

CITY OF COTTAGE GROVE
CITY COUNCIL
AGENDA SESSION MINUTES
December 9, 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, 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, Finance Director Roberta Likens and City Planner Eric Mongan.

Items to Be Added to the Agenda

None

Public Hearing

- (a) Public Hearing for Ordinance Vacating 198 Square Feet of Right-of-Way Located at the Southeast Corner of the Intersection of South 7th Street and East Fillmore Avenue

City Planner Eric Mongan provided Council background information on the proposed ordinance that will be the topic of the Public Hearing. He explained that during the Safe Routes to School Project, it was discovered that a portion of a developed street cross section was on private property. He said Staff negotiated with the property owner for the City to vacate 198 square feet and the property owner will dedicate 502 square feet back to the City. He added that this will put the public facilities into the public right-of-way.

Mayor Gowing asked if there were any questions.

Consent Agenda

- (a) Approval of November 14, 2022 City Council Minutes
(b) Proclamation Regarding November 8, 2022 General Election
(c) Acceptance of an Easement for an 8" Sanitary Sewer Extension into Cottage Grove State Airport

Resolutions and Ordinances

- (a) Contract for Body-Worn Cameras and Related Officer Safety Equipment

Interim Police Chief Jeff Groth provided Council information regarding the proposed contract to provide body-worn cameras, updated taser equipment and cloud based digital storage.

Mayor Gowing asked if there were any questions.

Councilor Stinnett asked what the changes in the taser equipment are.

Interim Police Chief explained that the City currently uses an older version of tasers. He said this contract would upgrade the City to the latest model of tasers, which are only available in the bundled contract. He added that the Axon contract also provides an upgrade in all of the equipment anytime it is available, at no additional cost.

Councilor Solesbee asked if this is an equipment lease program.

Interim Police Chief said it could be looked at that way, although the intent and hope is that the contract would be renewed at the end of the five year period. He added that the City would own the equipment, but he understands the point that is being made.

Finance Director said that it is considered a purchase agreement and for accounting purposes the City will not enter into a lease.

Mayor Gowing asked if there were any further questions.

- (b) City Council Adopt Resolution Approving a Joint Grant Management Agreement between the City of Cottage Grove and Bohemia Foundation, Inc. for Management of the Bohemia Park Entry Plaza Project

Public Works and Development Director Faye Stewart provided Council background information regarding the resolution and the need to satisfy specific award conditions for the grant. He added that the agreement was crafted and reviewed by legal counsel to ensure that it meets the EDA requirements.

Mayor Gowing asked if there were any questions.

- (c) A Resolution Repealing Resolution No. 1865 and Adopting New Cottage Grove City Council Procedural Rules

City Manager Richard Meyers provided background information regarding the resolution. He said the committee consisting of Mayor Gowing, Councilor Fleck and Roberts met on three different occasions with himself and the City Attorney. He said the significant changes were done to fix the rules to meet the hybrid meeting requirements and to move all public comment back to the beginning of the meeting.

Councilor Stinnett said he noticed that the public comment time to speak was changed from five to three minutes, and asked if that is for both items on and not on the agenda.

Mayor Gowing replied yes.

Councilor Ervin said he is concerned with the language used regarding social media and that it is compelled speech.

Councilor Fleck said he believes that particular section was from the City Attorney. He explained that Councilors cannot say the Council body believes a certain way unless it has the Council vote of support. He added that he is okay rewording the section so that it is clearer.

Councilor Ervin replied that there is a section stating what Councilor Fleck is referring to and that there is a separate section stating what you must say when making a private comment in any form of electronic communication. He added that mindset is totalitarian and he will be working on a revision.

Open discussion was held between Councilor Fleck and Ervin regarding councilor communication, First Amendment rights and public records.

Councilor Ervin brought to attention section 24.3 and 24.5 and said it is compelled speech.

Councilor Fleck said the intent was that Councilors do not misrepresent the position of the Council and maybe it needs to be reworded.

Councilor Ervin said he understands the intent but we have to hold that intention with the First Amendment, which is that people are free to say things that are not true. He said he agrees that it needs to be rewritten and added that these things have all been managed before and believes that we are doing this because they tie back to an incident.

Councilor Fleck said if a Councilor is not being truthful they should be reprimanded. He added that he agrees with free speech and this is about the rules of a councilor, not your freedoms under our Constitution.

Councilor Ervin said he thinks there should be ramifications for lack of truthfulness. He added that he would like to see something added to the rules, that if a Councilor has a criminal record of fraud or falsifying information, it would be a disqualification to serve. He said when people take the Oath to serve in the office, they state that they will abide by these rules and he said if this goes into place he will immediately resign.

Councilor Fleck said he agrees and asked if that section could be modified. He added that the meeting process is confusing and that he supports moving public comment to the beginning of the meeting so that people do not have to wait all night long to speak and also shortening the length of time to three minutes.

Councilor Ervin expressed concern about the section of rules that could potentially get someone ejected from the meeting and the process of bringing items to the agenda. He said the rules have been modified so that agenda items are at the discretion of the Mayor and the City Manager. He said Council is supposed to be representative of the people and should be able to bring items to discuss. He said it looks like the hand of control being asserted.

Councilor Fleck said the committee had discussion about using appropriate titles when addressing people. He added that it does not include the Council body and it was about having respect for Staff and Council as a whole. He said that he is open to modifying the rules and the intent is to manage decorum in the Chamber.

Councilor Ervin asked to get a copy of the Electronic Communication Policy before Monday.

Councilor Solesbee said she would like a copy too.

Councilor Elect Dana Merryday asked to approach the podium.

Mayor Gowing replied that there is no public comment allowed at Agenda Session.

Councilor Fleck said he would value what Councilor Elect has to say regarding the issue.

Councilor Elect Dana Merryday said that he recently attended the League of Oregon Cities training and learned that any city business on any form of communication, automatically becomes a public record. He added that it was advised to use the official channels of communication and if something comes to you personally, you should forward it to your city account.

Councilor Ervin said he does not understand why someone's full address needs to be given when speaking at a Council meeting and he suggested that it be changed to only stating if you live in or out of the City limits.

Councilor Fleck said he feels that people should not be able to speak anonymously and they should state their name and address.

City Planner Eric Mongan informed Council that for some land use issues, a person's name and address must be stated in order to have the right to appeal.

Public Works and Development Director Faye Stewart added that people making comment at hearings would also need to state their name and address in order to have a legal appeal.

Councilor Ervin asked if that is required in the sign up portion.

Mayor Gowing replied that if their address is on the sign-up sheet, he does not require them to say it out loud at the podium because he already has documentation.

City Planner Eric Mongan said that he would want to clarify that process with legal counsel to make sure that having the name and address on the roster meets the requirements.

City Manager Richard Meyers said that typically people are not required to sign up to speak at the land use public hearings.

Councilor Solesbee said that she supports not requiring people to state their address out loud if we have it on the written record.

Mayor Gowing said that having people state their address has benefits too. He mentioned a past Council meeting where a resident spoke about how City tax money was being spent and the resident did not live within the City limits.

Mayor Gowing asked if there was any further discussion.

(d) A Resolution Adopting a Management Plan for Use of Public Lands by Individuals Experiencing Homelessness

City Manager Richard Meyers explained to Council that this resolution would adopt the Management Plan that was previously presented to Council. He said information has been added to give criteria and conditions to different properties and explained that the Management Plan is at the City's discretion, allowing the City to change or close areas if needed.

City Manager said the second step would be to codify the changes by Ordinance. He said Staff and the City Attorney audited the provisions in the City Code looking for terms and phrases that may need to be fixed in order to address House Bill 3115. He said the curfew was removed but can still be enforced by State Statute and a provision was changed so that park rules also apply to City properties except for the time. He added that the Management Plan allows us to create portions of land where camping can be designated, which allows us to enforce the park hours and rules at all of the other properties.

Councilor Fleck said that he does not have any issues with the resolution but he has concerns about the appeal process in the ordinance. He said he is worried about someone without a home having the ability to present documents.

City Manager said it indicates that the City must provide them with the documents.

There was open discussion about the timeline and process for exclusions.

Mayor Gowing asked if there was any further discussion.

(e) An Ordinance 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 indicated that the previous discussion was for both the resolution and the ordinance and asked if there were any further questions or comments.

(f) First Vote for Ordinance Vacating 198 Square Feet of Right-of-Way located at the Southeast Corner of the Intersection of South 7th and East Fillmore Street

Mayor Gowing announced that this is the topic of the public hearing.

Business from City Council

(a) Approval of Traffic Control Improvements at N. Douglas and Ostrander Lane

Public Works and Development Director Faye Stewart indicated that this item was brought to Staff in response to safety concerns brought forward by Councilor Fleck. He said Branch Engineering reviewed the intersection and he outlined their recommended changes.

Councilor Fleck said he appreciates Staff taking the time to address it.

Councilor Roberts said he agrees and that he has had some close calls in the same area.

(b) City Council Approve the Local Government Grant Agreement for the Bohemia Park Entry Plaza Splash Pad Project

Public Works and Development Director Faye Stewart presented background information to Council regarding the grant and explained that this item is to authorize the City Manager to sign the agreement.

Mayor Gowing asked if there were any questions or concerns.

(c) Concerns from Council

Councilor Solesbee said one of her constituents is upset that he has not received a return call from the City Manager and the Police Chief.

Councilor Ervin said that he will be keeping track of items that have been brought up at Council meetings and bringing them back up, if they have not been addressed. He asked for an update on the speed signs between 10th and Gateway on Taylor. He said he bought a radar gun for a concerned constituent and showed her how to radar cars and put them on camera, because no action was being taken.

Public Works and Development Director informed Councilor Ervin that Branch Engineering reviewed the signage and determined that it meets State Law. He said that he asked if additional signage could be added without being in violation and said there will now be two additional signs placed in that area.

Councilor Ervin asked if the signs will be facing westbound traffic.

Public Works and Development Director replied yes.

Councilor Ervin recounted past meetings where the sidewalk conditions on Taylor were discussed. He said Council unanimously passed a motion to have it resolved and gave it a six month window to be completed and it is now past one year. He asked what the utility of a motion is and if there is any ramification when Council makes a motion and it does not get fulfilled.

Public Works and Development Director Faye Stewart responded to Councilor Ervin's question regarding the Taylor Street sidewalk. He apologized for any delays, explained the history, current status and next steps for the project.

Councilor Ervin asked for follow up information regarding the timing of traffic signals.

Public Works and Development Director Faye Stewart responded by saying that he received general information from ODOT to install smart metering devices at our intersections at an equipment cost of \$32,000 per intersection, not including labor. He added that in order to get a true cost, Council would need to give direction as to what intersections they would like to have them installed.

Councilor Ervin asked if installing smart meters is the only way to adjust timing.

City Manager Richard Meyers replied that the lights are not only timed, they are activated by loops and are set to change based on the activation of the loops. He added that the loops have been checked by ODOT to make sure they are operating properly.

Public Works and Development Director said that each time the concern has been brought up by Council, ODOT is contacted to review the intersections to make sure they are operating properly.

Councilor Ervin asked if it is proper function for motorcycles to sit through multiple cycles.

Mayor Gowing said they are better than they used to be.

Councilor Ervin asked if this is the best that our current system can do.

Public Works and Development Director said that he will contact ODOT to see if there is any improvement that could be made to help recognize motorcycles and also to review the operation of the intersection. He added that we have also noticed when there is an interruption of power, the system often needs reset.

Councilor Fleck said since the legislature is now allowing Cities to set speed limits rather than going through ODOT, he asked if the City will have to pay for surveys, and asked if there is any advantage to having ODOT continue to do it.

City Manager Richard Meyers said we are looking at what is involved and what parameters we would have to follow.

Councilor Ervin said he believes there was Council agreement to have a presentation from South Lane Mental Health (SLMH) and asked if any City funds are provided to them.

City Manager replied that the City has helped them with funding for specific projects. He said the Police Chief has been in contact with SLMH and said that they are working through some restructuring, staffing shortages and funding issues.

Councilor Ervin said it passed by unanimous motion to have a report by the Police Chief and asked when Council can expect it.

City Manager replied that it is being worked on and asked if the Police Chief would like to respond.

Interim Police Chief Jeff Groth replied that he is actively engaging with Alison Canino at SLMH and others regarding mental health issues to strengthen the collaboration with the Police Department. He said Council can anticipate a report shortly after the first of the year.

Councilor Solesbee said that Creswell City Council receives a report each meeting from the Sherriff's Sergeant and asked if Cottage Grove Police Department could do the same for our Council.

Interim Police Chief said he could do so, if directed by Council and the City Manager.

Mayor Gowing said that he stopped by a vendor booth at the National League of Cities Conference that sells devices that provide a true reading of traffic speeds and he would like to see the City get some of the devices.

City Manager said that we have been in contact with the vendor. He added that the devices also provide traffic counts that are more accurate and easier to use than the tubes.

Business from City Manager

(a) Report from City Manager

City Manager Richard Meyers reported on the situation that Mr. Gabrielson addressed at a previous Council meeting. He explained that Mr. Gabrielson had started an eviction process on his tenants and did not complete it. He said the individuals in the dwelling were tenants, not trespassers.

There was open discussion regarding the tenants, if they had left the home and if their belongings were still in the home.

City Manager explained that the State Law is specific on the eviction process and it is not something that is handled at the City level.

Councilor Solesbee asked if the City could explain this to Mr. Gabrielson.

Interim Police Chief Jeff Groth reminded Council that the officer informed Mr. Gabrielson it is a civil issue and Chief explained that the eviction process is a civil process by State Statute.

Councilor Roberts asked if Mr. Gabrielson would have completed the process if the tenants would have been trespassed.

City Manager replied yes, if they were completely evicted.

Mayor Gowing asked if there was any further discussion and reminded Council that Judge Fisher's evaluation will be held Monday at 6:00 pm.

Business from the City Attorney

(a) Report from the City Attorney

None

Items Removed from the Consent Agenda

None

Mayor Gowing adjourned the meeting at 9:38 am.

Mindy Roberts, City Recorder

Candace Solesbee, Mayor