



# CITY COUNCIL MEETING

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## **COUNCIL MEETING November 9, 2009**

**CALL TO ORDER:** Mayor Gene Ditter called the meeting to order at 7:00PM. A quorum was established. The Pledge of Allegiance was said. Other members present: Gary Rychard, Van Schoenborn, Brian Kauffman and Bob Brundage; Staff present: Alan Frost, Public Works Director; Carrie Corcoran, City Recorder; Chief Rich Sebens; Suzanne Dufner, Contract City Planner with the MWV COG; and Steve Tabor, City Attorney. There were 4 people in the audience.

### **ADDITIONS OR MODIFICATIONS TO THE AGENDA**

Added Suzanne for a grant presentation under staff reports.

### **PRESENTATIONS/COMMENTS FROM THE PUBLIC**

Public Hearing – Zone Change 09-01 / Legislative Amendment 09-01 / Partition 09-03 & Partition 09-04

Mayor Gene Ditter opened the public hearing and asked for any ex parte declarations:

- Mayor Ditter discussed where we were with our Development Code with Bob Brundage prior to the hearing

Suzanne Dufner, Contract City Planner with the Council of Governments, presented the staff report.

George Jennings, Attorney for the applicants, stated that if the petition is granted, then they (the condos) will be sold as single family attached townhomes. The reason for this request is to make the homes easier to sell in this current economy. Gary Rychard asked why it was stated that the neighbors all wrote letters of support when it appeared that the letters were all the same, and the signature was simply on the letter. Mr. Jennings said that their law firm wrote up the letter for the neighbors to sign. Since then, one neighbor has rescinded.

Mayor Ditter asked if anyone would like to speak in favor of the applicant – no one spoke in favor of. He then asked if anyone would like to speak in opposition of the applicant – no one spoke in opposition; asked for any general testimony – Randy Cranston, 372 Church Street (Planning Commission President) said that he wanted to reiterate why the Planning Commission had rejected the application. He stated that the applicant had originally purchased lots as duplexes and then converted them to condos. The planning commission does not feel that the changes in financial situation of the homeowner or the economy should warrant the change in our Development Code by granting approval.

George Jennings wanted to note that he felt Randy's testimony should be categorized as "opposed" and that the units are all in place and occupied and that this was the way for these properties to be purchased rather than rented which would instill more pride of ownership.

Brian Kauffman said that he called a mortgage company to see if was easier to get financed for a single family attached home as opposed to a condo and that he was told "no".

Gary Rychard asked Steve Tabor if this was approved, would this open it up to other duplex owners to come forward with the same request.

Steve Tabor said that yes, this potentially could open it up for additional requests but that it would be on a case by case basis.

George Jennings also noted that if approved, then they could contribute more money in property taxes to the city.

The council discussed the LCDC remand and their requirements of having 15 additional acres that would be R-2 (multi-family).

Mayor Ditter closed the public portion of the hearing.

The council discussed that they did not feel that the applicants' current hardship warranted approval.

**MOTION:** Brian Kauffman made a motion to deny the requests based upon the findings in exhibit 2 of the council staff report dated November 2, 2009; Van Schoenborn seconded the motion; unanimously approved.

## **STAFF REPORTS**

### A. Carrie Corcoran, City Recorder

- Carrie & Carol were at a Caselle conference in October
- Carrie discussed the copy machine and requested approval for a new machine.

**MOTION:** Gary Rychard made a motion to approve the copier contract from Associated Business in the amount of \$4959.14; Bob Brundage seconded the motion; unanimously approved.

### A. Alan Frost, Public Works Director Jason passed his certification test.

### B. Police, Chief Rich Sebens

- Gave an overview of the police report.
- Noted the higher volume in disorderly conduct
- Radar machine is still being repaired and they are watching Church Street very heavily.

### C. Steve Tabor, Legal

- Nothing to report

### D. Suzanne Dufner

- Stated that there was another planning grant available for a transportation growth management program which can be used to update a transportation plan. There is an 11% grant match requirement and the City can actually apply for a match waiver for "distressed communities". Marion County is considered "distressed" as a whole, so Sublimity should qualify for this reduction.
- The council decided to pass on this grant opportunity.

**CONTINUING BUSINESS:** None

**RESOLUTIONS / ORDINANCES:** None

## **ACTION ITEMS**

### A. Meeting Minutes

**MOTION:** Gary Rychard made a motion to approve the minutes as presented; Van Schoenborn seconded the motion; unanimously approved.

**B. Expenditures**

**MOTION:** Van Schoenborn made a motion to approve the Expenditures as presented; Bob Brundage seconded the motion; unanimously approved.

**INFORMATIONAL ITEMS**

**A. Revenue Statement:**

No action taken.

**B. Robin Murbach – Representative from Allied Waste**

- Proposed rate increase of 4%; would like the increase to be effective February 1, 2010. Council asked to see the past years' performance reports. A discussion occurred.
- Robin also proposed an increase in services for weekly pick-up for yard debris. This would increase the rates by \$2.50/month. The council decided to table this request for the time being.

**MOTION:** Brian Kauffman made a motion to approve the 4% increase, effective February 2, 2010; Bob Brundage seconded the motion; Bob Brundage, Brian Kauffman & Van Schoenborn - Aye; Gary Rychard – Nay; motion approved.

**COMMITTEE REPORTS:**

**Gene Ditter – 9-1-1 & Sewer** – Nothing to report

**Gary Rychard – Police, Personnel and alternate 9-1-1** – Nothing to report

**Bob Brundage – Planning Commission and Sewer Committee** – Nothing to report

**Van Schoenborn – Parks & Water** – City wide clean-up on November 14, 2009 from 9AM-3PM.

**Brian Kauffman – Streets** – Nothing to report.

Randy Cranston informed to council that a New House Blessing would be taking place at the Habitat for Humanity on Saturday, November 14<sup>th</sup> at 11AM.

Regular Meeting adjourned at 9:50PM