

CITY OF ROGUE RIVER

City Council Minutes

THURSDAY, APRIL 28, 2022

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

CALL TO ORDER The Regular Council meeting was called to order by Mayor Wayne Stuart at 6:00 p.m.

INVOCATION Pastor Rich Wheeler with the Foots Creek Chapel delivered the Invocation

PLEDGE OF ALLEGIANCE Mayor Wayne Stuart led the Council and audience in the Pledge of Allegiance

QUORUM **COUNCIL MEMBERS PRESENT:**
Mayor Wayne Stuart
City Councilor Jack Bird
City Councilor Pam VanArsdale
City Councilor Rick Kempa
City Councilor Barb Hilty
City Councilor Sherrie Moss via the phone
City Councilor Barb Gregory

STAFF PRESENT:
Mark Reagles, City Administrator
Carol Weir, City Recorder
Mike Bollweg, Public Works Director
Jim Williams, Chief of Police

MEDIA PRESENT:
Brian Mortensen, Rogue River Press

A quorum was present and due notice had been published.

APPROVAL OF MINUTES:

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO APPROVE THE MINUTES OF MARCH 24, 2022.

COMMITTEE REPORTS:

Community Relations; Rogue River Chamber of Commerce: City Councilor Rick Kempa reported there was no meeting due to a lack of a quorum but they did have a discussion about their volunteer dinner.

Community Relations; Rogue River Community Center: City Councilor Barb Hilty reported the Executive Director Christine Pugh had accepted another job and

would be leaving on May 6, 2022 and was accepting applications for a twenty-hour administrative position and a ten-hour book keeping position. They were planning a sit-down dinner by reservations only on May 20, 2022. And, they were hoping to start building the food pantry soon.

Emergency Communication of Southern Oregon (ECISO): Mayor Wayne Stuart reported there was no meeting.

Finance Committee: City Councilor Pam VanArsdale reported they met twice during the month of March 2022 to review and approve bills and signed 70-checks totaling \$117,484.52 and all was well with the City's finances.

Middle Rogue Metropolitan Planning Organization (MRMPO): City Councilor Pam VanArsdale reported that they approved their Unified Work Program which was basically their budget for the MPO and discussed the Public Participation Plan which they found to be challenging. They were still discussing whether the Federal Government was going to categorize the Transportation Management Area between which would include the Rogue Valley MPO and the Middle Rogue MPO. If they merged it meant more money but also more work and a loss of revenue to transit making it their biggest concern. Gold Hill was able to get a grant from ODOT to work on their South Bridge, an \$8 to \$10 million project to widen the bridge which would allow the transit bus into the City of Gold Hill.

Personnel Committee: City Councilor Pam VanArsdale reported met to talk about the City Administrator's position and Finance Officer Bonnie Honea leaving.

Planning Commission Liaison: City Councilor Barb Gregory reported that she had not been able to attend the meeting. City Administrator Mark Reagles also commented that he was not able to attend but was aware that they had discussed how they would be moving forward with reviewing the Zoning Ordinance over the next months to come.

Police Commission: City Councilor Jack Bird reported that the department was conducting entry level testing. Nine people expressed interest, out of those, four people responded who would be attending the testing. They're continuing the vehicle replacement search with the goal being to have bids or awards soon, supply issues causing delays in delivery of vehicles. The 2018 patrol unit was in the shop with turbo issues. Calls for service continue to increase but nothing out of the ordinary. Overall things were running well.

Rogue Valley Area Commission on Transportation (RVACT): City Councilor Pam VanArsdale reported there was no meeting.

Rogue Valley Council of Governments: Mayor Wayne Stuart reported that they were heavily involved with their budget and the only thing of discussion was that

they were looking into changing the interest rates on their endowment funds but it was determined to leave it as they were doing just fine.

PUBLIC INPUT:

County Commissioner Colleen Roberts spoke about the Climate Friendly and Equitable Communities Rulemaking public comment. She said the public comment period ended May 11, 2022 with a final adoption on May 19, 2022 where more comments would be heard. She said it was going to remove the rural way of life to more urbanized planning, transportation and public transit plans within the building of homes in the county in the future. She said it was concerning that these changes were being put into place without the small cities not knowing the issues. She told the City Council that they were the stop gaps for the city's citizens as she was for her county citizens. She said the highlights of the county was lack of funding, poor implementation, changing all the land development ordinances to be in concert with what they want and if you're not, you're not going to have funds. The vehicle miles traveled per capita used as representative of pollution emissions in rural areas, performance targets, new reporting requirements, and the aggressive timeline for implementation and adoption of the rules. It remains unclear what direct effect the rulemaking will have on Jackson County. Jackson County lacks the capacity to implement a change of this magnitude.

Brad Bennington, Executive Officer for the Builders Association of Southern Oregon, spoke to the following fact sheet of information:

Homeowners, realtors, builders and housing affordability advocates are concerned with the proposed rules from DLCD. The rule attempt to change Oregon's land-use system w/o a review of the legislature, were drafted during the pandemic and are arguably the largest change to Oregon land use system in decades.

The rules now encompass about 150 pages of changes. We expect the next set of changes to be available for public review on May 5th, with comments due by May 11 and final adoption on May 19/20. Here is an overview of the rules:

- Large scale change to our land use planning system – good intention to use planning to create more walkable communities, but as currently drafted, is highly problematic for housing production in our urban centers, especially affordable housing production.
- The rules create new land use requirements, development standards, and requires certain cities to create Climate Friendly Areas (CFAs) to accommodate 30% of needed housing. A climate friendly area is defined as an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services, that is serviced by high quality public transit, bicycle, and pedestrian infrastructure.
- CFA rules include minimum density requirements to preclude single family units and most middle housing development in CFAs. The purpose of the minimum density requirements is to prevent single family units and certain middle housing products, which advocates believe have greater emissions per unit than apartments. Medford will only be able to allow housing that is greater than 25 dwelling units per acre in CFAs. This likely means no single-family units, town houses, duplexes, cottage clusters.

- The minimum density requirements run counter to the intent of HB 2001, which is supposed to reduce barriers to middle housing development, particularly duplexes. Medford just put their middle housing code out for comment. These rules could upend those ordinances.
- There has been no economic analysis done on land prices in areas where CFAs will occur, but prices are likely very high, making an affordable product in CFAs not possible. Taken together, these rules create a planning system where only expensive apartment units are built in our urban centers, further gentrifying our cities and creating more barriers to home ownership.
- DLCD expressly acknowledges that displacement/gentrification will occur because of these rules, but instead of changing the rules to avoid this issue, they simply push the issue onto local governments to address with an "anti-displacement toolkit" that includes no concrete measures to prevent harm to communities of color or and working families from these rules. A local government will not be able to mitigate displacement through a toolkit if this harm is being caused by the rules themselves.
- Many of the rules are neither clear nor objective, contain vague terms, and will be highly complicated for local governments to implement, likely resulting in immense litigation over the rules, which will further disrupt housing development and exacerbate our housing backlog. For example, the rules require that cities and counties to have land use regulations in residential neighborhoods that provide for "slow neighborhood streets comfortable for families" and neighborhoods must have "direct pedestrian access" to key destinations, and be designed for "efficient and sociable development patterns." While these are laudable ideas, these vague and subjective terms will make it very difficult for local governments to adopt clear and objective standards as required by state law.
- Parking requirements in the rules will impact small businesses and economic development. The removal of parking mandates, new parking maximums, and obscure requirements for parking lots to either have solar panels or a certain tree canopy size will impact customers and cause compliance nightmares.
- These rules impact many small rural communities! While DLCD's website indicates that the rules only apply to a handful of cities, the reality is that they will impact small governments like Central Point, Jacksonville, Eagle Point, and White City. Many small jurisdictions do not have the capacity to undertake just a rewrite of rules and will need significant support. To see what communities are impacted: <https://www.oregon.gov/lcd/LAR/Documents/ImplementationDates>
- These rules need to be changed significantly. LCDC commissioners need to hear from local government/planners, mayors, and community members about the harm these rules will cause to housing development in their communities, especially for workforce housing development, and to historically underserved populations as they seek to attain home ownership. Local government should be concerned with the speed and communication/outreach of this rule development.

The lack of resources (unfunded mandate) for local government. Whether there is adequate resources at the city/county to implement these rules.

The conflicts between these rules and HB2001.

Whether the state is going to indemnify local governments. The rules appear to transfer risk to local government especially for matters of displacement.

And whether the work needed to implement these rules would conflict with the work to get current development projects reviewed.

Mr. Bennington commented that he had never seen anything like this being the most ambitious reach over Oregon Home Rule in the entire history of our State. As an Oregon native he had never seen anything like this, nor has any Attorneys or Legislators that he has spoken with like this come down the road before. And because of it being done administratively no one can get a handle on it. He asked the Mayor and Councilors to take time and provide their comments before the May 11, 2022 deadline.

OLD BUSINESS:

AGENDA ITEM 1 **Resignation:** A resignation from the Planning Commission and declaring a vacancy.

MOVED (KEMPA), SECONDED (VANARSDALE) AND CARRIED TO APPROVE THE RESIGNATION OF PLANNING COMMISSIONER SHERRIE MOSS AND DECLARE A VACANCY FOR POSITION NO. 4.

NEW BUSINESS:

AGENDA ITEM 2 **Council Bill No. 22-2440; Resolution No. 22-1397-R:** A Resolution establishing an annual salary range for the position of City Administrator and rescinding Resolution No. 00-976-R.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO ADOPT COUNCIL BILL NO. 22-2440.

City Councilor Barb Hilty questioned the change in the amount of the beginning wage as previously discussed.

City Administrator explained that the City's practice was to have five 5% step increases and to make that happen the starting step needed to be lower to meet the ending step range as previously discussed.

AGENDA ITEM 3 **Contract:** A Contract for Water Assistance Provisions between the City and ACCESS from January 1, 2022 to September 30, 2023.

MOVED (VANARSDALE), SECONDED (HILTY) AND CARRIED TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A CONTRACT FOR WATER ASSISTANCE PROVISIONS BETWEEN THE CITY AND ACCESS FROM JANUARY 1, 2022 TO SEPTEMBER 30, 2023.

AGENDA ITEM 4 **Request:** A request from the Rogue River Greenway Foundation for permission to hold the 2022 Ride the Rogue Event at Palmerton Park on September 23-25, 2022, to hang a banner across Depot Street, to allow Weekend Brewery to serve beer and/or wine during the event and to waive all the fees associated with the event.

MOVED (GREGORY), SECONDED (BIRD) AND CARRIED TO APPROVE THE REQUEST FROM THE ROGUE RIVER GREENWAY FOUNDATION FOR PERMISSION TO HOLD THE 2022 RIDE THE ROGUE EVENT AT PALMERTON PARK ON SEPTEMBER 23-25, 2022, TO HANG A BANNER ACROSS DEPOT STREET, TO ALLOW WEEKEND BREWERY TO SERVE BEER AND/OR WINE DURING THE EVENT AND TO WAIVE ALL THE FEES ASSOCIATED WITH THE EVENT.

AGENDA ITEM 5 **Resignation:** A resignation from City Councilor Jack Bird from the Sign Review Board.

MOVED (KEMPA), SECONDED (VANARSDALE) AND CARRIED TO ACCEPT A RESIGNATION FROM CITY COUNCILOR JACK BIRD FROM THE SIGN REVIEW BOARD.

AGENDA ITEM 6 **Appointment:** Appoint Sharie Davis from Planning Commission Alternate to Position No. 4 and declare a vacancy.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO APPOINT SHARIE DAVIS FROM PLANNING COMMISSION ALTERNATE TO POSITION NO. 4 AND DECLARE A VACANCY FOR ALTERNATE.

AGENDA ITEM 7 **Variance:** Allow a variance from the hiring policy to promote from within for the Finance Officer/Planning Assistant position.

MOVED (VANARSDALE), SECONDED (HILTY) AND CARRIED TO ALLOW A VARIANCE TO THE HIRING POLICY TO PROMOTE THE FROM WITHIN FOR THE FINANCE OFFICER/PLANNING ASSISTANT POSITION FOR EMPLOYEE PAIGE CHICK.

City Administrator Mark Reagles commented that applications had been received, one being a current employee and he would like to be able to hire within and notify to other applicants of the decision.

AGENDA ITEM 8 **Funding:** Categorize all the American Recovery Act Plan (ARAP) to revenue replacement category.

MOVED (KEMPA), SECONDED (VANARSDALE) AND CARRIED TO CATEGORIZE ALL THE AMERICAN RECOVERY ACT PLAN (ARAP) TO REVENUE REPLACEMENT CATEGORY.

City Councilor Pam VanArsdale asked if the City would be taking any more applications from the public.

City Administrator Mark Reagles commented that was not part of the agenda item but they could bring that back to the City Council to open it up. He explained that the City received \$517,000 from the American Recovery Act Plan. Every City was given the opportunity receive or deny the funds as well and counties and tribes. In order for the City to be accountable on how the funds were spent the City was required on an annual basis to report to the federal government Department of Treasury how the funds were categorized and spent declared to the Treasury would be a little less cumbersome to a small community. There were different ways to account for the funds, and one being lost revenue. Any City that received less than \$10 million could take and justify that money they received as loss revenue and still had to justify how it was spent but how it was categorized and declared to the treasury became a little less cumbersome to small communities.

AGENDA ITEM 9 **Presentation:** Mayor Wayne Stuart presented a Five-Year Certificate of Appreciation to Public Works Director Michael Bollweg.

AGENDA ITEM 10 **Proclamations:** The Mayor read the Tree City, USA, Arbor Day on April 29, 2022 into the record; City Councilor Barb Hilty read the Proclamation for the National Day of Prayer on May 5, 2022 into the record; City Councilor Pam VanArsdale read the Municipal Clerks Week, May 1-7, 2022 into the record; and, City Councilor Jack Bird read the Proclamation for Police Week & Peace Officers Memorial Day, May 11-17, 2022 into the record.

OTHER BUSINESS:

City Councilor Barb Hilty asked for an update on the new audio equipment for the council chambers.

City Administrator Mark Reagles replied he did not. With the current supply demands due to COVID they do not know when any products would be available.

City Councilor Barb Hilty asked if the digging for the Rooster Park Splash Pad was being done.

Public Works Director Michael Bollweg replied that they were.

City Councilor Barb Hilty asked if the computers had come in.

Police Chief Jim Williams replied that they were still waiting for the hardware.

City Councilor Pam VanArsdale commented that she had flyers for the Ride the Rogue event to be distributed to the public which would be available in the front office.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (KEMPA), seconded (VANARSDALE) and carried, the meeting adjourned at 6:53 p.m.

ATTEST:

Ryan Nelson for

Carol J. Weir, MMC
City Recorder