

**COTTAGE GROVE CITY COUNCIL
MEETING MINUTES
SEPTEMBER 12, 2022**

CALL TO ORDER

Mayor Gowing called the meeting to order at 7:00 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, Mike Fleck, Greg Ervin and Kenneth Michael Roberts.

PRESENT VIA GOTOMEETING: None.

COUNCIL ABSENT: Councilor Jon Stinnett.

YOUTH REPRESENTATIVE: Kadence Solesbee.

STAFF PRESENT IN THE COUNCIL CHAMBERS: 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 Interim Police Chief Jeff Groth.

STAFF PRESENT VIA GOTOMEETING:

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

Monique Peppers 460 Boardwalk Place, Cottage Grove, Oregon told Council that her neighbor’s food cart has moved to their backyard and they now have an advertising sign in the front. She thanked those involved for having them move the food truck and said that traffic has slowed down.

PUBLIC HEARINGS

None

CONSENT AGENDA

- (a) Approval of August 15, 2022 City Council Special Meeting Minutes
- (b) Approval of August 19, 2022 Agenda Session Minutes
- (c) Approval of August 22, 2022 City Council Minutes

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
NAYS							
ABSTAIN							

RESOLUTIONS AND ORDINANCES

- (a) An Ordinance Amending Title 5, Business Licenses and Regulations, Chapter 5.32, Transient Room Tax

Finance Director Roberta Likens provided background regarding the proposed ordinance and the history of the City’s local transient room tax. She indicated that for a number of years the City of Cottage Grove has contracted with the City of Eugene to collect the City’s transient room tax from the transient lodging facilities within the City of Cottage Grove. She informed Council the City of Eugene will no longer be collecting the taxes and they are transitioning to the Oregon Department of Revenue. She said beginning October 1, 2022 the City of Cottage Grove will also be transitioning. She outlined the administrative costs paid to the City of Eugene for

collecting the tax and an estimated amount that the Oregon Department of Revenue will charge. She said the proposed code amendment will align the City’s existing room tax procedures with the administrative requirements of Oregon Department of Revenue and it does not create a new tax or change the existing rate.

Councilor Ervin asked what the notice process is to the lodging facilities.

Finance Director said the City of Eugene is contacting the current lodging providers and she noted that it will also streamline the process for the providers because they will now pay the State, County and City tax to one location.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ROBERTS TO ADOPT ORDINANCE 3163.

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
NAYS							
ABSTAIN							

Mayor Gowing announced motion carried.

(b) First Vote on an Ordinance Amending Title 10 Vehicles and Traffic

City Manager Richard Meyers presented a proposed ordinance that will regulate use of the right of ways. He said the 9th Circuit Court ruled in the Martin v Boise case that camping can occur on public lands and this will allow us to have some regulations associated with City streets, sidewalks and thoroughfares for vehicles, traffic, pedestrians and bicycles. He said our current code does not prohibit people from camping on the street in their vehicle although the City is enforcing the 72 hour parking restriction. He read through and explained Section 6 which would be added as a new section to the ordinance.

Councilor Solesbee said she does not support this ordinance and that it was her understanding there would be no camping on the City’s public land. She said that she is concerned with citizens having people camped and parked in front of their homes and she is still waiting for changes in City ordinances to distinguish the two parks that Council talked about. She added that people can camp at Walmart and we have a homeless shelter.

Councilor Fleck said he feels similarly. He said his hope is that we could find something that would mitigate the impact of people that are having housing challenges on other people. He

said he found the City of Eugene ordinance online and it bans all parking and camping in all right of ways including the street.

City Manager said that is not what is in their code.

Councilor Fleck said that he read it online and they also list car camping and other opportunities for camping. He said at a minimum he supports the sidewalk piece but would prefer waiting on the right of way until we have something that is comprehensive.

Councilor Ervin said he is generally in support of the ordinance. He said there are a lot of people who are in to dry camping and boondocking and the items listed in the ordinance are things that we want to mitigate.

Councilor Savage asked if a tow behind pop up tent would be considered a vehicle or a tent.

City Manager said under the Oregon Vehicle Code it would probably be identified as a vehicle.

Councilor Savage asked about campers that are set on the back of a truck. She said often times it is on the truck regardless if someone is camping in it or not. She asked if it only becomes an issue if they are living in it.

City Manager replied that regardless whether they are living in it, the vehicle has to move every 3 days.

Councilor Savage said that she can see both sides of the issue.

Mayor Gowing said he likes addressing the tent camping.

Councilor Ervin said part of the broader discussion is how we set up the use of the parks. He asked if the parks are dusk to dawn.

City Manager said currently there is nothing regulating camping in the parks, other than administratively, we have said that you cannot camp in places that can be reserved.

Councilor Ervin asked if someone could camp right now and into the future in the parks even if Council passes this ordinance, including vehicles and motorhomes.

City Manager replied yes, in the parking lots.

Councilor Ervin asked why parks are not listed.

City Manager replied that we are not ready to address the parks yet and we are still trying to determine how to assign the priorities and meet the conditions that would require someone to be able to be in the park.

Councilor Ervin asked if the City Manager is looking for direction from Council.

City Manager replied that some of the pieces have been figured out and are now working on how to meet the requirements of the law.

Councilor Roberts said he likes most of this ordinance and asked if Council should wait until the whole program is up and running and the other issues are addressed.

Councilor Fleck said he appreciates comments from the other Councilors and that he had not considered some of those aspects. He also recalled the ordinance that was recently passed allowing people to camp in churches, nonprofits, businesses and residences which may mitigate some of the other issues. He said he is okay with passing it for now and Council could reevaluate when they come down to the full package.

Councilor Ervin asked if Council does not pass this if the City is still under 9.24.070.

City Manager replied said yes that has not been negated. He added that section is about getting permission and is basically for trespassing.

Councilor Ervin said basically we are adding restrictions such as don't make a mess and we already have an ordinance about littering.

City Manager said yes, to some extent. He said this clarifies it and there are provisions in the Nuisance Code to prohibit discharge of waste tanks and we are already enforcing the 72 hour parking. He said the biggest thing that is not found anywhere is the limitation on parking in front of a school, playground or daycare.

Councilor Ervin asked if we currently have anything saying that the vehicle has to be operational.

City Manager replied no.

Councilor Ervin clarified that essentially we would be adding that vehicles would have to be operational and cannot be parked in front of schools, daycares and playgrounds. He said if you have to move your vehicle every 72 hours that sets the condition of how operational your vehicle is. He added that there are some people who need to work on their vehicle in the streets and this would stop someone from doing that or penalize them.

Councilor Solesbee asked if you could just push your car one space over.

City Manager replied no, it has to be moved a certain number of feet.

Councilor Solesbee asked to clarify that it is currently legal for people to be camping in neighborhoods and asked if that is because the law is changing or Cottage Grove has always allowed that.

City Manager said we have always allowed it and have never had anything that says you can't. He added that now with Martin v Boise you cannot put anything in place that says you can't.

Councilor Solesbee said except we have a homeless shelter and so now we actually can.

City Manager said if you start to require people who are car camping and living in their vehicles to also go to the shelter, then the shelter will be full, and they will back on the street.

Councilor Solesbee said her concern is that we now have a homeless shelter and this will be encouraging camping all around the shelter and then there is overflow. She said, where does this stop.

Councilor Solesbee asked the City Manager if he is saying, that if we do nothing it could possibly get worse because we do not have anything in place.

City Manager replied yes.

Councilor Roberts said this ordinance also adds 10.30.20 B which was not there in the past.

Councilor Fleck asked if a trailer that was disconnected from its tow vehicle is no longer a motor vehicle.

City Manager replied that it is a vehicle not a motor vehicle. He said you could park a trailer in the street for 72 hours as a vehicle.

City Attorney Carrie Connelly clarified the definition of a motor vehicle.

Councilor Ervin referred to point A of the proposed ordinance and asked if the definition in our code for vehicle would be a motor vehicle.

Carrie Connelly said that may be a modification that we want to make and say motor vehicle instead of vehicle.

Councilor Solesbee asked why the City gave a 72 hour notice to everyone camped at the Water Treatment Plant.

City Manager said we apply the 72 hour in all of the parking lots including parks and streets.

Councilor Solesbee asked if we have people camping in Coiner.

City Manager said we have had people in Coiner but not typically in Bohemia.

Public Works and Development Director said there have been issues on the gravel parking lot in Bohemia Park. He said it is also a constant problem at times at the Disc Golf Course.

Councilor Solesbee asked if we are still going to allow people to park there or now it will be just on our City streets.

City Manager said this is specifically dealing with right of ways. He said when we get to regulating the parks and possibly putting the curfew back in on some of the parks, it would then apply to the parking lots in the parks.

Councilor Fleck said he fully intended on not supporting this ordinance but he has changed his position. He asked if we should change the term to motor vehicle.

City Manager said he recommends using the term vehicle because there are a number of fifth wheels and travel trailers that move around as well.

Councilor Fleck said there are also people who camp on holiday weekends who would be unloading and loading their campers.

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

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
NAYS					X		
ABSTAIN							

Mayor Gowing announced the first vote of Ordinance number 3164 carried.

BUSINESS FROM THE CITY COUNCIL

- (a) Designation of Voting Delegate for League of Oregon Cities Annual Membership Meeting.

City Manager Richard Meyers informed Council that the League of Oregon Cities Annual Membership Meeting will be held at the League Conference October 5th through the 7th. He said the Mayor, Councilor Roberts and Councilor Savage will be attending. He said typically the Mayor and the Council President are selected as the voting delegate, this year the Council President is not attending and Council needs to designate a voting delegate and alternate.

Councilor Fleck asked who would like to be the alternate.

Councilor Roberts said he would be honored to represent Cottage Grove at the meeting.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ROBERTS THAT THE MAYOR BE APPOINTED AS THE VOTING DELEGATE AND COUNCILOR ROBERTS AS THE ALTERNATE.

Mayor Gowing announced that Amy Merryday is signed up to speak on this item.

Amy Merryday 205 Adams, Cottage Grove, Oregon said Council should be attempting to promote civic engagement at every opportunity. She asked is Youth Advisory Council has ever gone or if a citizen could go. She added that it would be informative for people to know and the guest price is very cheap.

Mayor Gowing said typically the guest would be your spouse when you attend. He said his spouse is unable to go and if someone would like to be his guest they are welcome.

Mayor Gowing announced the motion 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	X
NAYS							
ABSTAIN							

(c) Concerns from Council

Councilor Fleck asked when the topic of Council Rules will be coming back to Council and if Council should wait until after the elections.

Councilor Roberts asked if the City Attorney has any input.

City Manager said the City Attorney provided the first draft and asked Council how they would like to proceed. He added that there were three on the Council working on it.

Mayor Gowing asked if they could get the draft again and they would look at it.

Councilor Roberts asked how long ago it was that the three of them met.

Mayor Gowing said probably close to a year if not more.

City Attorney asked the City Manager if he would like her to send them again.

Mayor Gowing replied yes.

Councilor Savage asked the Public Works and Development Director about the testing of forever chemicals on behalf of a constituent. She said the forever chemicals are not listed in the Water Quality Report and asked how the constituent could research it.

Public Works and Development Director suggested contacting the Wastewater Superintendent to see if we are testing for those chemicals. He said currently the City is working with DEQ to test for approximately 97 different items and added that he is not certain as to what is considered forever chemicals.

Councilor Savage said her constituent referenced the Water Quality Report and he mentioned that the chemicals that he considers forever chemicals are not on the report.

Public Works and Development Director said he believes that two different reports are being referred to. He said the City creates a Consumer Confidence Report for the Water Treatment Plant and it is found on line. He added that if those chemicals are not listed in the report for the Water Treatment Plant the other place that they would be tested for is at the Wastewater Treatment Plant.

Councilor Savage asked for a breakdown as to what the \$5 million dollar grant for the Downtown Revitalization will be used for.

Public Works and Development Director read the Scope of Work that was submitted and approved by the EDA for the Downtown Revitalization. He continued by saying that Project Coordinator, Shauna Neigh has sent an outreach letter to all property and business owners to schedule a meeting for all who are interested in engaging in conversation. He outlined the process, timeline and next steps.

Councilor Roberts recommended the book "Homelessness is a Housing Problem" and said that it deals with what is going on.

Councilor Roberts informed Council that there will be a mural unveiling at The Bookmine during Art Walk on the last Friday of the month.

Councilor Roberts asked who is replacing the pipes where the sequoia trees were located.

Public Works and Development Director said the original intent was to have City Staff do the project. He said due to the volume of City projects and how long it has been since the trees were removed, he did a Request for Proposal and Pacific Excavation is repairing the street.

Councilor Roberts said he noticed the house that had the problem with the tree roots now has a new driveway and asked if the City or the owner did the work.

Public Works and Development Director said the owner put in the driveway before the trees were removed.

Councilor Ervin announced that a Skate Park meeting will be held tomorrow evening at the Brew Station from 5:00 to 8:00 pm.

Mayor Gowing presented a plaque to Council as an Honorary Plank Owner for the USS Oregon SSN 793.

BUSINESS FROM THE CITY MANAGER

(a) Report from City Manager

City Manager reminded Council that if they are interested in attending any of the upcoming conferences to let Staff know so arrangements can be made.

City Manager reminded Council to provide their information by September 20th for the Public Records Request.

City Manager announced that Lane County's largest model railroad show will be coming back to the Armory October 28th -30th.

Councilor Roberts asked if Council is automatically enrolled in the League Regional Meeting at the Armory on October 24th.

City Manager replied no, you will need to go online to register or have staff do the registration.

BUSINESS FROM CITY ATTORNEY

(a) Report from City Attorney

City Attorney Carrie Connelly reported that she presented a training to the Planning Commission at the end of August and she is working on an IGA with Drain for Planning Services. She added that the Public Works and Development Director will be bringing it to Council later in the month.

ADJOURNMENT

There being no further business, Mayor Gowing adjourned the regular meeting of the City Council at 7:52 pm.

The next regular City Council Meeting will be held September 26, 2022 at 7:00 pm in the Council Chambers at City Hall.

Mindy Roberts, City Recorder

Jeffrey D. Gowing, Mayor