

# **CITY OF ROGUE RIVER**

# **City Council Minutes**

THURSDAY, NOVEMBER 19, 2015

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** Pastor Bob McKenzie with Foots Creek Chapel 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 Robert Catherwood  
City Councilor Shelli Spencer  
City Councilor Don Daugherty  
City Councilor Mark Poling

**COUNCIL MEMBERS ABSENT:**  
City Councilor Fred England

**ALSO PRESENT:**  
Mark Reagles, City Administrator  
Carol Weir, City Recorder  
John Krawczyk, City Engineer

A quorum was present and due notice had been published.

## **APPROVAL OF MINUTES:**

MOVED (SPENCER), SECONDED (JONES) AND CARRIED TO APPROVE THE MINUTES OF AUGUST 27, 2015 AND SEPTEMBER 17, 2015 AS PRESENTED.

## **COMMITTEE REPORTS:**

**Planning Commission Liaison:** City Councilor Mark Poling reported that during their November 10, 2015 meeting they continued their review of RRMC Chapter 17; discussed conducting access on flag lots; removing a manufactured home with a stick home; the City Planner/Public Works Assistant Molly Bradley attended a week of FEMA training.

**Community Relations:** City Councilor Shelli Spencer reported that the Rogue River Community Center was setting up fund raisers; the Rogue River Chamber of

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Commerce was working on the Free Thanksgiving Dinner on Thanksgiving Day at 1:00 p.m. and the Tree Lighting on December 5, 2015 at 6:00 p.m. with a Mexican Dinner at the Live Oak Grange beginning at 4:40 p.m. and the Greeters Social will be at New Beginnings Christian Center on December 17, 2015 beginning at 5:00 p.m.; and, the Rooster Crow Committee selected the Theme of *Rooster Trails* for the 2016 Rooster Crow depicting the new bike trails, working on a Dutch Oven Cook Off and invited anyone interested to the next meeting on January 19, 2016 at 5:15 p.m. at City Hall.

**Emergency Communications of Southern Oregon:** City Councilor Bob Catherwood reported that they would be holding a special meeting for the proposed budget providing two proposals of either 4.03% or a percentage of the county's evaluation and there was an article about the next generation of 911 and what it means to our community, it will be dealing with texting and accepting photos. The City Council will be discussing these issues at the next workshop.

**Finance Committee:** City Councilor Bob Catherwood reported that they met twice during the month of October 2015 to review and approve bills and they signed 76-checks totaling \$118,014.74.

**Middle Rogue Metropolitan Planning Organization:** Mayor Pam VanArsdale reported that they had adopted more Chapters of the Request for Proposal and had a presentation of the Rogue River Greenway Project as a candidate getting connected Grants Pass.

**NEW BUSINESS:**

**AGENDA ITEM 1** **Grant Agreement:** State of Oregon, Land Conservation & Development 2015-2017 Planning Assistance Grant Agreement.

MOVED (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN THE STATE OF OREGON, LAND CONSERVATION & DEVELOPMENT 2015-2017 PLANNING ASSISTANCE GRANT AGREEMENT.

**AGENDA ITEM 2** **Retainer Agreement:** Retainer Agreement for Legal Counsel and Advisor to the City and its officials between Steve E. Rich, Attorney at Law and the City of Rogue River, Oregon.

MOVED (SPENCER), SECONDED (POLING) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN A RETAINER AGREEMENT FOR LEGAL COUNSEL AND ADVISOR TO THE CITY AND ITS OFFICIALS BETWEEN STEVE E. RICH, ATTORNEY AT LAW AND THE CITY OF ROGUE RIVER, OREGON.

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City Administrator Mark Reagles commented that the contract was reduced by \$175 month due to a reduced amount of hours for the previous year.

**AGENDA ITEM 3** **Budget Calendar**: Adopt the 2016-2017 Budget Calendar.

MOVED (POLING), SECONDED (CATHERWOOD) AND CARRIED TO ADOPT THE 2016-2017 BUDGET CALENDAR.

**AGENDA ITEM 4** **Budget Officer**: Appoint a Budget Officer for the 2016-2017 Budget Year.

MOVED (JONES), SECONDED (CATHERWOOD) AND CARRIED TO APPOINT CITY ADMINISTRATOR MARK REAGLES AS THE BUDGET OFFICER FOR THE 2016-2017 BUDGET YEAR.

**AGENDA ITEM 5** **Budget Committee Reappointments**: Reappoint former Budget Committee Members Jo Anne Mead, Keith Willard and Thomas Lazette for a three-year term.

MOVED (JONES), SECONDED (SPENCER) AND CARRIED TO REAPPOINT BUDGET COMMITTEE MEMBERS JO ANNE MEAD, KEITH WILLARD AND THOMAS LAZETTE FOR A THREE-YEAR TERM EXPIRING IN JANUARY 2019.

**AGENDA ITEM 6** **Request**: Rogue River Chamber of Commerce requesting a Pledge for the Thanksgiving Day Dinner.

MOVED (SPENCER), SECONDED (POLING) AND CARRIED TO APPROVE A REQUEST FROM THE ROGUE RIVER CHAMBER OF COMMERCE FOR A \$220 PLEDGE FOR THE THANKSGIVING DAY DINNER.

**AGENDA ITEM 7** **Request**: Foothill Estate Developers requesting a six-month extension from December 31, 2015 to June 30, 2016 to complete their obligation of the improvements to the project's common areas.

MOVED (CATHERWOOD), SECONDED (SPENCER) TO APPROVE FOOTHILL ESTATE DEVELOPERS REQUESTING A SIX-MONTH EXTENSION FROM DECEMBER 31, 2015 TO JUNE 30, 2016 TO COMPLETE THEIR OBLIGATION OF THE IMPROVEMENTS TO THE PROJECT'S COMMON AREAS.

Vic Nicolescu, Foothill Estates Developer told the City Council that their company had hired Randy Furtado of Furtado Landscaping as their landscaping contractor and he would be representing him for the extension request.

Randy Furtado with Furtado Landscaping explained to the City Council that the houses in the center of the project were currently being constructed leaving four more houses to be built that surrounded the area of landscaping in question. The

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area is in turmoil with dirt being moved and the weather is not conducive with landscaping in December. The main entrance to the area had been completed with trees, bushes and bushes, it has a sitting area with a bench for people to sit. The reason for the request was to provide a kind of landscaping that the project deserves.

City Councilor Don Daugherty asked Mr. Furtado when they would be starting the project?

Mr. Furtado stated that he could start the job as late as June 2016 and had it completed before the end of the six-month extension. He said the project would take approximately four-weeks to complete the walkways and paths along with planting trees and shrubs, along with the additional playground area at the west end of the project. If the work had been done now, it would only get torn up and have to be redone.

City Councilor Bob Catherwood asked if the construction timing got slow for or delayed for some reason?

Vic Nicolescu said that the homes were being built on time with the market. They have been staying constant with the demand of homes selling prior to completion. He said it hurts sales to have vacant homes sitting. They had built 25-homes in the last 2-years and with the exception of 2-homes they were all sold prior to completion they'd seen a price appreciation of about 12%.

City Administrator Mark Reagles asked if the recreational vehicle parking area could be completed now and not impacted by the development?

Vic Nicolescu said no, because the lots are so small and impacted with only 4-foot set backs that there was very little room between homes, so they had learned from experience that they need to build in a line to avoid future problems. So 5-homes need to be built before they feel comfortable proceeding with the recreational vehicle parking area.

City Administrator Mark Reagles asked if those 5-homes would be completed in the next 6-months?

Vic Nicolescu stated that both the recreational vehicle parking area along with the basketball court would be completed by the end of 2016 as scheduled.

City Councilor Bill Jones asked if there would be a slide in the second playground area?

City Administrator Mark Reagles asked if the second playground had been designed yet?

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Vic Nicolescu said no, the playground had not been designed yet. Their thoughts were to be more elaborate with the second playground along with some sort of fencing to protect children from running out into the street.

Mayor Pam VanArsdale commented that Mr. Furtado was a long time business person in the City of Rogue River and a well-known landscaper who had the community's interest and would be doing a good job for the project.

City Councilor Shelli Spencer asked Mr. Nicolescu if the remaining 5-homes were already sold and would be completed by the end of June 2016?

Vic Nicolescu said no.

City Administrator Mark Reagles told the City Council that the City was holding a bond on the project, so if the landscaping was not completed, the city could call the bond and do the work or would have the work done. The bond would continue and if at the end of the six-months the City Council was not satisfied then the City could complete the landscaping.

City Councilor Shelli Spenser asked what the benefit was for waiting or not waiting?

Mr. Furtado said concern was the quality of work being done. He also commented that the water line was already stubbed out to the area and ready to go so they would not have to tear up the recently landscaped entrance.

City Councilor Bill Jones commented that there had been many extensions for the project.

Mayor Pam VanArsdale commented that there had been many extensions because of the change in ownership but the homes were selling and the project had been moving forward. She said it wasn't fair to hold all the previous extensions the current developers.

Vic Nicolescu said they had learned that the market for these types of homes was about 10 to 13-homes a year.

Mayor Pam VanArsdale also commented that building homes that just sit empty gives the illusion that nobody wants to buy them.

Vic Nicolescu also commented that they had considered putting in the landscaping before installing the fencing, but bringing in the equipment and dealing with the tight area would tear up the landscaping.

Mr. Furtado commented that they waited to do the entrance area until all the homes around were completed. He also said that his company would be maintaining the

landscaped areas installed.

City Councilor Mark Poling rescued himself from the Council to speak about the subject and stepped down from the podium.

Mr. Mark Poling of Westbrook Drive addressed the City Council as a property owner in the Foothill Estates stating that he was the second home built in the project and had lived in mud for over five-years. He said there had been many amendments to the development agreement over the years along with development agreements that were never signed, along with extensions. He brought up the fact that in January of 2011 a final order was issued recommending that a temporary storage area of a gravel parking lot between lots 36 and 74 which were originally approved for recreational vehicle parking and storage and forward the recommendation to the City Council. The findings stated that the existing owners had requested a temporary recreational vehicle parking and storage. In 2007 the Planning Commission approved allowing temporary use of recreational vehicle storage in an unpaved area on the adjacent lots, that the gravel from the lot would not allow track out and they would fence the storage area. He said that he totally understood about the weather but he felt that the property owners had always had to compromise. He said that the current developers signed an agreement with completion dates and now they're asking again for another six-month extension. He read a memo from City Planner Molly Bradley that stated the recreational vehicle storage area would be completed by December 2016 and that the playground area would need to slide a bit, because there were so many houses to complete before reaching that point. He did not recall signing an agreement that the completion time was set by the sale of so many houses, but it was by a specific date. He said he had lived there for 5-years and still has no recreational vehicle parking or storage, only one playground with 2-swings that was originally designed for 6-swings with toys for kids and a fenced area, they have now of it. He did say that the landscaping looks very nice and nothing wrong with that but his problem was that the developer keeps coming back with short notices to the City. He talked to his neighbors as soon as he was aware of their request and no knew anything about their request for another extension. He ended in saying that he was willing to compromise but he was not willing to take it one more time.

City Councilor Mark Poling took his seat back at the podium.

Vic Nicolescu expressed his appreciation and respect for Mr. Poling felt and if in his possession would probably feel the same way. He said they have just as much of an obligation to the new owners that exist and to the ones that haven't bought homes yet. They are trying to do the right thing for the people that built homes 6-years ago, last month and in the future. A lot of the agreements were made prior to them taking over the project but the 2-years that they had been involved they had completed and sold 24-homes, which were twice the number of homes built by the previous eight years combined. They appreciated the fact of building a market value

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home at a fair price, that the people were buying those homes they were building that was allowing them to finish the common areas and the City receives permit fees. He said there was an area for recreational vehicle parking but was not aware of anybody that owned a vehicle other than one that sold their home last year.

City Councilor Bob Catherwood asked if the homeowner's association takes over the responsibility and expense of the common areas?

Vic Nicolescu said yes.

City Councilor Bob Catherwood asked if he had to put in the items now, then after all the homes were built and these items would need to be redone the homeowner's association would eventually be the ones to replace it?

Vic Nicolescu said that they have been trying to do is develop the common areas with the ownership count in mind and not update their coverage without enough money flow coming in each month to cover what would be an increased monthly expense. So had all these common areas had been built in the beginning the homeowner's would be paying more than \$100 a month.

City Councilor Bill Jones asked if the house had been built on each side of the parking area?

Vic Nicolescu said no. They also had run into issues when the FEMA maps changed which will create some extra challenges for them with regard to how they build them, creating additional venting.

Mayor Pam VanArsdale asked if they had tried to get a LOMA for those lots?

Vic Nicolescu said they had been able to get the first two homes built off the bridge and that they would apply for the future homes also.

City Administrator Mark Reagles asked Mr. Nicolescu that if there would be a request from someone who moved in and had a recreational vehicle, was there a compromise that gravel could be laid down and fence and gate it for security. He expressed that he understands the pain that these property owners are feeling and endured with promise after promise that he felt they were looking to be assured that he was not going to be the next promise guy that he would be the guy that was going to fulfill the promises.

Vic Nicolescu said that since they had a year they had not figured that out the cost of fencing and insurance and would that become a liability for the homeowner's association. The current homeowner's insurance does not specifically include that area. There was fencing along the property on the east and it could be an option to reuse that fencing to enclose the storage area.

City Administrator Mark Reagles said that may be a conversation to have with the homeowner's association and compromise. At one time the City had said they may be willing to have that area temporally built out for a period of time until the houses were built out.

City Councilor Mark Poling stated that it was built now but it was in a puddle with piles of gravel.

Mayor Pam VanArsdale said she agreed with the City Administrator that it was a discussion to have with the homeowner's association and not the City because our requirement for completion was for December 2016.

City Engineer/Public Works Director John Krawczyk encouraged Mr. Nicolescu not wait till November 2016 to come back to the City with more requests of the same issues because he did not feel they would be able to build and sale the number of homes that he was saying it would take to accomplish these requirements.

City Administrator Mark Reagles commented that he had looked at the area for the basketball courts and felt that an engineer could come up with a way to build those courts and the homes in that area.

Mayor Pam VanArsdale called for the vote.

MOTION CARRIED WITH A VOTE OF: JONES; AYE, CATHERWOOD; AYE, SPENCER; AYE. COUNCILOR POLING ABSTAINED DECLARING A CONFLICT OF INTEREST DUE TO THE FACT THAT HE IS A HOME OWNER IN FOOTHILL ESTATES.

**OTHER BUSINESS:**

City Recorder Carol Weir submitted an additional item to be added to agenda that came in after the agenda had been processed and that was time sensitive.

MOVED (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO ADD AGENDA ITEM 8.

**AGENDA ITEM 8** **Request:** The Rogue River Community Centers Christmas Project Partners requesting a contribution toward the "4<sup>th</sup> Annual Christmas Project" serving families in the City of Rogue River and the Evans Valley Fire District.

MOVED (POLING), SECONDED (JONES) AND CARRIED TO CONTRIBUTE \$220 TO THE ROGUE RIVER COMMUNITY CENTERS CHRISTMAS PROJECT PARTNERS REQUESTING A CONTRIBUTION TOWARD THE "4<sup>TH</sup> ANNUAL CHRISTMAS PROJECT."



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City Engineer/Public Works Director John Krawczyk reminded the City Council of the dinner at the Community Center Friday night where they were raising money for the Christmas Project with a silent auction.

City Administrator Mark Reagles announced that the City had been mentioned in the recent issue of Pipeline, put out by the Oregon Department of Health noticing that the City was considered an Out Standing Performer for the water system and congratulations to Tom Farrell and John Krawczyk for accomplishing that.

City Engineer/Public Works Director John Krawczyk commented that with receiving the mention it will allow the City not to perform costly testing as frequently.

City Administrator Mark Reagles announced that the video the City had made of the production of water from beginning to end had been posted on the City's web-site.

City Councilor Don Daugherty thanked who ever was able to get the abandoned vehicle off a piece of property on East Main Street.

**ADJOURN**

There being no further business to come before the City Council and upon motion duly made (SPENCER), seconded (CATHERWOOD) and carried, the meeting adjourned at 8:08 p.m.

**ATTEST:**

Carol J. Weir, MMC  
City Recorder