

COTTAGE GROVE CITY COUNCIL  
REGULAR MEETING MINUTES  
December 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, Amy Slay and Mike Fleck

YOUTH  
REPRESENTATIVE: Savannah Palis

STAFF PRESENT: City Manager Richard Meyers, Public Works Director Jan Wellman, Finance Director Bert Likens, Community Development Director Howard Schesser and Police Chief Scott Shepherd

CITY ATTORNEY: None

OTHERS PRESENT: Jon Stinnett, The Sentinel; Cameron Reiten, KNND Radio; Municipal Court Judge Martin Fisher

**ITEMS TO BE ADDED TO THE AGENDA**

None.

**SPECIAL PRESENTATIONS**

(a) Proclamation for Cottage Grove High School Lions Football Team

Mayor Munroe read a proclamation in recognition of the Cottage Grove High School Lions Football Team and presented it to Coach Roberts and the football team.

(b) Mayoral Certificate of Appreciation

Mayor Munroe recognized Jon Stinnett, who was leaving The Cottage Grove Sentinel, with a Mayoral Certificate of Appreciation for his fair reporting, keeping the community informed and ongoing support of the community.

## PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

### PUBLIC HEARINGS

- (a) Public Hearing to Combine the M-1 Light Industrial & M-2 Heavy Industrial Districts into One M Industrial District. Comprehensive Plan (CPA-1-16), Development Code Text (DCTA-2-16) and Zoning Map (ZC-1-16) Amendments. City of Cottage Grove

Community Development Director, Howard Schesser, said the public hearing was to consider the consolidation of two existing industrial districts, M-1 Light Industrial and M-2 Heavy Industrial into one M Industrial District. He said the Planning Commission held a public hearing and recommended approval to Council. He said prior to the public hearing there was a public meeting held and all the property owners and business owners were invited to attend. He said there was also a thirty day comment period on the website. He said it was now appropriate for Council to hold the public hearing.

Mayor Munroe opened the public hearing.

No one appeared or requested to speak.

Mayor Munroe closed the public hearing.

- (b) Public Hearing to Rezone the Cottage Grove State Airport from Lane County Zoning to Cottage Grove PR Parks & Recreation District (ZC-2-16). City of Cottage Grove & Oregon Aviation Department

Community Development Director, Howard Schesser, said the purpose of the public hearing was to rezone the Cottage Grove State Airport that was recently annexed into the City from Lane County Zoning to Cottage Grove PR Parks and Recreation District. He said it was now appropriate for Council to hold the public hearing.

Mayor Munroe opened the public hearing.

No one appeared or requested to speak.

Mayor Munroe closed the public hearing.

### CONSENT AGENDA

- (a) Approve Minutes of November 14, 2016 Work Session  
(b) Proclamation Regarding November 8, 2016 General Election  
(c) New Outlet – Full On-Premises Sales Liquor License For Bruddah’s and Sista’s Hawaiian Kitchen, Inc. – 60 Gateway Blvd.

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

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	X
NAYS							
ABSTAIN							

**RESOLUTIONS AND ORDINANCES**

- (a) Ordinance No. 3069, An Ordinance Amending Chapter 5.40 of the Cottage Grove Municipal Code, Second Reading

Finance Director, Roberta Likens, said Council held the first reading at the last meeting and it was now appropriate to hold the second reading.

**IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 3069 BE ADOPTED.**

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	X
NAYS							
ABSTAIN							

- (b) First Vote for Ordinance Amending the Comprehensive Plan Land Use Diagram Related to Industrial Districts (CPA-1-16). City of Cottage Grove

Community Development Director, Howard Schesser, said Council held a public hearing and it was now appropriate to hold the first vote on the Ordinance. He said the Ordinance had been available for at least one week prior to the meeting and could be adopted in one meeting.

**IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 3070 BE ADOPTED.**

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	X
NAYS							
ABSTAIN							

Mayor Munroe declared that Ordinance No. 3070 had been adopted.

- (c) First Vote for Ordinance Amending the Cottage Grove Development Code Related to Consolidation of Industrial Districts (DCTA-2-16). City of Cottage Grove

Community Development Director, Howard Schesser, said Council held a public hearing to consolidate the M-1 and M-2 Industrial Districts into one M Industrial District and it was now appropriate to hold the first vote on the Ordinance. He said the Ordinance had been available for at least one week prior to the meeting and could be adopted in one meeting.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BOONE THAT ORDINANCE NO. 3071 BE ADOPTED.**

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	X
NAYS							
ABSTAIN							

Mayor Munroe declared that Ordinance No. 3071 had been adopted.

- (d) First Vote for Ordinance Amending the Cottage Grove Development Code City Wide Zoning Map Related to Consolidation of Industrial Districts (ZC-1-16). City of Cottage Grove

Community Development Director, Howard Schesser, said the Ordinance rezoned all the M-1 and M-2 properties to one M Industrial Zone. He said it was now appropriate to hold the first vote on the Ordinance. He said the Ordinance had been available for at least one week prior to the meeting and could be adopted in one meeting.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BOONE THAT ORDINANCE NO. 3072 BE ADOPTED.**

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	X
NAYS							
ABSTAIN							

Mayor Munroe declared that Ordinance No. 3072 had been adopted.

(e) First Vote for Ordinance Rezoning the Cottage Grove State Airport to PR Parks and Recreation District (ZC-2-16). City of Cottage Grove

Community Development Director, Howard Schesser, said Council held a public hearing and it was now appropriate to hold the first vote on the Ordinance. He said the copy of the Ordinance attached to the Memorandum had two Section 3s and he had prepared and given to the City Recorder a revised copy with the correct Section numbers. He said it was now appropriate to hold the first vote on the Ordinance. He said the Ordinance had been available for at least one week prior to the meeting and could be adopted in one meeting.

**IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 3073 BE ADOPTED AS AMENDED.**

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	X
NAYS							
ABSTAIN							

Mayor Munroe declared that Ordinance No. 3073 had been adopted.

(f) First Vote of Ordinance Annexing 1726 W. Main Street & 55 Q Street Into City of Cottage (A-2-16) Grove

Community Development Director, Howard Schesser, said the application was for property known as Pam's Sunnyside to annex into the City. He said a portion of the property was already in the City and they wanted to annex and bring all the property into the City limits. He said they had signatures from all the electors and property owners on the application and they had requested an expedited process. He said it required the City to notify property owners within 300 feet and allow a 14 day comment, which no comments were received and no one requested a public hearing. He said it met all the criteria that all the property was within the City's urban growth boundary and the

property was contiguous to current City limits and utilities could be provided. He said it was staff's recommendation that Council hold the first vote on the Ordinance. He said the Ordinance had been available for at least one week prior to the meeting and could be adopted in one meeting. He said there was one minor change in Section 5 changing "approved" to "approves".

Councilor Fleck asked how long it took for the actual annexation to go through once approved by the Council.

Howard said the Ordinance became effective in thirty days but staff had to notify the Secretary of State. He said the last annexation of the Airport didn't come effective right away because it couldn't be done so many days ahead of a General Election. He said basically it became effective once it was acknowledged by the Secretary of State.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK THAT ORDINANCE NO. 3074 BE ADOPTED.**

Councilor Boone offered a friendly amendment to adopt the Ordinance as amended.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK THAT ORDINANCE NO. 3074 BE ADOPTED AS AMENDED.**

Councilor Burback asked if only Pam's Sunnyside had to agree to the annexation because they owned all the area.

Howard said they had two property owners who had sales contracts and the previous owners as part of the contract also agreed and all the electors on record with Lane County, which happened to be the same people, all agreed.

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	X
NAYS							
ABSTAIN							

Mayor Munroe declared that Ordinance No. 3074 had been adopted.

(g) First Vote of Ordinance Amending Section 3 of Ordinance 3067 in Order to Increase Board Membership

Community Development Director, Howard Schesser, said on November 14, 2016, Council adopted Ordinance 3067 extending the EID/BID for five years. In Section 3 of that Ordinance, it calls for a seven member board composed of members from both Tier 1 and Tier 2. He said staff was unaware at that time, that the EBID Board had changed their By-Laws on September 10, 2013

to increase the membership on the Board to nine with the additional two members being “at-large” positions. He said the Ordinance before council reflected the change in the Board. He said it was staff’s recommendation for Council to hold the first vote on the Ordinance. He said the Ordinance had been available for at least one week prior to the meeting and could be adopted in one meeting.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK THAT ORDINANCE NO. 3075 BE ADOPTED.**

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	X
NAYS							
ABSTAIN							

Mayor Munroe declared that Ordinance No. 3075 had been adopted.

(h) Consideration of a Resolution Approving an Intergovernmental Agreement Between the City of Cottage Grove and the Oregon Department of Revenue for Collection of a City Tax on the Sale of Marijuana Items by Marijuana Retailers in the City of Cottage Grove

Finance Director, Roberta Likens, said Council adopted Resolution 1917 on November 28, 2016 setting the 3% tax rate on the sale of recreational marijuana items. She said this evening Council adopted Ordinance No. 3069 which allowed the City to enter into an Intergovernmental Agreement (IGA) with the State of Oregon for the collection of marijuana tax. She said it was now appropriate for the Council to consider approval of an IGA with the Oregon Department of Revenue for the collection of the City tax on the sale of marijuana items by marijuana retailers in the City of Cottage Grove and to direct and authorize the City Manager to sign the IGA.

Councilor Boone asked if the copy of the agreement which had been provided to Council tonight was the same in the Council packet.

Richard said it was a new copy which the City just received from the Department of Revenue and it had been reviewed by the City Attorney’s office. He said there were only a couple of slight changes in language.

Roberta said that she had been told the changes were in the confidentiality section but she wasn’t able to identify them. She said at one point they may have had some ORS number identifications wrong and those were changed.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ROBERTS THAT COUNCIL ADOPT RESOLUTION NO. 1918.**

Councilor Roberts asked if it were 3% going in to the General Fund.

Richard said the tax was 3% and the City would be paying the Department of Revenue for the collection of the tax and would be receiving a little more than one-half percent.

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	X
NAYS							
ABSTAIN							

(i) A Resolution Determining the Need for Sidewalk Construction, Ordering Such Sidewalk Improvements, and Directing Notice to be Provided to Property Owners

City Manager, Richard Meyers, said at the last Council meeting, the Council instructed staff to move forward with sidewalks improvements around Lincoln Middle School and on Harrison Avenue. He said in the City Code, it stated that Council had to determine that the sidewalks needed to be constructed/improved and a notice issued to the adjoining landowner by the City Engineer. The notice allowed thirty days for completion of the sidewalks after service of the notice. Because of that thirty day completion date, the Resolution included language that the City Recorder send out a notice within twenty days of adoption of the Resolution, to the property owners stating the deadline for completing the sidewalks would be June 16, 2017. And the Resolution also said that prior to May 16, 2017, the City Engineer would issue the notice to the property owners to complete the sidewalk work. He said in essence property owners were actually getting a little more than six months to complete the sidewalks and the City Attorney had approved the procedure. He said property owners would also be notified that if they couldn't afford to put sidewalks in, that they let the City know and it would be done by the City and a lien filed against the property. When their property was refinanced or sold, it would be paid at that time.

He said the interest rates were previously said to be around 9% to 13% but after reviewing, it would be closer to 3% or 4%. He said on the list of affected properties, some addresses were listed as driveways that might not meet ADA requirements and staff got actual addresses which were included on the list.

Councilor Fleck asked if the property owners on the list had been contacted.

Richard said no, that they hadn't been contacted. He said that would be done after the order from the Council. He said it had been publicized and there had been discussion. He said staff had also received calls from people whose properties weren't on the list wondering if they would be required to put sidewalks in and were reminded that eventually they may have to put them in. He said there would be a lot of City work that would have to be done such as intersections and curb approaches on the corners. He said the School District would also have a significant amount of work that would have to be done on their property.



Councilor Fleck said he was concerned about taking action before property owners were notified.

Richard said in the City’s Code there was no provision to notify property owners prior to taking action. He said the Council had to determine that the work needed to be done and then action was taken and moved forward.

Councilor Boone said on some of the properties listed, it said “old concrete, recommend replacing” and asked if that meant they didn’t have to do it.

Richard said those areas would be evaluated depending on what had to be done around them.

Councilor Gowing said what was being done was the property owners were unofficially being notified that the City would take action in six months so they were getting ample notice.

YAC representative, Savannah Palis, said she thought it was a really good idea and especially if the houses were originally supposed to have sidewalks. She said as a student, she saw a lot of kids walking home from school and it was unsafe walking on the street. She also liked that there were several ways financially to take care of putting the sidewalks in.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK THAT COUNCIL ADOPT RESOLUTION 1919.**

Karen Munsell, P. O. Box 174, Cottage Grove, said as a former school bus driver she agreed that sidewalks needed to be installed. However, she said that a lot of people were having a hard time financially and asked the Council to approach the property owners in a way that they felt that the City would work with them on getting the project completed.

Councilor Slay said she agreed with what Karen was saying and that was why the Council was giving property owners a six month notice.

Councilor Gowing said by Code the Council could give a thirty day notice and by giving them a six month notice the Council was trying to make it easier for the property owners.

Councilor Burback said the sidewalk issue was something that needed to happen, that it had gone on too long without being addressed.

Mayor Munroe commented that it had been talked about for years and it was time that something be done.

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	X
NAYS							

ABSTAIN							
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**BUSINESS FROM THE CITY COUNCIL**

(a) Planning Commission Appointment

Community Development Director, Howard Schesser, said with the election of Bob Ehler to Council, there was another opening on the Planning Commission. He said the position was advertised and two applications were received, one from the previous interview process and one new application. He said the sub-committee met and interviewed the new applicant and it was their recommendation to appoint Jim Tidrick to the Planning Commission for the unexpired term of Bob Ehler that would expire December 31, 2018.

Councilor Fleck said he asked earlier when the annexation of Pam’s Sunnyside property would be complete because only two members of the Planning Commission could be outside the city limits and Mr. Tidrick lived on the property being annexed.

Howard said there wouldn’t be any issues because George Devine was going off the Planning Commission and he lived outside the City limits and Chloe Beckes was the only other Commissioner to live outside the City limits.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK THAT JIM TIDRICK BE APPOINTED TO THE PLANNING COMMISSION FOR THE UNEXPIRED PORTION OF BOB EHLER’S POSITION THAT WOULD EXPIRE ON DECEMBER 31, 2018.**

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	X
NAYS							
ABSTAIN							

(b) Municipal Court Judge Annual Report

Municipal Court Judge, Martin Fisher, provided his annual report to the Council and said in the table provided on the first page of his Memorandum, it should say 2015 and 2016. He said he would answer any questions the Council might have.

Mayor Munroe asked about unpaid fines and if the Court was making any headway in collecting those.

Judge Fisher talked about how the Court had been working on collecting old fines. He said the

Court Clerk had been working on it for over a year and had gotten through “M” and had sent 567 files to the collection agency with fines totally \$285,795.00 and another 229 files waiting to be sent. He talked about the return from collection agency on old fines and the difficulty in collecting them.

City Manager, Richard Meyers, said there was an old case recently where someone wanted to go into the military but had an outstanding fine. They had filed Chapter 13 and thought their fines would be taken care of through that. He said the person’s attorney argued that the person shouldn’t have to pay the fine because they filed bankruptcy but after they talked with the City’s Attorney, they came in and paid the fine in full.

Councilor Gowing said he appreciated the Court trying to collect on old fines. He asked about a case where a local business owner was arrested for cutting down a tree on Main Street and it took over a year for the court process. He said the person was in the audience and had been to Council several times asking about their case and they felt they didn’t get their due process in court.

Judge Fisher said the person was offered to have an earlier trial but their attorney refused. He said at one time there was a defendant who had numerous cases set for jury trials which took up a lot of the available trial dates and when one date opened up, it was offered to the person but their attorney refused. He said the attorney then attempted to have the case dismissed for not having a timely trial which was denied. He said at some point, the City decided not to pursue the charges any longer and the charges were dismissed.

Councilor Gowing said he thought it was a case that shouldn’t have gone on that long and it should have been resolved. He said he didn’t know who dropped the ball but it was dropped.

Councilor Fleck said he was going to bring that up as well and hoped that in the future cases were dealt with expeditiously. He said he and Councilor Boone sat through a trial in its entirety and commended the Court as he felt the Court showed exceptional patience and went out of its way to educate the defendant.

Councilor Slay said the Court had played clean-up in collecting fines and asked what was in place now to make sure that didn’t happen again.

Judge Fisher said the Court Clerk was making it a priority and staying on top of it. He said he understood that the previous Judge never reported to Council annually so there was never any incentive to follow up. He explained how defendants who had numerous fines, their payments went to the oldest fines first so it was hard to tell if fines assessed in 2016 were paid timely if the defendant had older fines to pay, they weren’t separated out.

Councilor Slay confirmed that when a defendant made payments, the balance of all their fines would still decrease regardless of what fine was being paid. She asked if someone was regularly reviewing accounts to make sure they were being paid.

Judge Fisher said that was correct and that the Court Clerk was reviewing accounts regularly. He talked about future fines and defendants who had numerous fines that they weren’t paying so

instead of imposing additional fines the Court will never see, he imposed increased sentences of community service and longer jail sentences.

Councilor Slay asked if he had considered partnering with the Graffiti Response Team or something like that.

Judge Fisher said they sent more and more defendants to perform community service. He said what they really needed was other options for community service. He said there were a lot of non-profit organizations that wouldn't allow people to perform community service.

Councilor Fleck said Community Sharing did allow defendants to perform community service for them as long as they didn't have a violent history. He asked if new Court software had been budgeted for next year.

Judge Fisher said in September he was required by the State to send in a report but the information required wasn't available through the current Court software system. He said since then he decided that needed to change but hadn't researched any other software programs yet.

Councilor Burbach said when his company received overweight tickets, they had to go to Circuit Court in Lane County and once the fine was assessed, there were people waiting to collect their money. He asked why that couldn't be done in Municipal Court.

Judge Fisher said with traffic citations if the fine wasn't paid, the defendant's license could be suspended until the fine was paid. He said apparently there were a stack of citations that had never had the licenses suspended for non-payment however the Court Clerk was working on those suspensions. He said the suspension process worked because people didn't like having their licenses suspended. He talked about people who kept driving even though they had suspended licenses and there wasn't anything that could be done to stop them from driving.

Councilor Slay asked at what point that became a more serious charge.

Judge Fisher said it never did. He said there wasn't any law that said if someone received a certain number of driving while suspended infractions, that it bumped it up to a misdemeanor or felony. He said the Court could impound a vehicle but that raised its own cost and liability issues for the City and was impractical.

Councilor Boone asked if the Judge was seeing cases cited into Municipal Court that Council had passed into law that didn't strike him as being well designed.

Judge Fisher said they had very few cases as a result of City Code violations. He mentioned consuming alcohol in public as an example and said there was very little he could do with the types of people who were charged with that offense. He also mentioned dog at large which allowed thirty days in jail which he said would never happen in his Court.

Councilor Roberts said basically there wasn't anything that could be done to collect fines from people who didn't have any income and weren't able to pay.

Judge Fisher said approximately 90% of the criminal defendants, qualified for Court appointed attorneys which meant they were at the poverty level. He said as many as 30% were homeless and were the majority of the people seen by the Court most frequently. He said the Court would never see payment from these defendants. He said the only option was finding alternative sentences.

Councilor Roberts commented about repeat offenders who didn't or couldn't pay their fines and said the Court couldn't put everyone in jail. He said to him it gave them a green light to continue breaking the law because they knew there were no penalties if they didn't comply.

Judge Fisher said repeat offenders were spending more time in jail and it was fair to say that there were a crowd of them that the Court wasn't seeing as often because some of the sentences were pretty long. He said there were others who hadn't reached the level of repeat offenders and their sentences were shorter.

Councilor Roberts asked what it would take to reach out to non-profit organizations in the community and find ways to start programs that could benefit the community.

Judge Fisher said he recently had a conversation with Advanced Monitoring Professionals (AMP) who supervised the Court's defendants who were on community service. He said they were inquiring of churches and agencies regarding community service and as far as he knew they hadn't received any responses.

Councilor Roberts asked if we had defendants do community service with the City.

Richard said the City had used them in the past but not all followed the rules. He said the public works department did use some defendants who were serving jail time depending on their charges. He commented about a letter the Judge had received from a female who had been sentenced to jail and wrote to the Judge saying good luck putting me in jail.

Councilor Roberts said it was a real problem.

Councilor Slay asked Chief Shepherd if he had any ideas on mitigating some of the fines.

Police Chief, Scott Shepherd, said he said there were some things that had been mentioned that might be beneficial. He understood Judge Fisher's reluctance to impound cars because there was an inherent cost involved with that. He said there was an impound lot that was secure and they would be happy to use it given the opportunity. He knew there were times in the past when Judge Fisher ordered that vehicles be seized and those vehicles were either in impound or had been disposed of. He thought it was a pretty effective way to stop certain behavior, particularly if it were driving offenses. He said if someone had a suspended license and continued to drive on the streets, it put everyone in jeopardy.

He would support any kind of programs that could utilize members of the community to help hold people accountable. He said there were certain people they had dealings with on a daily basis that they wouldn't want them to be working with the public. He said there were others that were down

on their luck that would be capable of doing some kind of community service. He said he would be more than happy to look at options; however his department didn't have the manpower to monitor these kinds of activities. He would advocate for some kind of volunteer program that would be acceptable and expand community service options and the volunteers could monitor defendants for the Court. He said although it was sometimes beneficial to the City, there were times when the public works department didn't have the time to monitor defendants. He said we are all dedicated to the quality of life in Cottage Grove and holding people accountable was part of that dedication and if he could help in any way he would be glad to.

Councilor Roberts said there would have to be a good percentage of defendants that would want to do that.

Chief Shepherd said we had to make it beneficial to them. He said there were hundreds of thousands of dollars owed in fines that the Court would never collect and he would rather see defendants work that off and have them be responsible.

Councilor Fleck said Community Sharing was limited by the number of people they could oversee. He said if they had volunteers to oversee the community service people, they could take more.

Councilor Slay said she had a hard time hearing the Judge say that he had defendants who were driving while suspended on their 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup> time and it was just a revolving door. She said it was a matter of time before they killed someone. She said they had no business being on the road and she thought they needed to come up with something together to make sure that stops happening.

Judge Fisher said it was a statewide problem and was always at the top of the list at the Judge's conferences. He said any changes had to come out of Salem.

Mayor Munroe said even though the Judge worked for the Council, there was no way they could tell him he needed to do something as far as the law went.

Judge Fisher said he was open to suggestions.

Councilor Slay said she would look into impounding more vehicles.

Councilor Gowing said he would like to discuss the issue at a goal setting session.

Mayor Munroe asked why one form of government could take away someone fishing and hunting license if they didn't pay a certain bill, yet the Municipal Court couldn't.

Judge Fisher said currently only the State Courts were able to attach fines to income tax refunds, etc. He said part of it was the State didn't fund Municipal Courts so they didn't care and the perception in Salem was that City Courts were cash cows and weren't paying their fair share back to the State.

(c) Amendment to City Manager Employee Agreement

Finance Director, Roberta Likens, said on November 28, 2016 the Council authorized adjustments to the City Manager's base salary, however there was no discussion on when the adjustments would take effect. She said there was also no discussion regarding a 1% contribution to a deferred compensation account that other non-represented employees, with ten years of service or more received effective July 1, 2016. She said attached to the Memorandum was an Amendment to the City Manager's Employment Agreement which was drafted by City Attorney Lauren Sommers. She said staff was looking for direction on the effective dates of the salary adjustments and if Council wanted to give the City Manager the 1% deferred compensation contribution effective July 1, 2016.

She said Council's options were to move forward with the Amendment prepared by Lauren or direct the Mayor to work with the City Attorney on preparing a revised Amendment with the changes as outlined.

Councilor Fleck said he felt that the City Manager should be treated like all the other staff.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR BURBACK THAT COUNCIL AMEND THE PROPOSED AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT BY ADDING A 1% CONTRIBUTION TO A DEFERRED COMPENSATION ACCOUNT EFFECTIVE JULY 1, 2016 AND CHANGING THE EFFECTIVE DATE OF THE COLA TO JULY 1, 2016 AND AUTHORIZE THE MAYOR TO SIGN THE AMENDMENT.**

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	X
NAYS							
ABSTAIN							

(d) Concerns from Council

Councilor Burback thanked Jake, aka Santa, for all the work he did playing Santa. He said his grandson totally enjoyed it and said Jake did a great job.

Councilor Fleck commended the City and the Chamber for the downtown lighting event. He said it was really nice and everyone seemed to really enjoy it. He said he stopped by City Hall and could barely get in the door there were so many people waiting to see Santa.

Councilor Gowing wished Jon Stinnett good luck in his new adventures and thanked him for his good and fair reporting since he had been on Council. He said last weekend was the opening on the Marcia E. Allen Historic Society and encouraged everyone to stop by and see the new building. He

also thanked Mayor Tom for his service as Mayor the last four years.

Councilor Roberts said he loved the way the downtown was lit up and wanted to work next year on getting the Historic Downtown sign lit up year round. He said the downtown area was so dark and this time of year it was even darker so having that sign lit up all year round would be nice.

Councilor Slay said she would like to work on a community fundraiser to raise funds for that project.

Councilor Burback thanked Jon Stinnett for all the positive things he had reported and his fairness and balanced reporting over the years. He thought he was the best Editor the paper had ever had.

Councilor Slay said it had been an honor to work with him and he would be missed.

Councilor Roberts wished everyone a Happy Holiday and Happy New Year.

Mayor Munroe thanked staff who had been a big help to him. He said he never thought he would be Mayor of Cottage Grove but it had been quite an experience and he had enjoyed every minute of it. He said one of the Councilors had stuck a nick name on him and now that he was leaving the Council, that Councilor would be the old geezer. He thanked the citizens of Cottage Grove for voting him to office and it had been a good adventure.

YAC Student said it was her first time attending a Council meeting and was glad that she was able to attend the Mayor's last meeting and see him in action.

## **BUSINESS FROM CITY MANAGER**

### **(a) Report from City Manager**

City Manager, Richard Meyers, reminded Council about the dinner Thursday night at Middlefield Golf Course.

Richard said at each of the Councilor's seat was a Covered Bridges Scenic Bikeway water bottle from Travel Lane County that the City and Chamber of Commerce were selling.

Richard thanked Santa for coming to City Hall. He thought there were more people this year than in the past.

Richard said the Turkey Drop was a success and would continue with the cooperation of the Main Street Program.

Richard thanked Jon Stinnett for his years of reporting and working with him and staff.

Richard said his daughter, Emma, was unable to attend the meeting but wanted to express her thanks for working with the Mayor and his support of YAC.



Richard wished everyone a Merry Christmas and thanked Council for a wonderful year.

**BUSINESS FROM CITY ATTORNEY**

(a) Report from the City Attorney

None.

**ADJOURNMENT**

There being no further business, Mayor Munroe adjourned the regular meeting of the City Council at 8:38 p.m.

The next regular City Council Meeting will be held January 9, 2017, at 7:00 p.m. in the Council Chambers at City Hall.

  
\_\_\_\_\_  
Trudy Borrevik, City Recorder

  
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Jeffrey D. Gowing, Mayor