

**COTTAGE GROVE CITY COUNCIL
MEETING MINUTES
SEPTEMBER 26, 2022**

CALL TO ORDER

Mayor Gowing called the meeting to order at 7:02 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 Gowing, Councilors Candace Solesbee, Chalice Savage, Jon Stinnett, Greg Ervin, and Kenneth Michael Roberts.

PRESENT VIA GOTOMEETING: Councilor Mike Fleck.

COUNCIL ABSENT:

YOUTH REPRESENTATIVE: Emma McDonald.

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

STAFF PRESENT VIA GOTOMEETING: City Manager Richard Meyers.

CITY ATTORNEY: Carrie Connelly.

MEDIA PRESENT: Cameron Reiten, KNND.

ITEMS ADDED TO THE AGENDA

None

APPEARANCE OF INTERESTED CITIZENS FOR ITEMS NOT ON THE AGENDA

Edward Renfro Rice Hill, Oregon expressed concern about the Medical Clinic at Lane Community College giving children the wrong medication. He also expressed concern about an incident that took place between his nephew Alex Harrelson and Cottage Grove Police officers.

Johanna Zee 1386 Cottonwood Place, Cottage Grove, Oregon spoke in favor of citizens being a part of the process and providing comments regarding Affordable Housing. She expressed concern about listening to organizations such as League of Oregon Cities, OHA and CDC for direction and truth and encouraged Council to get out and talk to people.

Venice Mason 28 South 6th Street, Cottage Grove, Oregon presented photos to Council and expressed concern about an incident that took place between Mr. Harrelson and Cottage Grove Police officers.

Barbara Schaaf 953 South U Street, Cottage Grove, Oregon expressed concern about tent campers at Hwy 99 and Main Street. She said there are sanitation issues and laws that they are breaking and they should be sent home.

Jim Hauser 230 North I Street, Cottage Grove, Oregon spoke in support of the Cottage Grove Police and how they have handled incidents and defused situations with people who are on drugs and cocaine induced paranoia. He expressed concern about there being a lack of mental health support services in Cottage Grove and his concern with Council voting to create a homeless shelter.

Bruce Kelsh 78340 Halderman Road, Cottage Grove, Oregon read a statement expressing his concern about a September 1st police incident that involved Alexander Harrelson.

Dana Merryday 205 Adams Ave. Cottage Grove, Oregon expressed concern for the Weyerhaeuser workers on strike and urged Council to offer a letter of support.

Mayor Gowing read a prepared statement to attendees regarding a recent police incident.

PUBLIC HEARINGS

None

CONSENT AGENDA

- (a) Approval of September 9, 2022 Agenda Session Minutes
- (b) Approval of September 12, 2022 City Council Minutes
- (c) Domestic Violence Awareness Month Proclamation
- (d) Acceptance of Modification to Agreement for Easement for a City Water Line Easement at 900 N. Douglas

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ROBERTS TO APPROVE THE CONSENT AGENDA.

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

RESOLUTIONS AND ORDINANCES

- (a) Second Vote for Ordinance No. 3163 Amending Title 5, Business Licenses and Regulations, Chapter 5.32, Transient Room Tax

Finance Director Roberta Likens provided background information regarding the ordinance and reminded Council that the first vote was held at the previous Council meeting. She said the City of Eugene is no longer contracting with various agencies to collect transient lodging taxes and this ordinance will align the City’s existing room tax procedures with the administrative requirements of the Oregon Department of Revenue. She added that this will allow the Oregon Department of Revenue to collect the tax for the City and the ordinance does not create a new tax or change the City’s existing room tax rate.

IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR ROBERTS TO ADOPT ORDINANCE 3163 AMENDING TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.32, TRANSIENT ROOM TAX AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF REVENUE FOR COLLECTION OF THE TRANSIENT LODGING TAXES BEGINNING OCTOBER 1, 2022

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing announced Ordinance Number 3163 is adopted.

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

City Manager Richard Meyers provided background information regarding the ordinance and reminded Council that the first vote was held at the previous Council meeting. He said the ordinance establishes regulations associated with camping inside a vehicle or camping within the right of way. He added that currently there are no regulations prohibiting camping in a vehicle in the right of way and if we did have regulations, *Martin v Boise* would require that they be removed from the code. He read aloud the regulations that would be established as a part of the ordinance.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ROBERTS TO ADOPT ORDINANCE 3164.

Councilor Solesbee expressed concern that this is vehicle regulation and it is not about camping in residential neighborhoods and on public streets. She said despite the fact that the City is creating a homeless camp and has established an overnight camping program, the City is stepping up doing a lot more. She said she cannot support the ordinance and it should be brought back to the Council and fixed.

Councilor Ervin asked to clarify that camping in the public right of way is currently permissible.

City Manager replied yes, it is permissible to park in the right of way and camp in a vehicle. He added that there is a 72 hour regulation and that would stay in place for this ordinance.

Councilor Ervin offered a friendly amendment to the motion by not allowing the vehicle to park within 1,000 feet of a public or private school, established licensed daycare or public playground and change the reference from camping in right of way to camping in a public right of way.

City Manager said the limitation of 100 feet keeps things away from parking, drop off zones and the extra traffic that occurs as a result of schools and it would be hard to describe the impact of 1,000 feet. He said when you increase it to 1,000 feet it goes from the borders of the property lines and it would overlap a sizeable portion of our community.

Councilor Roberts asked if there is a 1,000 foot distance for marijuana businesses and manufacturers from schools.

Eric Mongan replied that State law designated the distance of 1,000 feet.

Councilor Ervin referred to City code and read the definition of Public Right of Ways. He said at the last Council meeting he had asked about bike paths and trails. He asked the City Manager to reiterate his response.

City Manager said that bike paths and trails are right of ways. He said the City does have properties that are used as paths, but they are title owned property and do not fit into the public right of way rules. He added that we could look at the term right of way and add the word public, but sometimes it may be redundant.

Councilor Ervin asked for a definition of public areas and said he thinks that a park would be a public area.

City Manager replied that a park is not a right of way, it is land that is designated separately. He said when they are talking about public ways or areas it is meant for the thoroughfare of traffic.

City Attorney Carrie Connelly said she hesitates trying to correlate sections Title 10 and 12 of the City code. She said if Council wants to make this type of change she would want to look at it very carefully to make sure there are not unintended consequences. She said leaving the wording as right of ways makes it clear that it is all City streets and if it is changed to public right of ways there may be unintended impact.

Councilor Ervin said he was told previously that right of way and public right of way mean the same thing and now that he is asking about it again, it is a problem. He added that right of way is defined as public right of way, but in section 10 it is undefined except for the addition of bike lanes, sidewalks and planting strips. He asked if that is now the definition of right of ways, which is distinct from public right of ways.

City Attorney Carrie Connelly said the intent was to make a minor change because the City's traffic ordinance relies on the Oregon Vehicle Code.

City Manager read aloud the definition of Street from Title 10 in the City Code and he said it references the ORS Code.

City Attorney Carrie Connelly said that she does not want to analyze on the spot what changes should be made to an ordinance that would become a part of City code.

Councilor Ervin said he wants to know what the outlook is to preserve the use of City parks. He said he wants clarity and all the terms defined before making decisions.

Councilor Savage asked if there is a difference between a bike path and bike lane.

Councilor Savage asked who is responsible for cleaning up abandoned vehicles under City code and if that changes if the ordinance passes.

City Manager replied that the City is responsible for removing abandoned vehicles off City streets regardless of the ordinance. He continued by explaining the process for having vehicles and RVs towed and demolished.

Youth Representative asked Councilor Solesbee to consider the youth who may not fit into the category of homeless. She said there are a lot of kids who do not have options other than sleeping in their vehicles.

Councilor Solesbee said she believes that our community will help the youth and she continued by explaining the City's new camping ordinance. She said we need to ask these questions and our citizens are at stake.

Councilor Fleck said he is okay with putting this decision off until a further meeting and would withdraw his motion if the second is willing to do the same.

Councilor Roberts said he will withdraw his second.

Councilor Stinnett asked Councilor Ervin if his concern is that a right of way may not be interpreted as a park.

Councilor Ervin said he was hoping that a park would be interpreted as a right of way and that the entire public area is for people to move freely.

BUSINESS FROM THE CITY COUNCIL

(a) Contract Award for Hwy 99 Emergency Shelter Operations and Services

City Manager Richard Meyers announced that there was one proposal submitted in response to the RFP by Carry It Forward to provide services at the Hwy 99 Emergency Shelter facility. He briefly explained the costs and parameters included in the proposal.

Bruce Kelsh 78340 Halderman Road, Cottage Grove, Oregon spoke in support of Council awarding the contract to Carry It Forward.

Johanna Zee 1386 Cottonwood Place, Cottage Grove, Oregon said there was not a consensus in approving the homeless shelter and because there were two people who decided they did not like it, they should not demonstrate unity. She added that she does not know the process but she is formally protesting the proposal and she said that she supports a community approach not a housing first approach.

Venice Mason 28 South 6th Street, Cottage Grove, Oregon spoke in favor of the homeless shelter and Carry It Forward.

Councilor Roberts expressed concern about the amount of the contract proposal and said there needs to be someone at the facility 24/7. He added that he thinks Council needs to work up a policy for the overflow.

Councilor Fleck addressed comments made about ethics and pointed out that Community Sharing is only as a supporting agency. He said there is no Potential or Actual Conflict of Interest. He added that he also has concerns about the site being managed 24/7 and does not want to see shifts monitored with cameras.

City Manager Richard Meyers addressed comments made about coverage at the facility and informed Council that Kris and Arwen from Carry It Forward are present to help answer questions. He continued by saying that the intent is to have people there for full shifts, but there will be times when people are on lunch or breaks and it will be monitored by cameras as a backup.

City Manager addressed concerns made during public comment regarding the number of RFP's submitted, Carry It Forward's previous support and involvement in the community and rumors of tents and lack of services at the Emergency Shelter facility.

Councilor Savage briefly left the Council Chambers and reentered at 8:20 pm

Councilor Roberts asked what is the response time when something happens when the facility is under camera surveillance.

Kris McAllister, Executive Director for Carry It Forward clarified the wording in the contract, referring to remote surveillance. He expanded by saying that they do plan on having people on staff 24/7 but people may need to step away for breaks.

Councilor Solesbee asked, since Carry It Forward does not allow level 3 sex offenders and people with violent history are they able to do background checks.

Kris McAllister said they use a State database to determine if someone is a sex offender and if so, the classification level. He said they do have the capacity to run criminal background checks on staff or clients.

Councilor Solesbee said the RFP states that you cannot do background checks to turn people away.

Kris McAllister replied that Carry It Forward is not being required to do background checks at this point, but they are able to do them, if there is a concern.

Councilor Solesbee said you are basically just looking at a sex offender list.

Kris McAllister said they verify it through the HMIS program.

Youth Representative asked how many onsite staff there are at any given time.

Kris McAllister replied that it is one to six, depending upon what is taking place.

Youth Representative asked is Carry It Forward does front door evaluations.

Kris McAllister replied yes, they do front door assessments and have been doing them in Cottage Grove, East Lane County and Springfield for the last year.

Councilor Ervin asked Kris McAllister to describe the strategy for managing the shelters availability during freezing nights.

Kris McAllister said the proposal is a year round Emergency Shelter for Cottage Grove residents. He said the goal is to make sure that people do not need beds on freezing nights if there is availability in the shelter. He added that there will also be space inside the building and they have staffing and volunteers committed to helping in churches or other locations on freezing nights.

Councilor Stinnett asked how much space is in the building in case it is needed on cold nights.

Kris McAllister said based on the square footage they have floor space available for several people, potentially a couple of units for people who made need additional space and a portable unity that could be brought onsite.

Councilor Roberts asked Kris McAllister to explain what a day is like at the shelter.

Kris McAllister explained the processes starting with the 8:00 am morning shift, followed by case management, laundry services, volunteer duties, counseling services, classes, meals and ending with the overnight team focusing on safety and walkabouts.

Youth Representative asked if the staff is already hired.

Kris McAllister replied yes.

Youth Representative asked how they intend to retain staff.

Kris McAllister explained how they keep their camp models similar so that they can keep wages the same and offer benefits. He added that most of their staff are in training to become community health care workers which allows them to bill out the support and offer front door assessments. He said the starting wage is approximately \$18.00 and they are working to have more benefits by having more contracts in a cohesive way.

Councilor Roberts asked if people and organizations will be able to volunteer at the facility.

Kris McAllister said Carry It Forward welcomes volunteers who agree with supporting the dignity and privacy of everyone involved in a way that is conducive to their personal growth.

Councilor Solesbee said it bothers her that there are no requirements to get into drug and alcohol treatment. She added that she is skeptical on a program that gives all the benefits without requiring them to get into a program.

Kris McAllister reiterated that when a client is ready and able to enter into treatment it is transformative. He said the average person struggles and relapses and Carry It Forward wants to be the safe spot for them to keep trying. He said behaviors are what will get people expelled from the sites. He added that you cannot force people to enter treatment, and when you do, they do not get better, they get worse. He said they want to make sure that it is okay to be in recovery and they give every option and the availability to do it. He said there are mental health and substance use professional integrated into their staff, policies and outlets.

Councilor Solesbee asked about the pledge of interest from South Lane Mental Health and Laurel Hill and if there are other people on their team.

Kris McAllister said they recently acquired a collaborative grant from OHA that allows funding for a mental health and substance use counselors team. He added that they are utilizing the system and are a part of what the county offers.

Councilor Solesbee asked if they are employees or contracted out.

Kris McAllister said they are services that are already contracted in the county.

Councilor Solesbee said so they are just contracted.

Kris McAllister said they are scheduled to come in and speak to people who have specific needs.

Councilor Solesbee asked what he means by there is a prescriber coming in.

Kris McAllister said some people have established care with providers and the providers come in to check in with them and be a part of the medical response.

Councilor Solesbee asked where someone goes when they get kicked out.

Kris McAllister said they do not abandon anyone and try to give them the ability to resolve behaviors before they are asked to leave. He said if they cannot get the situation under control with their internal mechanisms they call the police. He added that he does have beds available at other sites if someone needs to be removed for a few days.

Councilor Solesbee asked how people are identified as being from Cottage Grove.

Kris McAllister said sometimes they are identified by their birth certificate, graduate records, other partners that they have been working with or they have been identified from the outreach programs.

Youth Representative asked what programs they have to help get people back into the community.

Kris McAllister said they work to help people integrate when they can by using work teams and community partners.

Youth Representative inquired about the HMIS data and if it indicates how long people remain housed after leaving the program.

Kris McAllister said there are ways to follow up in 6 month and 12 month intervals after someone has been housed or left the shelter. He said that he would have to run reports to get the information and it would vary based on the type of facility that he is looking at.

Councilor Savage thanked Kris McAllister for coming and answering all the questions.

Councilor Ervin inquired about the connection with the Conestoga huts and if they work in concert with what Carry It Forward does.

Kris McAllister said that he cannot speak for Community Support Shelters except that they are an honored ally in the work against homelessness and Carry It Forward does use Conestoga huts as they are often used by communities just like pallet structures are. He added that sometimes Carry It Forward does rely on out of network transfers for individuals who may be having a hard time at their current location.

Councilor Ervin asked who is responsible for any damage done to the structures and rates of maintenance costs.

Kris McAllister said Carry It Forward utilizes the equipment as it is. He said he would refer the question to the City Manager regarding liability.

Councilor Solesbee said that she feels the proposal should include the success rate of people coming out of the shelter.

Kris McAllister replied that different models have different success rates. He said he is proud of the 85% success rate they had at their 10 bed shelter that was closed in July and he explained the factors that contributed to the success.

Councilor Solesbee said it concerns her that when the money runs out the shelters close. She said you just closed a shelter that had an 85% success rate because the money ran out.

Kris McAllister said the shelter that closed was only open under the County’s request for a limited term contract. He said Cottage Grove’s shelter is a community shelter, a long-term shelter and one that is meant to keep people permanently out of homelessness while you are building the houses, services and providers. He added that he believes in the success rate of people who are willing to try and this community is trying.

Youth Representative asked for clarification regarding the limited term shelter grant.

Kris McAlister explained that they did not seek additional funding because the County was transferring services to a County owned site and did not need the use of the Carry It Forward building any longer.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR STINNETT TO AWARD THE HWY 99 EMERGENCY SHELTER OPERATIONS AND SERVICES PERSONAL SERVICES AGREEMENT TO CARRY IT FORWARD IN THE AMOUNT NOT TO EXCEED \$200,000 A FISCAL YEAR AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL ASSOCIATED DOCUMENTS SUBJECT TO EXPIRATION OF THE PROTEST PERIOD OR RESOLUTION OF ANY TIMELY FILED PROTEST.

Mayor Gowing announced there is a motion with a second and called for further discussion.

Councilor Roberts acknowledged that this is a difficult situation and said he believes this is a good direction to go based on the reality of what is happening across the country.

Councilor Ervin said he believes that there is pure intent in the execution, but he does not support the RFP. He added that the ends do not justify the means and there are other ways to go about it.

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

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X			X
NAYS					X	X	
ABSTAIN							

(b) Intergovernmental Agreement between Cities of Cottage Grove and Drain Regarding Planning Services

Public Works and Development Director Faye Stewart presented background information on the request to provide planning services to the City of Drain. He said Drain currently has a contract

with a third party and they have decided to look for another provider. He said after review, the City planning staff believe they could provide the needed services. He said it is estimated that it would require approximately five hours per week between the Assistant City Planner and City Planner and the compensation from Drain would be \$15,000 per year.

Councilor Solesbee asked what if the amount of time spent goes over estimated hours.

Public Works and Development Director replied that each year an addendum can be done to adjust the agreement.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND DRAIN AND DIRECT THE CITY MANAGER TO SIGN THE AGREEMENT.

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

Councilor Ervin said he has confidence that staff will keep an eye on the amount of time spent and if it is cutting into our primary mission it would be addressed.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(c) Concerns from Council

Councilor Roberts addressed a few topics of concern. He requested that at a future meeting Council discuss police body cameras again, if the police could start enforcing the City’s shopping cart ordinance. He complimented the street and sidewalk repairs that took place where the Sequoia trees were removed and thanked Les Schwab for the use of services for the car wash supporting the BMX track.

Councilor Roberts asked the Public Works and Development Director if the new sidewalk on Hwy 99 will affect the Benny Hubbell Park.

Public Works and Development Director does not believe that it will, as the work is not intended to cross that area.

Councilor Roberts announced that at Art Walk on Friday night the Mural Committee will be unveiling a new mural and he presented a \$200 check on behalf of Bohemia Mining Days to Interim Chief Groth for the Dog Kennel.

Councilor Savage told Council about two separate incidents that happen last week; one involving citizens and the other involving a citizen and police officers, that both demonstrated kindness, compassion and gratefulness.

Councilor Stinnett asked the Mayor if the statement he read earlier was meant to be read on behalf of the entire Council.

Mayor Gowing replied no, that it was from him.

Mayor Gowing told Council that if they want to offer a letter of support to the Weyerhaeuser workers he could help.

Councilor Ervin requested a presentation from the Police Department including statistics that would give a picture as to what is transpiring in Cottage Grove and asked that it be a regular presentation.

IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR SOLESBEE TO DIRECT THE CITY MANAGER TO PRESENT CRIME STATISTICS WITHIN THE CITY OF COTTAGE GROVE AND THE SURROUNDING AREAS FOR THE PAST TEN YEARS AND TO DO SO ON A FREQUENT BASIS GOING FORWARD.

Mayor Gowing announced the motion with a second and called for discussion. Seeing none he called the vote.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Councilor Roberts asked if the Acceptance of Modification to Agreement for Easement was overlooked.

Public Works and Development Director replied that it was on the Consent Agenda.

BUSINESS FROM THE CITY MANAGER

(a) Report from City Manager

City Manager Richard Meyers updated Council on various topics.

He informed Council that Interim Chief Groth has been investigating funding sources and opportunities to move forward with body cameras for the police department.

He said there are two churches that have volunteered and participated in helping at the shelter site. He said one of them has helped by making curtains and constructing and donating picnic tables and the other is buying materials needed to construct garden boxes for the site. He added that we are looking to purchase two sets of stackable washer/dryer units and there are other opportunities for people to volunteer and participate.

He said the City has been in discussion with Beds for Freezing Nights and talking with them about how to coordinate and activate through the winter.

BUSINESS FROM CITY ATTORNEY

(a) Report from City Attorney

City Attorney Carrie Connelly announced that she has advised City Staff about some sign code regulation issues. She said signs that are not content neutral and are content based should not be enforced within the City.

Discussion was held with the City Attorney and Councilors to clarify the issue.

City Attorney said currently political sign restrictions are not being enforced in the City of Cottage Grove and a replacement sign code has been drafted.

Youth Representative asked if the code is being amended to make political signs enforceable or not enforceable.

City Attorney explained the rules around the 1st Amendment and how it affects the sign code.

City Planner Eric Mongan said there are also some date specific provisions in the City's sign code that needs to be addressed. He added that he has discussed the possibility of having a committee to help understand what the City of Cottage Grove wants to have in the sign code.

ADJOURNMENT

There being no further business, Mayor Gowing adjourned the regular meeting of the City Council at 9:31 pm.

The next regular City Council Meeting will be held October 10, 2022 at 7:00 pm in the Council Chambers at City Hall.

Mindy Roberts, City Recorder

Jeffrey D. Gowing, Mayor