

**COTTAGE GROVE CITY COUNCIL
MEETING MINUTES
JANUARY 23, 2023**

CALL TO ORDER

Mayor Solesbee called the meeting to order at 7:00 pm in the Council Chambers at City Hall.

ROLL CALL

City Recorder Mindy Roberts called the roll. The following were

PRESENT IN THE COUNCIL CHAMBERS: Mayor Solesbee, Councilors Greg Ervin, Mike Fleck, Dana Merryday and Jon Stinnett

PRESENT VIA GOTOMEETING: Councilor Savage

COUNCIL ABSENT:

YOUTH REPRESENTATIVE: Sam Burns

STAFF PRESENT IN THE COUNCIL CHAMBERS: City Manager Richard Meyers, Assistant to the City Manager Jake Boone, City Recorder Mindy Roberts, Public Works & Development Director Faye Stewart, Interim Police Chief Jeff Groth and City Planner Eric Mongan

STAFF PRESENT VIA GOTOMEETING: Finance Director Roberta Likens

CITY ATTORNEY:

MEDIA PRESENT: KNND and The Cottage Grove Sentinel

ITEMS ADDED TO THE AGENDA

None

APPEARANCE OF INTERESTED CITIZENS FOR ITEMS NOT ON THE AGENDA

Dennis Prociw 127 Tyson Drive, Cottage Grove, Oregon expressed appreciation and respect to Jake Boone for attending the Middlefield Estates board meeting and answering their questions.

Venice Mason 28 South 6th Street Unit 3, Cottage Grove, Oregon expressed concerns for the homeless and compared civil rights to the rights of the homeless.

Linda Diaz 1339 West Main, Cottage Grove, Oregon spoke about her experiences working on the disability committee in Eugene and as a disabled person in the community. She added that she wants there to be a disability committee in this community.

PUBLIC HEARING

- (a) Public Hearing for Ordinance Annexing a Portion of Lane County Road No. 538 into the City of Cottage Grove (A2-22)

City Planner Eric Mongan presented background information regarding the proposed annexation. He said that two written comments were received and have been provided to Council for consideration.

Mayor Solesbee opened the Public Hearing

Michael Parker 77969 South 6th Street, Cottage Grove, Oregon expressed concern over the speed of traffic in the area and said there has been one death in the area of the market.

Mayor Solesbee closed the Public Hearing.

CONSENT AGENDA

None

RESOLUTIONS AND ORDINANCES

- (a) Resolution Amending the Comprehensive Fee Schedule

Public Works and Development Director Faye Stewart explained that the resolution would amend three sections of the Comprehensive Fee Schedule and he proceeded by explaining each of the changes. He said the Government Section was changed by adding credit card usage fees and the returned check fee was increased from \$25.00 to \$35.00. He added that credit card usage fees are not added when consumers are paying their utility bills. He said the Utilities Section was changed by increasing the charges for the cost of water meters to reflect the actual cost of the meters including the antenna. He said the Community Center/Armory/Special Event

and Park Fees Section was amended by changing the reference of “keys” to “access devices”. He added that the SDC charges were adjusted January 1, 2023 pursuant to Section 5.16.040 of the Municipal Code and are also reflected in the Fee Schedule.

Councilor Fleck expressed concern about increasing SDC fees and said that we need to remain less expensive than jurisdictions around us so that we do not lose projects.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO ADOPT RESOLUTION NO. 2089.

Mayor Solesbee announced the motion with a second and called for discussion.

Councilor Ervin said he is in favor of the changes and added that he would support comparing our SDC fees to other cities.

Mayor Solesbee said costs were higher for builders in 2021-22 and we should be cautious of raising fees in the future.

Mayor Solesbee called the vote.

The vote on the motion was as follows:

VOTE	Vacant Position	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Merryday	Councilor Ervin	Mayor Solesbee
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Second Vote on Ordinance No. 3167, as Amended, Amending Chapters 9.28 and 12.24 of the Cottage Grove Municipal Code Regarding Offenses by or Against Minors and City Parks and Public Playgrounds

City Manager Richard Meyers reminded Council that the vote on this ordinance was postponed from the previous meeting. He said the ordinance was prepared to address House Bill 3115 and provisions of Martin v. Boise and Blake v. Johnson. He said “camping” references were changed to use the verbiage; “sitting, lying, sleeping and keeping warm and dry”. And he clarified that the language used in recitals is not law, it is background information as to why the action in the ordinance is taking place.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO ADOPT ORDINANCE NO. 3167 AS PRESENTED, AMENDING CHAPTERS 9.28 AND 12.24 OF THE COTTAGE GROVE MUNICIPAL CODE REGARDING OFFENSES BY OR AGAINST MINORS AND CITY PARKS AND PUBLIC PLAYGROUNDS.

Mayor Solesbee announced the motion with a second and called for discussion.

Councilor Ervin said he understands that recitals are the justification for the ordinance, but he has a higher level concern with using the word “entitled” in reference to wellness in the recital. He added that this is the basis for using the tax base for resources without the consent of the people and he said those are principles that he cannot support.

City Manager explained that the definition of wellness is basic good health and City of Cottage Grove has a healthy community designation from the State. He said the City has many different things that promote wellness including parks, bike trails, a no smoking policy in parks, farmers market and recreation programs. He said this is referring to our citizens having the opportunity to recreate, have physical activity and do things that promote their wellness.

Councilor Ervin asked if we could remove the word entitled.

Councilor Fleck said he does not perceive that this means we are providing entitlement to a government program, he said we are guaranteeing the right of the citizen to provide for themselves.

Councilor Ervin discussed other recitals that he said are worded to make justification for the need to continue the program. He said we are not being clear that people are entitled to this outside of what the City will provide. He added that this is a pattern, a slow push and he said once that happens it becomes the justification for the next thing.

Councilor Fleck said it is important to remember that this ordinance is separate from the sheltering and it will be relevant even if the sheltering goes away.

Councilor Ervin said it is hard to separate the two when it was crafted to bolster this plan.

Mayor Solesbee asked what happens if the State Statute is removed regarding curfews for minors.

City Manager replied that could happen but as a City we cannot have it on ours.

Councilor Savage said she appreciates the need to clarify and added that if these are real questions, Council needs to get them answered between Wednesday when the Agenda comes out and the Friday Agenda Session. She said this is a repeat of Friday, which was a repeat of the last Monday and we are taking up time. She added that we need to move forward and give each other some trust.

Councilor Merryday said his understanding is that the purpose of redoing the resolution was to give the City more enforcement ability in our parks.

City Manager said that is one of the intents with adopting the resolution and the Management Plan. He added that this ordinance is being amended so that we do not have violations with HB 3115 and the court cases.

Councilor Merryday said it would be wise to adopt this ordinance and asked if there needs to be adjustments.

City Manager said there could be amendments.

Councilor Merryday asked Councilor Ervin if that would satisfy his concerns.

Councilor Ervin said he is okay with the language of the ordinances but not the justification for them in the recitals.

Mayor Solesbee asked Councilor Ervin if he would like to amend some of the language.

Councilor Ervin said he would like to know the specifics of what is down the road for the survival sheltering and asked why it is in there.

City Manager explained that the use of the words “survival sheltering” is done to identify what is happening in the community.

Councilor Ervin asked how is it enforceable in the recitals.

Councilor Fleck explained that the purpose of recitals is to develop the intent of the body. He added that the City is much more likely to survive a legal challenge by fully documenting the intents and the steps that were taken.

City Manager further explained the definition of camping and where it is located in the provisions of the ordinance.

Councilor Ervin said that he takes offense with being told to come in between Friday and Monday and added that it is unreasonable for some of them to do.

Councilor Savage apologized and said it was not intended to be personal. She said Council meetings are meant for Council to hammer out details but a lot of these questions are not shared between the fellow members.

Councilor Ervin said the fact that the questions are not shared by fellow Councilors is what makes this a strong body.

Mayor Solesbee said she agrees with Councilor Ervin.

Mayor Solesbee called for further discussion. Seeing none she called the vote.

The vote on the motion was as follows:

VOTE	Vacant Position	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Merryday	Councilor Ervin	Mayor Solesbee
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

(c) First Vote of Ordinance Annexing a Portion of Lane County Road No. 538 into the City of Cottage Grove (A 2-22)

City Planner Eric Mongan reported that Council held the Public Hearing and they can now hold the first vote on the ordinance. He explained that a resolution will be brought before Council requesting a jurisdictional transfer from Lane County to the City.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO ADOPT ORDINANCE NO. 3169.

Councilor Stinnett asked why the County wants this to happen and why should the City want it to happen.

City Planner explained that there is an interested party wanting to develop the property to City standards. He said they want to remove the existing Hillcrest Market and reconstruct a convenience store with gas station. City Planner elaborated on future potential for developments and a full interchange on the southern end of town.

Councilor Stinnett asked the City Planner to address the concerns expressed by the church.

City Planner reminded Council that the Council body has not historically forced annexations. He said if the annexation is adopted the road would be in City limits and that would put the church within the 200 foot buffer. He said that means if they want to subdivide their land or something along that nature, they would have to follow City processes.

City Planner Eric Mongan said the letter from the church expressed concerns with being required to pave their parking lot and connect to City sewer and water. He said the City annexation ordinance indicates that you have to be in City limits in order to connect to sewer and water, but nothing that says you are required to.

Councilor Fleck said he has never seen a forced annexation in his 20 years of being on Council. He discussed future development within Cottage Grove and the areas that would most likely have commercial and residential developments.

Councilor Savage asked if the annexation would include lowering the speed limit in that location.

City Planner replied that the speed limit is 40 mph at the interchange and at Harding Place it drops to 35 mph. He added that speed limits are implemented based on traffic counts and speed data and with this annexation there would be no changes.

Councilor Savage asked if adding the gas station would be considered future development and trigger a traffic count.

City Planner replied yes, it would be considered future development but it is hard to determine at this point if it would increase traffic because there is already a convenience store at the location.

City Manager informed Council that a bill was passed at the last Legislature that allows Cities to reduce speed limits outside of the normal ODOT process.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Vacant Position	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Merryday	Councilor Ervin	Mayor Solesbee
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

BUSINESS FROM THE CITY COUNCIL

(a) Taylor Avenue Sidewalk Project

City Engineer Ron Bradsby presented Council with background information regarding the Taylor Street sidewalk project and its current status. He discussed the various requests from residents for additional work and the City’s attempt to allow them to partner with the City to get the lowest possible price. He informed Council of the various options, the associated costs and asked for Council direction.

Councilor Fleck said that he would like to do option 1(a). He said City should replace the sidewalk with ADA corners and if the homeowners want to do extra work it is up to them

Councilor Stinnett asked what the cost is of doing an ADA ramp.

City Engineer said a ramp would cost approximately \$2800 to \$3500.

Councilor Stinnett said it seems like part of the sidewalk to him and he doesn't understand why it was given as a choice.

City Engineer replied that he agrees and added that the ramp would be assessed to the City.

Councilor Ervin said the sidewalk is dangerous and it is most cost effective to stick to just replacing it. He said he likes the idea of allowing homeowners to partner with the City under separate contracts with the contractor and he would like to see it happen soon.

Councilor Merryday asked what the cost to the homeowner would be.

City Engineer explained the price quotes that have been received and what the costs would be to the homeowners.

Councilor Ervin asked how a rolled curb would affect the cost.

City Engineer replied that a rolled curb is not within City standards and most of the residents did not like them.

Councilor Ervin asked if the quotes of \$100,000 included driveways.

City Engineer explained that the quotes over \$100,000 included mobilization, erosion control, traffic control, replacing handicap ramps, curbs, gutters, driveway approaches and the sidewalk. He said the extra work that people requested was not included.

Mayor Solesbee said she would like to replace the sidewalks and handicap approaches.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO ADOPT ITEM 1A AND WORK WITH THE HOMEOWNERS TO FACILITATE THE REST.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Vacant Position	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Merryday	Councilor Ervin	Mayor Solesbee
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Cottage Grove Pedestrian and Bicycle Plan Advisory Committee Appointment

City Planner Eric Mongan explained the need for two City Councilors to be appointed to the advisory committee. He said the meetings will begin in February of 2023 and conclude by summer of 2024.

Mayor Solesbee appointed Councilors Fleck and Merryday to the committee.

Councilor Stinnett asked if the other organizations are also appointing members.

City Planner said yes, he will be working with them to get appointments.

(c) Concerns from Council

Councilor Savage announced City Day at the Capital and the meetings that she will be attending. She also expressed excitement for being able to tour the White House while at the National League of Cities in March.

BUSINESS FROM THE CITY MANAGER

(a) City Council Discussion and Possible Direction Regarding Design Criteria for the Main Street Revitalization Project

Public Works and Development Director Faye Stewart presented background information that was covered at the Worksession held prior to tonight's Council meeting. He reminded Council that Staff is seeking direction regarding street and sidewalk width, street corner bulb out design and street trees.

Councilor Fleck asked if small changes could be made once Council sees the final plan.

Damien Gilbert, Branch Engineering said that there are some important details in the big picture that would not be able to be changed because doing so would create a ripple effect.

Councilor Fleck clarified that he was referring to things such as the tree layout.

Damien Gilbert replied that there would not be as much of a ripple effect with things like tree placement.

Councilor Stinnett asked how much direction is needed for the street trees.

Damien Gilbert said he does not need an exact number but a range of how many per block would be great. He said then they will work with City Staff for placement.

Councilor Savage asked if the letters from people were distributed in the Council Chambers.

Public Works and Development Director indicated that they are available but not yet posted.

Councilor Ervin said he would like to see standardized placement of the trees and filled in with bushes.

Mayor Solesbee said she would like to see two trees per block.

Councilor Merryday asked if the trees would be placed so that they would not impede flow, access to business with historic facades or signage. He would like two trees per block with optimal placement for each block.

Mayor Solesbee asked Council to share their thoughts on street width.

Council took turns expressing their opinions regarding street width, sidewalk width and bulb outs and asked clarifying questions of Damien Gilbert.

Council agreed to move forward with a Main Street Design of 12' sidewalks, 8' parking width, 12' travel lanes, minimum bulb outs and two trees per block on each side.

Damien Gilbert asked for Council to clarify what they mean by minimal bulb outs.

Council agreed to minimal bulb outs on side streets and slightly larger on Main Street.

(b) Approval of Branch Engineering Task Work Order # 1 for Engineering Services for the Bohemia Park Entry Plaza Project

Public Works and Development Director Faye Stewart presented Council with information regarding the Task Work Order and to approve Branch Engineering for engineering services for the Bohemia Park Entry Plaza Project.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO APPROVE TASK WORK ORDER #1 LISTS OF TASKS, NOT TO EXCEED \$210,000 AND AUTHORIZE THE CITY MANAGER TO SIGN THE TASK WORK ORDER UPON APPROVAL BY THE EDA OF THE CONTRACTOR AND THE TASK WORK ORDER.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Vacant Position	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Merryday	Councilor Ervin	Mayor Solesbee
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

(c) Approval of Branch Engineering Task Work Order # 2 for Engineering Services for the Main Street Revitalization Project

Public Works and Development Director Faye Stewart presented Council with information regarding the Task Work Order and to approve Branch Engineering for engineering services for the Main Street Revitalization Project.

IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO APPROVE TASK WORK ORDER #2 LISTS OF TASKS, NOT TO EXCEED \$940,000 AND AUTHORIZE THE CITY MANAGER TO SIGN THE TASK WORK ORDER UPON APPROVAL BY EDA OF THE CONTRACTOR AND THE TASK WORK ORDER.

Mayor Solesbee announce the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Vacant Position	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Merryday	Councilor Ervin	Mayor Solesbee
AYES		X	X	X	X	X	X
NAYS							
ABSTAIN							

(d) Report from City Manager

City Manager Richard Meyers reported that eight applications were received for the vacant Council position. He said one of the applicants is not eligible because we were able to read on their pedigree that they were born in 2012 and they have four feet. He said the applications will be sent to Council tomorrow with a list of questions that were used in previous years. He asked them to review the questions so that we could determine which ones will be used.

Mayor Solesbee asked if he would like Council to provide their choice for the top ten questions.

City Manager replied yes, they could circle or mark the questions that they like.

BUSINESS FROM CITY ATTORNEY

(a) Report from City Attorney

None

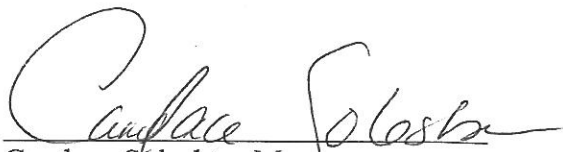
ADJOURNMENT

There being no further business, Mayor Solesbee adjourned the regular meeting of the City Council at 8:58 pm.

The next regular City Council Meeting will be held February 13, 2023 at 7:00 pm in the Council Chambers at City Hall.



Mindy Roberts, City Recorder



Candace Solesbee, Mayor