

**COTTAGE GROVE CITY COUNCIL  
REGULAR MEETING MINUTES  
September 12, 2016**

**CALL TO ORDER**

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

**ROLL CALL**

City Recorder Trudy Borrevik called the roll. The following were

**PRESENT:** Mayor Thomas Munroe, City Councilors Kenneth Michael Roberts, Jake Boone, Jeff Gowing, Garland Burback and Amy Slay

**ABSENT:** Mike Fleck

**YOUTH  
REPRESENTATIVE:**

**STAFF PRESENT:** City Manager Richard Meyers, Public Works Director Jan Wellman, Community Services Director Pete Barrell, Community Development Director Howard Schesser, and Interim Police Chief Scott Shepherd

**CITY ATTORNEY:** Lauren Sommers and Mark Wolf

**OTHERS PRESENT:** Jon Stinnett, The Sentinel, Cameron Reiten, KNND Radio

**ITEMS TO BE ADDED TO THE AGENDA**

None.

**WELCOMING PROCLAMATION**

Mayor Munroe read the proclamation which had been requested by the Blackberry Society.

Fred Colgan, 79093 Hwy 99, Cottage Grove, spoke in support of the proclamation. He said in connection with his business, he brought numerous people from vastly different cultures to Cottage Grove and wanted to continue to do so and know that they would be welcome.

Steve Kilston, 79319 Repsleger Road, Cottage Grove, said he agreed with the proclamation and recognized the City had been an All-America City twice. He said there wasn't anything we could do that was more American than welcome all Americans and people from around the world.

Paula Mance, 317 E. Washington, Cottage Grove, said she was delighted that the Council was accepting the proclamation making people feel comfortable and welcome in Cottage Grove.

Leslie Rubenstein, 30767 Kenady Lane, Cottage Grove, thanked Mayor Munroe for the proclamation. She commented about a meeting earlier in the year with the Mayor and a member of the police department where she felt strongly assured that any kind of hate crime or harassment would be prosecuted by the police. She said it was up to citizens to take the initiative to be welcoming to people.

Jesse Wheeler, 36881 Row River Road, Cottage Grove, commented about the confederate flag.

Mayor Munroe said at last year's Oregon Mayors Conference, he received numerous comments about how friendly the citizens were to the attendees.

### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Karen Munsell, P. O. Box 174, Cottage Grove, read a prepared statement and commented about the homelessness and drug abuse issues in the community. She talked about "whipits" and the issues with them in Cottage Grove. She said there was an Ordinance in place and she didn't want to deal with it alone and asked for the community to work together to deal with these issues.

Travis Palmer, 700 E. Gibbs Avenue, Cottage Grove, said the Chamber of Commerce was hosting candidate forums on September 22<sup>nd</sup> for the Mayoral candidates and on September 27<sup>th</sup> for the Council candidates. He said the forums would be in the City Hall Council Chambers at 6:00 pm. He extended an invitation to the Mayor to come up with some questions for the Mayoral candidate forum. He also extended an invitation to the Council members to submit questions for the Council candidates and to anyone from the public to submit questions for either forum. He said Cameron Reiten from KNND and Jon Stinnett from The Cottage Grove Sentinel were the co-moderators for the forums and questions could be submitted to them.

Lise Colgan, 79093 Hwy 99, Cottage Grove, spoke in support of the welcoming proclamation. She commented about what had drawn them to move to Cottage Grove and said she felt welcome and proud to be a member. She thought it needed to be taken one step further and reinforce the fact that Cottage Grove is welcoming to everyone. She asked for support for a campaign that the Integration Network for Immigrants of Lane County had initiated to reemphasize the message of welcome. She showed the Council posters with different statements on them and said if anyone wanted one she would be more than happy to provide them.

### **PUBLIC HEARINGS**

None.

## CONSENT AGENDA

- (a) Approve Minutes of August 8, 2016 Regular City Council Meeting

**IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR BOONE TO APPROVE THE CONSENT AGENDA.**

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burbach	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

## RESOLUTIONS AND ORDINANCES

- (a) A Resolution Adopting a News Media in Executive Session Policy for the City of Cottage Grove

City Manager, Richard Meyers, said under State Law, City governments were allowed to have executive sessions on certain subjects. He said there were allowances for media to be a participant in executive sessions which served two roles. One was to make sure that the Council stayed on topic and didn't discuss anything that wasn't covered or protected under the executive session rules. He said the other was for the media to have background information so when a decision was made, they had information to understand how Council got to the decision. He said the Attorney General had fallen short of defining media but had provided tips for government agencies to set rules on how to judge what media was. He said the Resolution before Council identified the media that had history with reporting on Cottage Grove. He said the Resolution also outlined what questions would be asked if a new media not listed in the Resolution attended a meeting to verify they were media. He said as a result of social media, the Resolution also had criteria to determine if someone qualified as media. He said the City Attorney drafted the Resolution using the League of Oregon Cities model as well as the Attorney General's recent opinion.

Mayor Munroe asked if the media weren't issued press credentials.

Richard said the Attorney General had said it wasn't a valid way to judge media.

City Attorney, Lauren Sommers, said the Attorney General was doing the best she could, but part of the issue was due to the legislature. She said the Oregon Public Meetings Act was adopted back in the 1960's or 1970's when there wasn't internet, blogs and social media. She said the legislature didn't define the term news media in the statutes so there was a statutory description stating representatives of the news media were allowed to attend executive sessions, but there wasn't anything in the statutes that said what the news media was. She said what the Attorney General had done was look through all the legislative history and give an opinion that news media was more

than just a single person who ran a blog, it had to be some type of organization. She said there were traditional types of news media such as newspaper publishers and broadcasters and their representatives would be able to attend executive sessions. She said the policy before Council said that in order to be able to attend as a representative of a news media, a person needed to be able to show that they were a representative of a news media organization of some type. She said if they were a traditional type of news media organization it was easy to do. She said if someone wasn't affiliated with a news media organization, then the policy gave the City Manager some criteria to look at to see if they met the definition of news media. She said if the criteria were met, then they could attend the executive session. She said if it was determined they didn't meet the criteria and were denied access to an executive session, they could appeal the City's Manager decision to the Council. She said since the statutes weren't as clear as we might like, it was their best bet at giving the City some tools to be able to differentiate between someone who was a true representative of the news media and someone who the statutes would not allow to attend an executive session.

Steve Kilston, 79319 Repleger Road, Cottage Grove, wondered about the impact of the Resolution in the new environment of technology where there were bloggers who had proved fairly effective in getting at the truth that wasn't always found in the true media. He asked if the main person of the Resolution was to exclude those people so they wouldn't be able to find out what was going on in the City.

Mayor Munroe said the main purpose was to follow the law.

Richard said if someone was doing a blog on a regular basis, then they would satisfy the requirements of the policy. He said if someone had a Facebook page and wanted to come to a Council executive session, they would have to demonstrate they met the criteria for news media.

Mr. Kilston said it bothered him that one criteria was that they had to have employees, that they couldn't be by themselves.

**IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR SLAY THAT RESOLUTION NO. 1914 BE ADOPTED.**

Councilor Boone said he was going to support the Resolution. He asked about Section 3a(3) and if someone had to meet all the criteria listed in i, ii and iii.

Richard said no, they didn't need to meet all three but the biggest one was iii.

Councilor Boone said he would like to get reports when someone tried to attend an executive session and weren't allowed.

Richard said typically it would happen at a meeting and if someone weren't allowed to attend, they could appeal to the Council at that time.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burbach	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

(b) An Ordinance Granting an Electric Utility Franchise and General Utility Easement to Pacificorp and Repealing Ordinance No. 2937

City Manager, Richard Meyers, said the existing franchise expires October 6, 2016. He said the franchise was the same as the current franchise with slight modifications and outlined the sections that contained the changes. He said the existing franchise didn't have any explanation regarding the need for insurance from Pacific Power. He recognized Diana Knous from Pacific Power who was in attendance. He said the ordinance couldn't be adopted in one meeting.

Mayor Munroe said there was a power surge that occurred in the past with a difference electric company that cost the City a lot of money and asked if the insurance covered that.

Richard said that company said no. He said the insurance would cover the use of the City's right-of-way, not the provision of power to individual users. He said it would cover if one of their poles fell over and smashed a car or something happened as a result of their being in the City's right-of-way.

**IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR BOONE THAT ORDINANCE NO. 3066 BE ADOPTED.**

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burbach	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

**BUSINESS FROM THE CITY COUNCIL**

(a) Shopping Cart Ordinance Discussion

City Manager, Richard Meyers, said at a previous Council meeting, a Councilor asked about shopping carts and their being dumped all over town. He said staff and the City Attorney's office

had prepared some information to help Council's decision regarding shopping carts. He said the State Statutes outlined specific things that cities could do and have in their ordinances. He said samples of ordinances from Roseburg and Forest Grove were also provided. He said people removed the carts from the businesses and then left them all over town. He said the Public Works Staff would collect them and take them to the City Shop where the businesses were notified that they needed to pick them up. He said one store manager complained to the Mayor that the City wouldn't deliver the carts to their store. He said the ordinance was a way to encourage the businesses to mitigate the problem to help the City. He talked about different options the Council had regarding the ordinance in reference to requirements of the businesses, fines, etc.

Councilor Gowing asked if anyone had talked to the businesses.

Richard said they hadn't talked to the businesses yet until after the Council made a decision on how they wanted to proceed with the matter. He said Travis Palmer, Chamber Executive Director, had also been trying to work with the businesses to do something voluntarily but hadn't had much success.

Councilor Roberts said he had spent part of the day following the Public Works Staff around watching them picking up carts. He said there were currently 128 carts at the Public Works Shop and was told there have been as many as 500. He said if they weren't claimed, they were crushed and recycled.

Councilor Boone talked about the use of shopping carts by individuals in the community. He commented that you could tell if they were being used by homeless or by individuals using them to bring their groceries home and then abandoning them. He was in favor of talking to the store managers regarding the ordinance and of the stores having to label their carts.

Councilor Slay said she was in favor of adopting some kind of ordinance and liked most of the Forest Grove ordinance. She also liked holding the businesses accountable rather than the Public Works Staff who had better things to do than go around town picking up shopping carts.

Councilor Burbach said she agreed with Councilor Slay. He commented about people being lazy and not returning their carts to the stores. He was in favor of an ordinance.

Mayor Munroe commented about his conversation with the Manager of Wal-Mart.

Consensus of Council was for staff to move forward with meeting with the managers of the businesses and preparing an ordinance for Council to review.

(b) Designation of Voting Delegate and Alternate for League of Oregon Cities Annual Conference

City Manager, Richard Meyers, said normally the Mayor and Council President were designated as the voting delegate and alternate, however neither was attending the conference. He said Councilors Fleck, Boone, Slay and Roberts were attending the conference.

**IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR SLAY THAT COUNCILOR BOONE BE THE VOTING DELEGATE AND COUNCILOR FLECK THE ALTERNATE FOR THE LEAGUE OF CITIES CONFERENCE BUSINESS MEETING.**

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

(c) Concerns from Council

Councilor Burback said several of his neighbors had contacted him and were concerned about the people living underneath the swinging bridge.

Mayor Munroe asked if there was something wrong with the bridge.

City Manager, Richard Meyers, said the City had received a report from OBEC regarding the condition of the bridge and it may need to be closed for repairs.

Councilor Slay commented about garage sale signs and that it was against the City Code to post signs on City property including in right-of-ways.

Richard commented and said the City was considering something for next year to help with the issue.

Councilor Gowing said there was a car in the ditch across from the Industrial Park. He said it had been there for over a month. He also commented about Centennial Bridge and said it was disgusting with pigeon droppings and garbage which was unsanitary. He asked if anything could be done to make it more appealing.

Discussion was held on the bridges and issues with pigeon droppings.

Councilor Boone commented about being in the Army in Germany where they had pillars on the sidewalks where people could put signs advertising different events. He didn't know if something like that would work in Cottage Grove. He said he liked the welcoming proclamation and thought it was really well done.

Councilor Roberts said he had talked with three couples from out of state who were on a bicycle tour last weekend and they had commented how amazed they were at the friendliness and beauty of Cottage Grove.

Mayor Munroe commented about garage sale signs and said people needed to pick them up when their garage sale was done.

Mayor Munroe read a prepared statement and Council recessed for Executive Session at 8:05 pm.

Council reconvened at 8:26 pm.

### **BUSINESS FROM CITY MANAGER**

- (a) Approval of and Authorization for City Manager to Enter Into Collective Bargaining Agreement with the General Unit of the Laborers Local 737

City Manager, Richard Meyers, said the General Unit represented the clerical staff and general employees that weren't in laboring positions in Public Works. He went over the agreement and said it would be retroactive to July 1, 2016.

**IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR GOWING THAT COUNCIL APPROVE THE COLLECTIVE BARGAINING AGREEMENT WITH THE GENERAL UNIT OF LABORERS 737 AND AUTHORIZE THE CITY MANAGER TO ENTER INTO THE AGREEMENT ON BEHALF OF THE CITY.**

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

- (b) Approval of and Authorization for City Manager to Enter Into Collective Bargaining Agreement with the Laborer's Unit of the Laborers Local 737

City Manager, Richard Meyers, said the Laborer's Unit represented the laboring positions in Public Works. He went over the agreement and said it would be retroactive to July 1, 2016.

**IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR GOWING THAT COUNCIL APPROVE THE COLLECTIVE BARGAINING AGREEMENT WITH THE LABORER UNIT OF LABORERS 737 AND AUTHORIZE THE CITY MANAGER TO ENTER INTO THE AGREEMENT ON BEHALF OF THE CITY.**



The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burbach	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

(c) Non-Represented Employee Compensation

City Manager, Richard Meyers, said these were employees who weren't represented by a collective bargaining agreement and most of them were supervisors of the employees in the bargaining units. He recommended the following compensation: Move insurance coverage to Co-Pay Plan A; 2% salary adjustment to compensate for the change in insurance coverage, and a 1% deferred compensation contribution for employees with ten or more continuous years of service. He said the compensation package didn't include him with the exception of insurance. He said with all the changes in the compensation package, it would only cost the City \$754 more a month for all the non-represented employees.

Councilor Gowing asked how many employees it included.

Richard said it included fifteen employees.

Councilor Boone confirmed the \$754 per month increase was for all non-represented employees.

**IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR BURBACK THAT COUNCIL AUTHORIZE THE CITY MANAGER TO ADJUST THE COMPENSATION AND BENEFITS OF THE NON-REPRESENTED EMPLOYEES BY MAKING A 2% SALARY ADJUSTMENT IN CONSIDERATION FOR CHANGE OF INSURANCE PLANS FROM CIS TRUST REGENCE BCBSO Plan V-E to CIS TRUST REGENCE BCBSO PLAN CO-PAY PLAN A AND TO CREATE A 1% DEFERRED COMPENSATION CONTRIBUTION FOR ANY NON-REPRESENTED EMPLOYEE THAT HAS HAD 10 YEARS OF CONTINUOUS SERVICE WITH THE CITY OF COTTAGE GROVE RETROACTIVE TO JULY 1, 2016.**

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burbach	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X		X
NAYS							
ABSTAIN							

Councilor Burbach asked why the Executive Session couldn't be at the beginning of the meeting instead of in the middle so it wasn't disruptive and caused citizens to have to leave the Council Chambers and then return.

Richard said it used to be at the end of the meeting and then items on the agenda were moved around. He said the City Attorney's office had recommended making the change in the agenda. He said staff would work with the City Attorney's office in moving the Executive Sessions on the agenda.

(d) Report from City Manager

City Manager, Richard Meyers, said the Municipal Code updates were in and asked Councilors to bring them to the City Recorder for updating. He said the Code was on the City's website and was updated regularly and the paper copy was only updated once a year. He said with the iPads the Council could easily access the Code and if any of the Council didn't want their Code book any longer to bring it to the City Recorder.

Richard commented about a meeting regarding the Black Butte Mine and the proposed interim clean-up on September 14, 2016. He said a flyer was attached to last week's Friday Update.

Richard said the City had partnered with the City of Eugene and Lane County on transient room tax. He said Airbnb hadn't been paying any transient room tax for any of the jurisdictions in Lane County. He said as a result of negotiations with Eugene and Lane County representing all the cities, an agreement was reached to collect transient room tax for those people using Airbnb.

Richard said he just received today information about Imagine a Day Without Water Day on September 15, 2016. He said the purpose was to encourage people to think about how much water infrastructure impacts living conditions. He said the City might be doing a Proclamation in support.

Mayor Munroe commented about water in the case of an earthquake and discussion was held on how to store water.

Richard said on Monday, September 19<sup>th</sup> from 2:00 to 5:00 pm he would be taking the mayoral and council candidates on a tour of the City facilities. He said City Attorneys Christy Monson and Mark Wolf would be attending as well.

Richard said Youth Advisory Council applications were available for youth from 6<sup>th</sup> grade through high school. He said students could earn community service hours by being a member of YAC.

Richard told Council that the bike tour group from Seattle was beside themselves about how welcome they had been in the community. He said Travis Palmer from the Chamber worked with them on eating locations and things to do in Cottage Grove. He commented about how Oregon was recognized from all the states in the nation, for the scenic bikeways and programs involving bicyclists.

He advised Council he had received a scholarship to attend the National Bicycle Tourism Conference in Florida in November. He would be representing the City and the State of Oregon Scenic Bikeway Committee, which he was a member of.

### **BUSINESS FROM CITY ATTORNEY**

(a) Report from the City Attorney

City Attorney, Lauren Sommers, introduced Mark Wolf, a new associate in their office and said he would be doing some of the legal work for the City.

Councilor Boone asked Lauren if, during an executive session, someone were to talk about something that didn't belong in the session, would the media be able to report on the entire contents of the executive session.

Lauren said they would be able to report on the entire contents of the executive session.

Richard cautioned Council that if they were outside the meeting which there was an executive session and someone from the media asked them questions about what happened and they told them what was said, they could report on it.

### **ADJOURNMENT**

There being no further business, Mayor Munroe adjourned the regular meeting of the City Council at 8:59 p.m.

The next regular City Council Meeting will be held September 26, 2016 at 7:00 p.m. in the Council Chambers at City Hall.

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Trudy Borrevik, City Recorder

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Thomas C. Munroe, Mayor