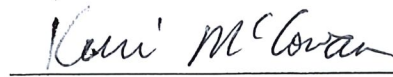
No upcoming meetings are scheduled at this time.

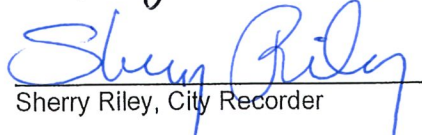
#### **Adjournment**

Mayor Sherry Haeger adjourned the meeting at 8:52 p.m.



  
Sherry Haeger, City of Cove Mayor

  
Kerri McCowan, Billing Clerk

  
Sherry Riley, City Recorder