

CITY OF COTTAGE GROVE
CITY COUNCIL
AGENDA SESSION MINUTES
June 24, 2022

The meeting was called to order by Mayor Gowing at 8:30 am.

Those in attendance virtually and in person: Mayor Gowing and Councilors Solesbee, Savage, Fleck, Stinnett, Ervin and Roberts.

Staff present virtually and in person: City Manager Richard Meyers, Assistant to the City Manager Jake Boone, City Recorder Mindy Roberts, Public Works & Development Director Faye Stewart, Police Chief Scott Shepherd and Finance Director Roberta Likens

Items to Be Added to the Agenda

Mayor Gowing announced that item (c) will be added to the Consent Agenda in reference to the Annual Liquor License renewal for Safeway.

Public Hearing

None

Consent Agenda

- (a) Approval of June 6, 2022 Work Session Minutes
- (b) Approval of June 10, 2022 Agenda Session Minutes

Resolutions and Ordinances

- (a) Resolution Authorizing an Interfund Loan to the Industrial Park Fund from the Storm Drain Reserve Fund.

Finance Director Roberta Likens explained that this Resolution allows the City to make a loan from the Storm Drain Reserve Fund to the Industrial Park in anticipation of a lot being sold at the Industrial Park. She said the funds would be repaid when it sells.

Councilor Solesbee asked what lot.

Finance Director replied that it is located in the Industrial Park.

Public Works and Development Director Faye Stewart explained that Council approved a Contract Sale of three parcels in the Industrial Park. He said the potential buyer has had challenges with getting financing and should be able to have it completed before the end of the month.

Mayor Gowing asked if there were any other questions.

- (b) Resolution Transferring Appropriations within the Building Inspection Program Fund and the Wastewater Fund – Wastewater Treatment Department.

Finance Director Roberta Likens explained that this Resolution would move money from the Contingency into the Construction Excise Tax Transfer for the School District. She said revenue stays within the Building Inspection Fund and will become part of the cash carried forward next year.

She said the second portion of the Resolution moves money from the Contingency line into the Equipment Maintenance and Repair Line in the amount of \$22,880, the Treatment Chemicals line in the amount of \$64,600 and the Bio-solids Disposal line in the amount of \$37,430. She indicated the increases are associated with the major repairs to equipment, increased costs for treatment chemicals and bio-solid disposal.

Mayor Gowing asked if there were any questions.

- (c) A Resolution Establishing Appropriations within the General Fund for the Expenditure of an Unforeseen Specific Purpose Grant from the American Rescue Plan Act.

Finance Director Roberta Likens explained that this Resolution appropriates the grant funds for the American Rescue Plan Act (ARPA). She outlined the various line items to which the funds are being appropriated.

City Manager Richard Meyers mentioned to Councilor Stinnett that he should probably declare a Potential Conflict of Interest due to the Community Expense for Community Promotions.

Councilor Stinnett announced as the Administrator of Downtown Cottage Grove he is declaring a Potential Conflict of Interest.

Councilor Fleck asked why the City is moving \$692,506 into the Contingency Line.

Finance Director replied because it is not being spent this year and you will then be able to appropriate the funds in the 2022-23 Budget.

Councilor Fleck said it does not have to be appropriated in this Budget to be budgeted in next year's Budget.

City Manager replied that this will allow us to keep track of the money for grant purposes.

Finance Director replied that it keeps track of the money for accounting purposes.

Mayor Gowing asked if there were any further questions.

Councilor Stinnett asked for an explanation of the advertising increase.

City Manager explained the expenditures were for the Travel Lane County Visitors Guide, the Travel Oregon Visitors Guide, the World Championship Pocket Guide and the Cottage Grove Sentinel. He said the advertisements were primarily purchased because of the World Championship being held in Eugene, the large number of visitors coming and to assist with COVID relief for businesses.

Mayor Gowing asked if there were any further questions.

- (d) Resolution Adopting the 2022-23 Budget, Making Appropriations, and Imposing and Categorizing Ad Valorem Taxes.

Finance Director Roberta Likens explained that this Resolution is to adopt the 2022-23 Budget and has many options for Council to consider. She briefly covered the changes recommended by Staff and the Public requests.

Councilor Fleck asked if the South Valley Farmers Market is nonprofit.

City Manager replied yes.

Mayor Gowing asked if there were any further questions.

- (e) Resolution Amending the Comprehensive Fee Schedule.

Public Works and Development Director Faye Stewart indicated that this Resolution amends the adopted Comprehensive Fee Schedule. He said it reflects the FCS recommended 12% increase to Wastewater.

Mayor Gowing asked if there were any questions.

Business from City Council

- (a) Overnight Camping Program

City Manager Richard Meyers presented a draft version of an Overnight Camping program. He said this program would allow private property owners to have campers on their property in an RV or tent. He added that it would allow for businesses, nonprofits and churches to have up to two campers and residences could have one. City Manager said that this is a draft and is open for Council to discuss.

Councilor Ervin asked why the program prohibits receiving any compensation.

City Manager explained that when compensation is received it establishes a Landlord/Tenant relationship. He added that with the Ordinance, the City would have the timeline for notices regarding cleaning up and asking people to leave and it would not be governed by Landlord/Tenant laws.

Councilor Ervin asked if you have someone clean up their space if that is a service.

City Manager said it does indicate that the property owner is prohibited from requiring the camper to perform necessary services to maintain safe, sanitary and habitable conditions.

Councilor Ervin asked for clarification on the designation of being in the backyard and referenced a tiny home.

City Manager said if it is a tiny home, it would need to be on wheels. He added that if it is a vehicle it could be in the driveway and some driveways are between the street and the house. He said tents would have to be behind the house and cannot be between the house and the road.

Councilor Ervin asked if setbacks will still be enforced.

City Manager said the State Statute now allows cities to do this type of thing to address homelessness and it is exempting it from Chapter 90, Land Use Laws. He said the draft plan does state that camping cannot be within five feet of the property line.

Councilor Ervin asked about the back property line.

City Manager replied that it is five feet from the back property line and if it is a vehicle in the driveway, there would not be a front set back. He added that they will not be allowed to overhang the sidewalk.

Councilor Solesbee asked if the RV limit is 20 feet.

City Manager said unless the garage sets back further.

Councilor Solesbee asked if this plan eliminates churches from using Pallet Shelters.

City Manager said yes, because the State Law is written for homeless in vehicles. He added that it might be able to work if it was a tiny home on a trailer.

Public Works and Development Director Faye Stewart asked if there might be another way to allow that type of sheltering.

City Manager said it is not included in this Ordinance but there is another way to allow bringing in a structure by applying to do Transitional Housing.

Councilor Solesbee asked what the process is for City approval of Transitional Housing.

City Manager replied that it would go to the Planning Department and is handled by Staff.

Councilor Stinnett said he noticed that there is not a set duration and asked if we are going beyond the definition of only allowing it for the homeless.

City Manager said the Development Code allows someone to stay in an RV on your property for 14 days. He said there are also parameters to apply for a hardship provision.

Public Works and Development Director Faye Stewart said he believes it is a Type II permit. He said that neighbors are notified, comments are taken and a Doctor would need to sign a document stating the need for additional support. He added that it does not have to go to the Planning Commission.

City Manager said that is a great question and referred to the Statue that indicates it is written for homeless individuals. He added that there may be examples like someone selling their house and living in their RV.

Councilor Stinnett said a home could be considered inhabitable during remodel.

Councilor Solesbee asked if a care giver is the only one allowed to live in an RV, on the property of someone they are caring for.

Public Works and Development Director said that the care giver could be in the primary house or in the temporary trailer. He said the City would need the signature of a medical professional stating that it is necessary for health purposes, and the allowances are good for one year.

Councilor Ervin asked if it would be permissible for your child to live in your camper for the summer.

City Manager asked if it is the child of someone in the house.

Councilor Ervin said yes.

City Manager said that likely does not satisfy the definition, especially if they are a minor. He said it may be different if they have graduated from High School, are over 18 years of age, and have moved out to a trailer.

Councilor Ervin asked why that would be considered wrong to allow your kids to camp in the backyard.

City Manager said because travel trailers and tents are not intended for permanent habitation.

Public Works and Development Director added that it may be permissible if you met the requirements of an Accessory Dwelling Unit (ADU). He said the City would be concerned about water, sewer and sanitation hook up.

Councilor Ervin asked if they want to just sleep in the camper why would the City block it.

City Manager said there is nothing prohibiting people from sleeping in a tent or camper in their backyard occasionally, but they cannot live in the tent or camper.

Councilor Ervin said it reminds him of the City not allowing bicycles on the sidewalk. He said people can do it, but technically it is illegal.

Mayor Gowing asked if the City is going to start enforcing RV's that are not allowed or if we need to change the Code.

City Manager said if we know about them, the code needs to be enforced. He said it is hard to catch and prove.

Public Works and Development Director said it is very difficult to prove.

Councilor Fleck said this is nothing new and has been happening in our City for years. He said he is not concerned about it unless it becomes a nuisance.

Councilor Solesbee said she does not understand why the property owner cannot enter into an agreement with the person staying there to share in the work around the property.

City Manager clarified that the draft Ordinance says that performance of any valuable service in exchange for providing camping on the property is not allowed.

Councilor Fleck said if they are not getting compensated, he does not see that as a problem.

City Manager said the draft states being compensated or performing a valuable service. He said requiring them to take care of their site would be allowed, but doing additional chores, not directly related to them living on the property, creates an implied or actual contract.

Councilor Solesbee said over the years there have been a lot of people who have allowed others to live on their property in a 5th wheel and be caretaker of the property.

City Manager said it would be against Policy. He said when people do that, they are opening up themselves to the landlord/tenant relationship.

Public Works and Development Director provided an example of how requiring someone to provide services in order to stay on your property could create a contract.

Assistant to the City Manager Jake Boone said that Oregon's Landlord/Tenant Law indicates that Landlords are required to provide a habitable residence. He added that if you are requiring monetary compensation or valuable services it is considered charging rent for a non-legal residence.

Mayor Gowing said this is created to protect the property owners.

City Manager said it is to protect the property owners and surrounding neighbors.

Councilor Ervin asked if it would be nullified since it is considered an illegal contract.

City Manager said it would null the City's relationship with the property owner and create a significant burden for them.

Councilor Ervin asked if there are fees in the Fee Schedule for the penalties.

City Manager said it would be under the violations in the City Code.

(b) Electric Scooters

City Manager explained that Bird Scooters would like to place 50 E-Scooters in Cottage Grove. He said Council has been provided an overview from Bird, a memorandum of understanding, a sample Ordinance and a draft agreement. He asked Council for direction on how they would like to proceed.

Mayor Gowing asked if Bird would be doing a presentation on Monday.

City Manager replied that it is possible, but not confirmed.

Mayor Gowing indicated that Bird is looking for the City's buy-in and a private person to partner with them.

City Manager said there is no cost to the City and it could be a revenue source by having a fee per use. He said to use the scooter you download an app on your phone. He added that riders must be 18 years or older and wear a helmet.

Councilor Savage asked if she should declare a Conflict of Interest.

City Manager said you should declare if Bird has contacted you to be the resource and you are thinking about doing it.

Councilor Savage said they have not made any decisions as of yet.

City Manager replied that Councilor Savage should declare a Potential Conflict of Interest.

Councilor Ervin shared a personal story of using an E-Scooter when they were traveling in D.C. He asked if a Parks Department could be a taxing agency and if companies such as Arcimoto would be under the same type of Policy or Ordinance.

City Manager said the E-Scooters would be under the limitations as to what is allowed on the roads and vehicles like the Arcimoto would fall under a different category. He added that any collected fees could also go to bike lanes or targeted to go to a special place.

Mayor Gowing said that Bird programs the scooter to be used in a 20-24 mile area and you can create zones where they are not allowed.

Councilor Savage said in order to end your ride you have to correctly park the scooter and send a picture otherwise you will continue to be charged.

City Manager said there could be a situation where a scooter is parked properly and then someone else comes along and picks it up.

Councilor Solesbee said she supports looking into it further and she supports the City receiving revenue.

Mayor Gowing said it would be a great opportunity for an entrepreneur.

Councilor Fleck said there will definitely be problems and he wants to look at remedies.

City Manager indicated that an Ordinance may be the proper direction.

Councilor Roberts asked if they can be programed to not work on the bike path.

City Manager replied yes, but they are allowed on the bike path. He said the size of the motor makes them allowable and actually it is one of the safer locations that we would want them to be used.

Mayor Gowing asked if there were any further questions.

(c) Concerns from Council

Councilor Solesbee said she is concerned with the tents in the parks and asked if the City has been able to irrigate.

Public Works and Development Director Faye Stewart indicated that irrigation is on at Bohemia Park and he believes that people have been notified or asked to move to different locations if they are near an area that has been reserved. He said that water is on at the rest of the parks except for Trail Head and it will be monitored.

Councilor Solesbee said that someone had defecated all over the outside of the bathrooms at All America City Square and asked if it is illegal.

Public Works and Development Director Faye Stewart said it is illegal, but you have to catch them.

Councilor Ervin asked if there are cameras in the downtown area.

City Manager said there are cameras at All America City Square, Bohemia Park and Coiner Park.

Councilor Ervin asked how they are getting reviewed.

Public Works and Development Director replied that the cameras at Bohemia Park have a DVR that records for a period of time and if an issue has been reported it will be reviewed. He said it is challenging to get enough information to identify people. He added that in the locations where game cameras are used, they send a picture to the Fleet and Facilities Manager when they are taken.

Councilor Ervin asked if the photos are sufficient for using as evidence.

Public Works and Development Director said when we are able to get good photos, it is used as evidence in the Court or Peer Court.

Councilor Solesbee excused herself from the meeting for an appointment.

Councilor Roberts said he has witnessed urination and drug use in All America City Square and asked if there could be additional Police patrol.

City Manager replied that the most effective thing to do is to call the Police department when he sees it happening.

Councilor Roberts said he thinks extra Police presence would be helpful.

City Manager replied that there are over 260 acres of Parks and 4 square miles in Cottage Grove and it is not feasible to ask two officers to spend a lot of time in a 50' by 100' park. He reiterated that if you see illegal activity to call immediately.

Councilor Roberts asked if he should call non-emergency number or 911.

City Manager said call the non-emergency if it is not a life or death situation.

Councilor Stinnett asked for an update on the team from Botswana coming to Cottage Grove for the World Games.

City Manager said that we are working with the Botswana and the Chilean team. He said the Botswana team has the latest proposal and we may hear back from them next week. He added that the Chilean team was specifically looking for a location with the Hammer Throw and it is not available on the school track fields.

Mayor Gowing said that Creswell built a Hammer Throw for the Finland team.

Councilor Savage asked for an update on the house on River Road.

City Manager replied that the tenants are gone and the owners are in the process of cleaning it.

Councilor Roberts asked if the owners of the Drury Apartments could fence the front of the property.

City Manager said that the City could reach out to them.

Mayor Gowing announced that he will be running for another term as Mayor.

Business from City Manager

- (a) Approval of and Authorization for City Manager to Enter into Collective Bargaining Agreement with the Laborers Local No.737 General Unit

City Manager said there will be an Executive Session to discuss the topic and if there is consensus in the session we will come back to the regular Council Meeting.

- (b) Report from City Manager

City Manager Richard Meyers asked Councilors to mark their calendars for July 7th from 12:00 to 2:00 pm for the Ribbon Cutting at Harrison Village Apartments.

City Manager asked Councilors to review the handout from the League of Oregon Cities and to start thinking about the Legislative Priorities that we would like to turn in.

City Manager announced that on Monday, August 1st the Eugene Symphony will be coming to Bohemia Park and the concert will start at 8:00 pm.

Business from the City Attorney

None

Items Removed from the Consent Agenda

None

Executive Session

- (a) Executive Session Held Pursuant to ORS 192.660 (2)(e) to Deliberate with Persons Designated by the Governing Body to Negotiate Real Property Transactions.
- (b) Executive Session Held Pursuant to ORS 192.660 (2)(d) to Deliberate with Persons Designated by the Governing Body to Carry on Labor Negotiations

Mayor Jeff Gowing adjourned the meeting at 9:42 am.

Mindy Roberts, City Recorder

Jeffrey D. Gowing, Mayor