

**City Of Cove
Council Meeting Minutes
November 7, 2023**

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 Shawn Parker, Jordan Hackwith.

Council Members Present Remotely: Councilor Eric Stone.

City Staff Present: Public Works Director Dave Johnson, City Recorder Lana Shira, Billing Clerk Kerri McCowan.

City Staff Present Remotely: There were no city staff present remotely.

Council Members not Present: Councilors Jason Stone, Alan Cadinha.

City Staff not Present: All city staff were present.

Public Present: Gary Haefler, Jamie Landa, Dan Landa, Dave Coleman, John Cavin, Maxine Parker, Alexis Cannon, Heidi VanSchoonhoven, Lee Waters, Michaela Waters, Marcus McKinney, Mace Cadwell.

Public Present Remotely: Public members were present remotely. See Meeting Diagnostics print out.

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Haeger.

Council Roll Call

Roll call performed by Lana Shira, City Recorder. A quorum was determined to be present.

Additions/Changes to the Agenda

There were no additions or changes to the agenda.

Public Comment

No public comment was made at this time.

Consent Agenda

- October 3, 2023, Council Minutes
- October 12, 2023, Special Meeting
- Approval of Bills to Be Paid

Motion: Council President McCowan moved to approve the Consent Agenda as presented. Councilor Parker seconded. Motion carried.

Correspondence

- Terrell Davis Email Regarding Bus Transportation
The correspondence from Mr. Davis was reviewed. Lana noted she referred him to Community Connection for a bus route that is already established.

Old Business

- Aflac Presentation
No Aflac representatives were present at the meeting. Tabled.
- Oregon Wireless, Inc. In-kind Agreement and Hold Harmless Agreement
Lana provided a handout of a new In-kind Agreement and Hold Harmless Agreement that she and Dave worked on to combine what the attorney suggested and the changes council wanted. Mr. Cavin indicated he felt it was an improved document and approved of it.

Motion: Council President McCowan moved to approve the In-kind and Hold Harmless agreement between Cavin Wireless, Inc. doing business as Oregon Wireless, Inc. and the City of Cove, Oregon. Councilor Hackwith seconded. Motion carried.

- Employee Handbook
The Employee Handbook was reviewed, and it was reported there are still some areas that need to be clarified:
 - Throughout the Handbook, replace “Contact” with the Mayor, Council President, or direct Supervisor.
 - Section II. Classification and Compensation, Subsection C. The Workweek - the normal work week should be 32-40 hours per week.
 - Section III. Time Off and Leaves of Absence, Subsection C. Sick Leave, Use of Sick Leave, 1(a) the word “part” of spouse should be changed to “parent” of spouse. Subsection D. Holidays and Floating Holidays – In the second sentence of the paragraph “number of hours equals” should be changed from 40 to 20 to less than 36 hours per week. Subsection H. Jury and/or Witness Duty – “paid” should be inserted in the sentence “The City of Cove will grant employees “paid” time off...”
 - Employee Acknowledgement – strike the entire sentence “I also understand that the Personnel Policies 2023 City Employee Handbook control over any other contradictory statement...”

Motion: Council President McCowan moved to accept the Employee Handbook with the changes as presented. Councilor Eric Stone seconded. Motion carried.

*Discussion moved to New Business at 7:23 pm.

- **PUBLIC HEARING 7:30 p.m. Lee & Michaela Waters Variance**
 - Declare Actual Potential Conflict of Interest
There was no actual potential conflict of interest, ex parte contact or personal bias.
 - Open Hearing
Mayor Haeger opened the hearing at 7:30 pm and made the Hearing Disclosure Statement available to the public.

- Staff Report
City Recorder Lana Shira read the staff report.
- Applicant's Testimony
The applicants reviewed their zoning application form noting they are requesting a variance to build a 6-foot privacy fence in their backyard.
- Proponent's Testimony
Lana reported one neighbor who lives within 300 yards of the applicants came into City Hall and verbally approved of the fence.
- Opponent's Testimony
There was no opponent's testimony.
- Applicant's Rebuttal
There was no applicant's rebuttal.
- Close Hearing
Mayor Haeger closed the hearing at 7:39 pm
- Council Deliberation & Final Decision
Councilor Parker asked for assurance that the fence would be on their property and not the city right of way and it would be 30 feet from the corner of the intersection. It was confirmed that would be the case.

Motion: Council President McCowan moved approval of the application by Michaela and Lee Waters to vary from Zoning Ordinance Section 8:12(3) a fence height requirement of three and a half (3 ½) feet, allowing for a six (6) foot privacy fence built specific to Exhibit A of the application. Applicants have proven exceptional conditions apply to the property and that the fence height will not materially alter the stability of the land use pattern of the area and will not be injurious to other property in the vicinity. Councilor Parker seconded. Motion carried.

*Discussion of the CCA requests resumed at 7:42 pm.

- **PUBLIC HEARING 8:00 p.m. Landa Lot Line Adjustment with Easement**
 - Declare Actual Potential Conflict of Interest
There was no actual potential conflict of interest, exparte contact or personal bias.
 - Open Hearing
Mayor Haeger opened the hearing at 8:00 pm and made the Hearing Disclosure Statement available to the public.
 - Staff Report
City Recorder Lana Shira read the staff report.
 - Applicant's Testimony
Mr. Landa reported when they bought this property it was subdividable land, and he is trying to work with what he has to deal with. He reviewed his previous variance noting they asked for 20 feet and now they are requesting 30 feet for more room for water and sewer and ingress and egress. He indicated this is taking two non-buildable lots and creating two buildable lots within the city limits. He explained when he worked with the

surveyor the surveyor didn't quite understand how they ended up with a 36 foot and 60 plus foot lot, it just fell that way. So, they are trying to meet the spirit of the ordinance to meet the criteria of abutting a road, but he only has so much room to do so. This way they would have water and sewer and 30 feet as opposed to 20 feet. It doesn't affect the lot size. They will end up with two buildable lots instead of land that can't have anything done with it. He explained they are working within the reasons of what they have to work with to try and meet the ordinance as best as possible with what they have and still be able to do something with that lot. He reasoned that is why they are asking for the variance because when they turn the lot line north/south the back lot doesn't have true access to the road, although eventually that would probably turn into a right of way at some point. They are trying to do what they can today to further move forward and meet the spirit of the ordinance as best as possible with the structures and the land and everything that exists the way it exists right now. He noted that's all they can do is try to make something copacetic that is not copacetic right now. He further indicated he does not know what else to do other than try to get approval for 30 feet instead of the initial approval of 20 feet, noting they, as best they can, are trying to meet the criteria for a variance. They are also trying to make buildable lots inside Cove city limits, so if someone does want to build a house on that lot they can, because right now nothing can be done with it.

- Proponent's Testimony
The Mayor read a communication from Paul Stevens, 1903 Jasper Street in Cove, that was in favor of the variance.
- Opponent's Testimony
There was no opponent's testimony.
- Applicant's Rebuttal
There was no applicant's rebuttal.
- Close Hearing
Mayor Haeger closed the hearing at 8:10 pm.
- Council Deliberation & Final Decision
Councilor Parker asked who owned the property. Mr. Landa noted he owns the property. However, he has a gentleman's agreement with the neighbor who would like to purchase the property. Councilor Parker noted he thought Mr. Landa had previously indicated he sold the property to his neighbor. It was indicated by the Landas' that they have owned the property all along. However, he indicated he was unable to speak with the neighbor they have the gentleman's agreement with to buy the land if they choose to move forward that way and he told the neighbor he wanted to move two lot lines to create two buildable lots and the neighbor was fine with that. He also discussed that he didn't want to ruin the gentleman's agreement without first speaking to the neighbor. Council President McCowan expressed confusion about where the 10 feet was coming from, and why it wasn't there before. Mr. Landa indicated it was because he had a gentleman's agreement with the land that laid there at the time. He reported he has owned the property all along, but his neighbor wanted the first chance to buy it if he ever sold it. Both Mayor Haeger and Council President McCowan thought they understood that the land had been sold. Mr. Landa again indicated he owns all the property currently under consideration for the variance. The mayor then questioned how they get around the fact

that none of the property will be on a public right of way. Mr. Landa responded saying that's why they are asking for a variance because the 20-foot easement that touches Jasper Street would essentially take the back lot and land lock it, but the additional 10 feet for the right of way variance would create more room and would have access via the variance and attaches to the road.

Council President McCowan interjected, noting Mr. Landa has already given his testimony, it is now time for the Council to deliberate. He also requested Dave's input.

Dave questioned if there were future plans to build on the back lots to the east where more structures and more lots would need access. Mrs. Landa responded they are planning to build their own house at some point on the lot that the original variance was approved, but now they want to do the lot line adjustment so there is another buildable lot that they have a gentleman's agreement for. Council President McCowan noted the gentleman's agreement carries no weight for the current variance request. Further discussion ensued and the Landa's indicated there certainly could be more development because they have 2.25 acres that could potentially be built on. Utilities were noted to be an issue because they would need to abut the city right of way. Mr. Landa argued all the utilities would be in the city right of way because adding the 10 feet would allow them to add the utilities for the potential of growth off of Jasper. However, it was discussed that an easement is not the same thing as a right of way. Right of way is dedicated public access, an easement is access for a specified reason.

Mayor Haeger moved on to the basic findings noting she would like to know if anyone would be interested in putting forward a motion for approval or if they are considering it. She reviewed the basic findings after which she questioned Dave as to how he sees the request; whether he sees it as a request to have water and sewer at each lot, or does he see it all at the street and to be connected some other way. Dave indicated sewer lines can be ran through easements, but water is different because we have to have water meters. Typically, all our water meters are at the edge of a right of way for access and that's usually where the responsibility of the property owner on their side of the property starts and the city's is on the street end. He doesn't know of any place in the city where our water meters are not located on the street. He indicated these lots would all need to have individual lines and the meters would need to be down on the street. Further discussion of the lots and of the dimensions of the variance ensued. Councilor Parker indicated his biggest issue with the variance is that it is creating another lot that does not have street abutment. Previously, a variance was granted for another lot to not have street abutment, which we require, and now it's going to create another lot that won't have it. Mr. Landa indicated that is correct, but that is why they are asking to increase the easement. He indicated initially that he had to go with what he had at the time. Now that he has the gentleman's agreement he wants the 30 feet, but that wasn't information he had at the time of the initial request. The mayor again indicated the gentleman's agreement is neither here nor there, we must look at what the rules say. Mr. Landa noted he agreed that the original 20 feet was very tight, but again said that he had to go with what he had at the time. Now that there's new findings, he wants to give the 30 feet and grow the easement because the potential buyer said he'd still buy the land if Mr. Landa put another 10-foot easement on it. Councilor Parker interjected, stating Mr. Landa said he had to go with what he had, but he owned it all before, but he told the council that he didn't. Mrs. Landa brought up the gentleman's agreement again stating they were unable to talk to the potential buyer to see if he was ok with it, that's why they didn't have it before because they didn't want to ruin the agreement.

Councilor Parker moved on noting the way he sees it they could eliminate the current lot line and combine lot A and B into one lot. Then they could take their 20 feet all the way back to lot 502 and they would all have abutment, and they wouldn't need a variance because all the lots would meet criteria. The Landa's objected because they would be giving up a lot. Right now, they have two lots, they just want to change the direction of them to make them buildable. They don't want to create a new tax ID code. Councilor Parker noted he was not saying that, but right now they have two lots that aren't buildable, technically three lots. So, if they combined A and B, that would now be a buildable lot. Mr. Landa indicated they would be giving up a lot as well. Councilor Parker acknowledged that but thought he would want to give up a lot to create buildable lots. He has that in his control to do and everything would be abutting the street. Mr. Landa objected, noting he would have to tell the potential buyer he's getting rid of a lot. Councilor Parker again indicated Mr. Landa would be getting rid of a lot to have buildable lots. To him that would be more valuable. Mrs. Landa indicated they are just trying to create an opportunity for the city to have more buildable lots. Councilor Parker noted he understands that they are trying to get as many buildable lots as they can, and again stressed that they are getting rid of a non-buildable lot in order to create two buildable lots. There is still a benefit to gaining two buildable lots. Mrs. Landa indicated that doesn't really matter to them as their intention is to not keep it. They were just trying to make it more accessible and valuable for the city and the new owners. Council President McCowan questioned why they are doing this for the potential new owner, and they answered because they were already in the process of doing things and thought it would be a neighborly thing to do.

Motion: Council President McCowan moved to extend the meeting by 30 minutes at 8:33 pm. Councilor Parker seconded. Motion carried.

Mayor Haeger discussed that it's obvious the Landas' have good intentions, while also trying to increase their land's value. However, she is concerned about changing the rules as a favor to the neighbor. Councilor Parker also noted he understands what they are trying to do, and he would do it too. That is why he gave them his opinion of what he thought would work.

Motion: Councilor Eric Stone moved to approve the applicant Daniel A. Landa's request for a Variance from 1984 Cove Zoning Ordinance Section 8:10 ACCESS to allow for access to the Adjusted Tract A and Tract B and Lot 502 through a 30-foot easement for ingress, egress, and utilities specific to the Tentative Plan Landa Lot Line Adjustment presented and labeled Exhibit A of the application. Applicants have proven exceptional conditions apply to the property and that the granted Variance will not materially alter the stability of the land use pattern of the area and will not be injurious to other property in the vicinity. Councilor Hackwith seconded. Council President McCowan and Councilor Parker opposed. Mayor Haeger broke the tie and opposed. Motion failed to carry.

*At 8:37 pm discussion moved to the Public Works Director's Report.

- **New Business**

- Gary Haefer - Annexation of 4.67 Acres (Discussed at 7:23 pm)
Mr. Haefer presented his request for the annexation of 4.67 acres. Sonny and Mary Jane Johnson own the property. They don't want to annex it right now, but they want to sell it and they have a buyer who wants to know if it will be annexable in the future. Mayor

Haeger noted the city would most likely entertain the request; however, the state, county and city all have input. It was discussed the city limits, which is our urban growth boundary, would have to be expanded. It was concluded the city cannot approve any annexation without the state and county doing their part.

- CCA Tree Lighting Event Requests (Discussed at 7:28 pm)
The requests from the CCA for the Tree Lighting Event were reviewed.
 - Funds for Decorations and Other Needs
Motion: At 7:47 pm Councilor Hackwith moved to match the contribution from last year. Councilor Eric Stone seconded. Motion carried.
 - Help with Snow Removal
Council President McCowan voiced hesitation and concern about the liability that snow removal for the event could place on the City.

*Conversation stopped at 7:30 to hold the Waters hearing.

*Conversation resumed at 7:42 pm.

Councilor Parker was also hesitant. Lana interjected and stated she knows of volunteers who will be available and willing to assist with the removal of snow and ice for the event.

- Blocking the Street
Dave confirmed that cones can be provided for the event to block the streets from traffic.

City Council Working Committee Report (Discussed at 7:48 pm)

- Transportation System Plan (TSP)
Councilor Stone was not present to provide a report.
- Municipal Court
Mayor Haeger reported this Committee is on hold.

City Recorder Report

Lana provided a verbal report:

- The city savings' funds have been moved to the Local Government Investment Pool. The accounts were opened on October 11th. On October 31st the city had earned \$1,918.88.
- She received a request from Regina Hearing who is part of the fundraising for the School Philadelphia Trip. She would like permission from the city to put a can trailer on the city easement in front of the Ziply building. It was agreed to approve her request with the stipulation that the trailer is presentable and monitored, and with the understanding that the city has the right to ask them to remove it at any time.
- She met with representatives from TextMyGov which is a web-based program that the city can subscribe to and utilize to send texts to citizens of Cove for emergency alerts, etc. It's another communication tool and will help the city to comply with the Freedom of Information Act. Lana suggested scheduling a presentation and will contact the company to see what can be done.
- Veteran's Day will be observed on Monday, November 13th and the city will be closed.

- Bank statements are balanced and available to any Councilor who would like to see them.
- She requested vacation time for November 20th, 21st and 22nd. Her request was approved by the Mayor.

*Discussion was stopped at 8:00 pm to hold the Landa Hearing.

Public Works Director Report (Discussed at 8:37 pm)

Dave provided a verbal report:

- He received the mower. He noted it's nice to have a wider mower to get work done.
- He is working with the Forest Service on the slide up Mill Creek.
- He is soliciting bids for the new diversion screen at the Hydro Plant.
- The new vac unit is working well.
- The valve exerciser is working quite nicely.
- He's working with the Safe Routes to School and applied for a technical services grant to extend the sidewalk north from Jasper to Antles on the west side of Jasper. It will be an extensive project. ODOT is soliciting an ARTS grant to help with funding for that project.

Mayor's Report

Mayor Haeger provided a verbal report:

- She went as Barbie's Grandma at this years' Trunk or Treat. She didn't use all the candy, so she will be able to use the leftovers at next year's Cherry Fair.

Good of the Order

No good of the order was presented at this time.

Public Comment

Marcus McKinney asked how the sidewalk extension will affect the speed limit. Dave explained we still have the speed order request to reduce the speed to 25-mph all the way to Antles. ODOT is still backlogged on approval for that request, but that is the ultimate goal. Councilor Parker asked if we are still looking at getting a speed limit radar sign, and after discussion Dave agreed to look into what it would take to purchase one.

Suggestions for Future Workshops & Meeting Agendas


Speed Limit Radar Sign

Upcoming Meetings

TSP is scheduled for November 13th.

Adjournment

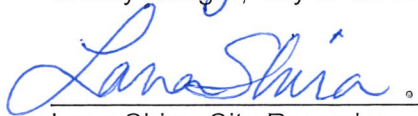
Mayor Haeger adjourned the meeting at 8:47 p.m.



 Sherry Haeger, City of Cove Mayor



 Kerri McCowan, Billing Clerk



 Lana Shira, City Recorder