

CITY OF COTTAGE GROVE
CITY COUNCIL
AGENDA SESSION MINUTES
October 21, 2022

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

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

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, Finance Director Roberta Likens and City Planner Eric Mongan.

Items to Be Added to the Agenda

None

Public Hearing

(a) Public Hearing for Proposed Supplemental Budget

City Manager Richard Meyers explained that the Public Hearing is for a Supplemental Budget to move funds that were put in the Contingency Fund back into the budget for the Homeless Shelter and the Community Health Clinic.

Mayor Gowing asked if there were any questions.

(b) Public Hearing for Ordinance Amending the Cottage Grove Municipal Code Regarding Chapter 14.35 Surface Water Management to Add Section 14.35.200 Stormwater Detention and Treatment

City Planner Eric Mongan explained that the Public Hearing is to take comments on the proposed ordinance that would adopt low impact development standards for stormwater detention and treatment as part of the City's five year TMDL plan.

Councilor Fleck pointed out that the link is not working for the Eugene manual.

Mayor Gowing asked if there were any further questions.

Consent Agenda

- (a) Approval of September 26, 2022 City Council Minutes
- (b) Extra Mile Day Proclamation
- (c) BMX Track License Agreement

City Manager Richard Meyers pointed out that one item on the Consent Agenda is an updated License Agreement for the BMX Track with some minor language changes to help clarify the agreement. He said the changes do not alter the intent of the original agreement.

Resolutions and Ordinances

(a) Resolution Adopting a Supplemental Budget for Fiscal Year 2022-2023 and Making Appropriations

Mayor Gowing asked Finance Director Roberta Likens if she would like to add anything regarding the Supplemental Budget.

Finance Director Roberta Likens said that after considering any comments made during the Public Hearing, Council can then make a decision regarding the Supplemental Budget. She added that it was advertised as required and it is to make changes that were previously made by Council.

(b) Resolution Placing Liens of Specific Properties as a Result of Nuisance Abatement

City Planner Eric Mongan informed Council that over the summer, Planning Staff abated nuisances on three properties regarding mowing tall grass and blackberries. He said the property owners were notified via first class-certified mail and they did not respond to their invoices in a timely manner. He added that it is now appropriate to place a lien on the properties.

Mayor Gowing asked if there were any questions.

Councilor Fleck asked if one of the property owners is deceased.

City Manager replied yes, and the lien would be on his estate.

(c) Second Vote for Ordinance No. 3164 Amending Title 10 Vehicles and Traffic

City Manager Richard Meyers reminded Council that the first vote has been held on this ordinance. He said a section has been added to help clarify the definitions of street, as it is used throughout Title 10. He added that the ordinance establishes rules regulating camping and sleeping in vehicles on the right of way and prohibiting the use of tents or structures in the right of way; including bike lanes, sidewalks and planting strips.

Councilor Fleck asked in Section 10.30.20 (A) (1), if the parking regulation is in reference to the City's 72 hour parking restriction.

City Manager replied yes, and it would also includes no parking in front of fire hydrants, loading zones and any of the other regulations.

Mayor Gowing asked if there were any other questions.

- (d) First Vote for Ordinance Amending Chapter 14.35 Surface Water Management of the Cottage Grove Municipal Code Regarding Adding Section 14.35.200 Stormwater Detention and Treatment

Mayor Gowing announced this will be the first vote on the item from the Public Hearing.

Business from City Council

- (a) Award of Cottage Grove Airport Sewer Line Extension Project Contract

Public Works and Development Director Faye Stewart explained that a posting was made to obtain bids to extend a sewer line into the Cottage Grove Airport. He said three bids were received and Wildish Construction was the low bid. He added that the work is being done for a business that is working through the process to build a facility in the airport.

Mayor Gowing asked if there were any questions.

- (b) November and December City Council Meetings

City Manager Richard Meyers explained that due to Holidays and a busy conference season, Council may want to review their calendars and determine if they want to consider cancelling any of the meetings in November or December.

Mayor Gowing asked, if Council holds the first meeting in November, would the Agenda Session be cancelled, since that Friday is often used to take a four day weekend.

City Manager replied yes, and also possibly the Friday before the November 28th meeting if Council decides to hold that meeting.

Councilor Fleck said he would like to make sure the ordinance with park restrictions would be done by the end of the year.

City Manager replied that it could be done by the end of year.

- (c) Concerns from Council

Councilor Ervin reminded Council of the Skate Park event happening on Saturday.

Business from City Manager

(a) Management Plan for Use of Public Lands by Individuals Experiencing Homelessness

City Manager Richard Meyers informed Council that this Agenda item is a proposed management plan for the use of City Parks. He provided an update regarding the Hwy 99 Emergency Shelter and the need to provide an alternate location for those that are not able to come into the shelter for eligibility reasons. City Manager said that Staff reviewed all of the City's Public Lands and prepared this plan for Council's consideration. He explained the three levels, discussed the properties in each level and the proposed use and services that would be available. He added that under City code the City Manager could start administratively enforcing the plan, and if Council approves the plan we would want to adjust the code to address things such as park hours.

Mayor Gowing asked if there were any questions.

Councilor Solesbee asked if the sites would be unmanned.

City Manager replied yes, we considered dusk to dawn, but the staff time involved would be more than we have the ability to do.

Public Works and Development Director Faye Stewart said the Public Works staff would probably be at the sites at least once a day.

Mayor Gowing asked if there would be opportunity for nonprofits to get involved.

City Manager replied yes, the opportunity would be there and Carry It Forward has also expressed interest in helping in any way they can. He added that it will also be a benefit to designate specific locations so that we can maintain contact.

Councilor Solesbee said, wouldn't dusk to dawn management only be requiring Public Works to check in one time a day.

City Manager replied no, with a dusk to dawn site we would need to be there a couple hours at 7:00 pm each night checking people in and then again at 7:00 am in the morning. He said with the proposed plan, the Public Works crew will only be going to clean the port-a pottys, dump the trash, and stock the paper products during work hours and not staying on site for hours doing management. He added that the Police would also not need to be there at opening and closing trying to get people to move from the site.

Councilor Ervin asked if power would be provided at Trail Head Park.

City Manager replied that we will not be using Trail Head Park. He said we will be using the Warming Shelter site and there will be power and running water.

Councilor Ervin asked if use of the power would be open to the public.

City Manager replied that it would be open to whoever comes into the facility to use it. He added that the Public is not allowed to camp on public lands and according to case law, only those experiencing homelessness are allowed to camp on public lands.

Councilor Ervin said what if your wife says you are not welcome in the house.

City Manager said the term homeless has not been defined yet and there is no way of judging if someone is truly homeless.

Councilor Fleck said that HUD does have a definition of homeless and the number of 188 unhoused are the people who are self-declared.

City Manager said there was discussion whether or not to turn the power and water on. He said if we do not turn it on, things would likely get destroyed.

Councilor Ervin said we are discriminating against people with electric cars if we do not put a charger in there.

City Manager replied that there are other locations with chargers for cars.

Councilor Solesbee said basically this is another permanent homeless shelter.

City Manager replied that it will be a shelter to be used as needed.

Councilor Solesbee said she was told by the City Attorney that we could do a dusk to dawn and now you are telling us that we cannot.

City Manager replied that we can do a dusk to dawn, but we do not have the Staff to do it.

Councilor Solesbee asked what about volunteers.

City Manager replied that you are not going to successfully have a program based solely on volunteers being there every day, morning and night.

Councilor Solesbee said the police were at the homeless shelter often. She said this has been misleading the entire way and she disagrees with it.

Councilor Fleck said there is no silver bullet and this is one step. He said once the shelter is full and people realize that there are no opportunities, they will go to the metro area where there are services. He added that we will always have people with needs beyond what a case managed site like ours can handle and they should be in a State hospital.

Councilor Solesbee said, so what is the solution.

Councilor Fleck replied that the solution is to get the State Legislature to open psychiatric facilities for people who are at that level of need. Councilor Fleck said that this is the best answer and he reiterated that he thinks a dusk to dawn site would overload our Public Works and Police.

Councilor Solesbee said right now we have a low barrier site and now we are going to have unmanned sites. She said youth and families will not feel okay being at them and they will still camp on BLM lands. She added that yesterday she heard of a heart breaking incident and there is still no place for the children and youth to go. She said our ARPA funds should be used to protect them.

City Manager Richard Meyers said that from the beginning we have said that we will still have to do things to manage our public lands.

Councilor Solesbee interrupted the City Manager and said what about the youth.

City Manager replied that the City does not have the resources and expertise to deal with youth and youth require specialized services. He added that Looking Glass is the best resource for the youth, the City has been working them and have donated \$15,000 to their program.

City Manager explained the situation that took place at the Emergency Shelter when a family came over to use the shower trailer that Councilor Solesbee was referring to. He explained that the Police were able to help the family into a safe place to stay for the night and that Teresa Cowan, through the Response Network was able to raise over \$500 for the family.

City Manager cited two examples of members of the community who intruded onto the Emergency Shelter site and tried to jeopardize and sabotage the work that is taking place. He added that there was also a situation where an individual, who speaks regularly at Council, approached a Carry It Forward outreach worker in Trail Head Park and created an antagonizing environment. He said we are facing people who are sabotaging the efforts that are actually making a difference, instead of collaborating. He said we have the connections and we need to continue to strengthen the connections with organizations that service families.

City Manager said the plan is just one piece of the solution, we do not want people camping in the parks and the plan is intended to help up manage the parks.

Councilor Fleck said there has never been sheltering for families in Cottage Grove and he mentioned the organizations that do offer help for them. He added that Cottage Grove should not be taking on more than we need to and it should be for the County to take care of.

Mayor Gowing informed Council of a task force that he chaired, comprised of 25 Mayors from around the State that have been working on a plan to humanely and timely address the homelessness crisis in Oregon. He said the Mayoral Task Force has submitted the plan to the Legislature asking for funding to assist Cities across the State to tackle issues surrounding homelessness.

Councilor Ervin asked when municipalities would see the money, if it passes the Legislature.

Mayor Gowing said he is not aware of how the money is released.

City Manager said that it would probably be determined based on how they set it up in the budget and how they made it effective in the Legislative Act.

Mayor Gowing said the total funding package was approximately \$124 million.

Councilor Ervin asked if something like Cahoots could be funded.

City Manager replied that it is one of the eligible expenditures of the money.

(b) Report from City Manager

City Manager Richard Meyers read to Council a statement from the FBI regarding the Alexander Harrelson incident. The letter indicated that the FBI determined the Cottage Grove Police Department and Officers did not violate Federal Criminal Statutes. He added that at this point the FBI does not intend to conduct an additional investigation.

City Manager reminded Council of several upcoming events including the Halloween Hootenanny on October 31st, the Model Train Show on October 28, 29, and 30 and the Mayor's Ball on November 12th.

Mayor Gowing said the Mayor's Ball will be Aloha themed.

Councilor Ervin asked what the criteria is to place an officer on leave during an investigation.

City Manager replied that there are many factors that are taken into consideration. He said in the Harrelson incident there was not anything that substantially damaged the officer's ability to perform their work functions and there was no need for administrative leave. City Manager said in the case of the other Staff that was put on administrative leave, in order to do the investigation and stop some of the alleged charges from potentially happening, administrative leave was essential.

Councilor Ervin asked if that is up to the judgement of the City Manager.

City Manager replied that it is the Chief's judgement call.

Business from the City Attorney

- (a) Report from the City Attorney

None

Items Removed from the Consent Agenda

None

Executive Session

- (a) Executive Session Pursuant to ORS 192.660 (2)(i) to Review and Evaluate the Employment Related Performance of the Chief Executive Officer

Mayor Gowing reminded Council that Executive Session will held after the Council meeting on Monday night.

Mayor Gowing adjourned the meeting at 9:28 am.

Mindy Roberts, City Recorder

Jeffrey D. Gowing, Mayor