

COTTAGE GROVE CITY COUNCIL  
MEETING MINUTES  
MAY 9, 2022

**CALL TO ORDER**

Mayor Jeff Gowing called the meeting to order at 7:08 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

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, Police Chief Scott Shepherd, Finance Director Roberta Likens and City Planner Eric Mongan

STAFF PRESENT VIA GOTOMEETING: None

CITY ATTORNEY: Carrie Connelly

MEDIA PRESENT: Damien Sherwood, The Sentinel, Ryleigh Norgrove, The Chronicle and Cameron Reiten, KNND Radio

**SPECIAL PRESENTATION**

City Planner Eric Mongan introduced Kristin Ramstad from the Oregon Department of Forestry to present the Oregon Tree City of the Year Award to City Council.

Kristin Ramstad reviewed the City's past accomplishments, provided specific examples of recent achievements, outlined current project focuses and then presented the award to Mayor Gowing and the Urban Forestry Committee Chair Reilly Newman.

Urban Forestry Committee Chair Reilly Newman provided Council with the Annual Urban Forestry Committee Report. She updated Council with information regarding the newest Committee Members, their background and reflected on the City's successes. She outlined the upcoming tasks the Committee is undertaking and emphasized the importance of the Committee and their endeavors.

### **ITEMS ADDED TO THE AGENDA**

None

### **APPEARANCE OF INTERESTED CITIZENS FOR ITEMS NOT ON THE AGENDA**

Patrick Cartwright 2145 South R Street, Cottage Grove Oregon said the proposed site will cause him to have to make \$25,000 in upgrades for security and he never would have moved his business from Creswell knowing this was going to happen. He said it will cause him lost revenue and the need to increase security. He said several business owners, including himself are forming a party to file an injunction to stop the camp. He said he held a meeting at Bohemia Park, three City Councilors showed up and the homeless that attended said they would not attend the homeless shelter. He said the RFP is a disaster waiting to happen and the site is not going to be habitable. He asked if the Police funding would be increased and he questioned the infrastructure for medical response. He added that he is not against giving the homeless a place to be and suggested the Warming Shelter site.

Bob Gonzales 310 Elk Drive, Cottage Grove Oregon said he and his wife both work with the homeless. He said the City should have service contracts with the homeless, there should be a separation of people who are off of drugs and trying to get better and we should be unique and different. He said getting them into a program is the most important thing and asked why the City would invest into a homeless camp shelter without having a program set up for them to get off drugs. He said ninety percent of the homeless are on drugs and are going to rob us. He said the City should use the Warming Shelter site and that the homeless will destroy the businesses at the industrial park.

Johanna Zee 1386 Cottonwood Place, Cottage Grove Oregon said the people have spoken. She said she went to the Hastings Street camp in Sutherlin and it is not a regulated site, it has zero services, it is self-governed, a neighbor gives them electricity and it is Low Barrier with no restrictions. She said she wants truth and transparency, the RFP looks like it was taken from other places and it needs to be reworded for our community.

Kathleen Mattson 1740 Bryant Ave., Cottage Grove Oregon said she wants more options that the Council can look over and not just push the Hwy 99 site. She said there are homeless people on drugs and they commit crimes and she is concerned about the children at the High School and Bohemia and added that the location is terrible. She said the clinic being by the High School is the wrong place. She referenced a pilot program in California in the 1980's where students were taught about homosexuality and new age stuff started happening in the schools. She referenced the Hatch Amendment and that it will protect you and your children.

Debbie Howell 36756 Shoreview Drive, Cottage Grove Oregon thanked Councilor Solesbee for continuing to ask questions. She addressed the rowdiness from the audience that took place at the previous Council meetings. She said even though the majority of people in the audience including herself did not agree with the proposed camp, Richard Meyers maintained his dignity and handled himself even with the pointed sharp toned comments that were directed at him. She addressed Councilor Fleck, recognized his involvement in the community and said it is not right for him or anyone to lash out at audience members and to not let them defend themselves. She said she wishes the Youth Representative was present to learn how the proceedings should take place, how adults should handle one another and to know that Councilors are Public Servants.

Feather Boustead 1350 Pleasant View Drive, Cottage Grove Oregon read a letter that was submitted to the Mayor and Councilors outlining her viewpoint on the April 25<sup>th</sup> Council meeting, the Town Hall and the proposed homeless solutions. She stated the desire to have community conversations about the issues, exchange ideas and create ways to help.

Donovan Rose 700 East Gibbs, Cottage Grove, Oregon said he is one of the homeless at the Community Center and due to the people who have been willing to help has allowed him to get a full-time job and a chance to do something with himself. He said he agrees that there needs to be an evaluation or questionnaire to find out if people want to get help. He said he is a past addict and needs housing, a place to shower, wash his clothes and store food. He added that those are the types of things that need to be established if someone is willing to get help and he appreciates everyone taking the time and effort to do something about it.

## **PUBLIC HEARINGS**

None

## **CONSENT AGENDA**

- (a) Approval of April 11, 2022 City Council Minutes
- (b) New Off-Premises Liquor License for Family Dollar Store #33009, 1137 Hwy 99 North
- (c) Approval of OLCC Liquor License Annual Renewals

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

Mayor Gowing announced there was a motion with a second, called for discussion and 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**

None

**BUSINESS FROM THE CITY COUNCIL**

(a) Award of Street Improvement Contract

Public Works and Development Director Faye Stewart presented background information regarding an Invitation to Bid on a chip seal and liquid road application to East Main Street and Emerald Parkway in Creswell and a scrub seal, chip seal, and liquid road application to S. River Road. He said the invitation to bid was a joint effort by both Cities to help reduce the cost of preparing and seeking the bids. He said there was one bid received from Sierra Santa Fe Corporation and the bid was reviewed and deemed complete. He said staff recommends Council award approval of the bid contingent on the adoption of the 2022-2023 budget.

**IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO CONDITIONALLY AWARD THE STREET IMPROVEMENTS CONTRACT TO SIERRA SANTA FE CORPORATION IN THE AMOUNT OF \$225,500.00 FOR EAST MAIN STREET AND SOUTH RIVER ROAD CHIP SEAL PROJECTS AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT AND ALL ASSOCIATED DOCUMENTS AFTER THE CITY’S 2022-2023 BUDGET IS ADOPTED IN JUNE.**

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

Councilor Roberts thanked the Public Works and Development Director and said the work that was done on Gateway was a big improvement and he said the roads need help which is what the citizens are looking for.

Mayor Gowing 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							

- (b) Council Approve Purchase of 2.37 Acres of Land from Double H Investments Group LLC for Future Water Reservoir Site (Lot #1 of Double H. Estates)

Public Works and Development Director Faye Stewart explained the need for the City to build a water storage reservoir above the end of West Harrison Avenue. He described the property that has been located, current zoning, purchase price, included easement, and stated that the parcel has been approved for development by Lane County and meets all development requirements. He said Staff recommends that Council purchase Lot # 1 in Double H Estates (2.37 acres) from Double H Investments LLC and authorize the City Manager to sign all necessary documents.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO PURCHASE LOT # 1 IN DOUBLE H ESTATES (2.37 ACRES) FROM DOUBLE H INVESTMENTS LLC AND AUTHORIZE THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS.**

Mayor Gowing announce that there is a motion with a second and called for any discussion.

Councilor Roberts asked how many homes the reservoir will be able to serve.

Public Works and Development Director Faye Stewart said the goal is to locate a reservoir at a high enough elevation to serve properties that are within the City’s Urban Growth Boundary and this 900 foot elevation would allow us to serve essentially all of the properties that are in the UGB.

Councilor Roberts asked what part of the budget the money would come from to purchase the land.

Public Works and Development Director Faye Stewart said the money could come from the System Development Charges and also the Reserve Fund. He said he is proposing that it comes from the System Development Charges.

Councilor Fleck commended the Public Works and Development Director and said this has been in the plan for many years and he fully supports it.

Councilor Roberts asked if this will lead to future growth.

Councilor Fleck said that you cannot have growth without it and it is required for annexation, but it does not necessarily mean that we have to have growth. He said the City has faced challenges getting our permitted rights moved and the more storage we have the less we will have to go back to the river and the less we will need to increase the capacity of our plant.

Councilor Roberts said he hears all of that, but he has problems with the fact that we are growing too quickly and he said some of the problems that we are beginning to have are compounded by the growth and we are forgetting some of the core issues.

Mayor Gowing asked if there were any further comments, 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							

(b) Concerns from Council

Councilor Ervin thanked Amy Merryday for encouraging Council to get more familiar with Council Rules. He said he has been studying Robert’s Rules and learned that the Council Rules have to be cited in order to be what you are referencing. He mentioned that there is a Council Rule that says, a member who voted with the majority may move for reconsideration of an action at the same or following regular meeting, and once a matter has been reconsidered no motion will be made without unanimous consent of the entire Council. He said if Council wants to reconsider, it would allow more time for the community to have a robust conversation as it relates to this homeless camp site.

Mayor Gowing said the Council rules were intended to be revisited last month but the homeless issue has been taking precedence.

Councilor Ervin asked if things that are stated in an Agenda count as Council rules, because there is nothing in the Council rules that say someone has to sign up ahead of time to speak. He said there is a restriction on Public Hearings and Appearance of Interested Citizens where you have to state your name and address. He suggested that we try to understand the reason that is being done, and if it works for those reasons, then maybe only state if you are a resident inside the City Limits or not. He said it may safeguard people from threats against them. He added that it also mentions that Council should not be evoking the fundamentals of Parliamentary Procedure frivolously and he wondered if that is a reference to Robert’s Rules of Order and that would mean Robert’s Rules do apply.

Councilor Ervin said he attended a presentation from Onward Eugene at the Lane Economic Committee meeting today and he briefly explained their function and the opportunities for people who are out of work or wanting to have a career change. He inquired about getting an update on the perfection of water rights and the status of the Emerald Ash Borer and its effects. He also asked about the definition of Public Property.

Councilor Fleck said yes, Parliamentary Procedure is Robert's Rules and Council adheres to them and he added that he supports reevaluating the Council rules. He apologized for losing his temper at the last meeting and added that these decisions are not easy and he believes we are taking the best course for our town. He said it is not a perfect solution and will not solve every problem, but it is a good first step. He said it does bother him when his integrity is questioned. He added that he is not a perfect person but he does not lie and he has tried to recall what he was talking about with Councilor Solesbee. He added that he fully believes this is the right path and would not support it if he didn't regardless of whether it impacted his job or not. He said a decision has been made and let's give it a chance and see if it works.

Councilor Solesbee addressed Councilor Fleck by saying she was hoping that they would just let it go, but since he brought it up by saying that he is not lying, he is in turn calling her a liar. She told him that it was not the first time he had made the comment to her. She said he also came to her business the day after a Council meeting and said that he agrees with a lot of the things that she was saying, about not getting the Warming Shelter if the intent was to use it as a Homeless Shelter, but he could not agree publicly because he was afraid of losing his job. She said she was not trying to assassinate his character, she thought he had a conflict of interest.

Councilor Solesbee addressed Councilor Ervin's comments about reconsidering a motion and said that Council should agree to reconsider the homeless camp and it would have to be done at this meeting. She said she believes that Councilors did not have enough information and that the decision should not be rushed. She added that Councilors were told in the Blake v Grant Pass case that Grants Pass was being sued and she said it says the opposite. She proceeded to read information from the conclusion of the case. She said the City Attorney could not give clear direction or definition of what Low Barrier means and that we need to take a stronger look at this. She said what is being done to the Councilors is wrong and it is continuing to be done and we should reconsider.

Councilor Roberts said he agrees with a lot of what Councilor Solesbee is saying. He said he is scared to death of Low Barrier. He said he wanted to be involved in the conversations three years ago and he was told that he can't be part of it and that he was to help solve the policy. He said he wants to do something different and bold, he reminded the audience to vote, and said we need to change a lot in order to get things going and he is emotionally hurt by this whole process.

Councilor Savage apologized for her comment at a previous meeting regarding including a list of business names with the Hazardous Vegetation letter and said her intent was not to promote small businesses but to help the citizens. She said she originally voted yes on developing the homeless shelter but it is clear to her now that people are not done talking. She said she is onboard with the Hwy 99 site, but hears the people around her and we need to keep talking. She asked how she recalls the motion.

Councilor Ervin said you make a motion to reconsider the action.

Councilor Savage asked if she can she make a motion to reconsider the action.

Councilor Fleck said he is trying to recall Robert's Rules and wants Council to be clear about the ramifications under Robert's Rules.

City Manager said when doing a reconsideration, you would first vote on whether to reconsider, then you would have the vote on the action again.

Councilor Fleck stated if we do not, then it takes a unanimous vote to make a change.

Councilor Ervin said in Section 18 of the Council Rules, it says once a matter has been reconsidered, no motion for further reconsideration shall be made without a unanimous consent of the entire Council.

Councilor Fleck cautioned Council and said we could end up in a place where we are doing nothing on this matter and that is far worse than the direction that we are going.

Councilor Ervin asked him to expand on the risk.

Councilor Fleck said it took many hours to get to a 4-3 split and Councilor Stinnett is not present, so effectively we are not including his voice in the decision which is opportune for the Councilors who are against the item. He said he is worried that we will be in a position where we can no longer vote unless everyone agrees and clearly that is not going to happen.

Councilor Ervin said we are not saying that we would we consider right now and wouldn't want to exclude Councilor Stinnett.

Councilor Solesbee said we just want to reconsider it and go over it again with the facts.

Councilor Fleck said with Robert's Rules that is a slippery slope.

Mayor Gowing said it is like tabling a motion, then that person has to bring it off that table to bring it back and it could die right there.

Councilor Fleck said Robert's Rules are complicated.

Councilor Solesbee said, so is this issue and this is the only meeting that we have the opportunity to reconsider. She said the way that this happened in such a rush she believes that we need to reconsider.

Councilor Solesbee said she would make the motion.

Mayor Gowing said you cannot.



Councilor Savage said that she did.

**IT WAS MOVED BY COUNCILOR SAVAGE AND SECONDED BY COUNCILOR SOLESBEE TO RECONSIDER THE ORIGINAL MOTION FROM THE APRIL 25, 2022 COUNCIL MEETING.**

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

The vote on the motion was as follows:

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

Mayor Gowing asked the City Manager what the next step is.

City Manager said now we go through the reconsideration.

**COUNCILOR ERVIN MOVED TO HOLD THE RECONSIDERATION AT THE SUBSEQUENT COUNCIL MEETING.**

Mayor Gowing asked if that takes a unanimous vote.

Councilor Fleck asked if we could reach the City Attorney.

Mayor recognized Assistant to the City Planner Jake Boone to take the podium.

Assistant to the City Manager Jake Boone said the he is looking up the reconsideration process in Robert's Rules of Order and the section is rather thick and it will take a few minutes to get an answer.

Councilor Roberts announced that he will not be at the next meeting.

Mayor Gowing called a five minute recess at 8:33 pm

Mayor Gowing reconvened the meeting at 8:40 pm

Councilor Fleck restated his motion with Councilor Stinnett's friendly amendment from the April 25, 2022 City Council meeting.

Councilor Ervin asked if he was reciting the motion from memory.

Councilor Fleck said his original motion was read from the Agenda Item and he recalled from his memory that Councilor Stinnett had made a friendly amendment that he in turn agreed to.

City Manager said that is the motion that is on the table as a result of the Reconsideration

Councilor Fleck clarified that when the motion fails it will take a unanimous vote to revisit the issue again, ever.

Councilor Ervin asked if the motion is being made again.

City Manager said the motion was restated because the Reconsideration put the motion back on the table.

Mayor Gowing stated that if this motion fails tonight it will take a unanimous Council to bring the issue back to the table.

Councilor Ervin said it is not exactly clear to him and asked about the motion.

Mayor Gowing said the motion from the last meeting is being reconsidered and is back on the table.

Councilor Ervin asked where is it required that it is voted on tonight.

City Manager said it has been put on the table because Council voted to reconsider.

Councilor Ervin asked if he could see in the rules where it necessitates being done tonight.

Mayor Gowing said a reconsideration from a previous meeting has to be done at the next meeting, so it has to be done tonight.

City Manager said once you reconsider a motion, the new motion is on the table and the item takes precedence.

City Recorder reminded Mayor Gowing that Councilor Ervin made a motion to have the motion reconsidered and to do so not at tonight's meeting and there was no second.

City Manager said that according to Robert's Rules that cannot be done.

Councilor Ervin motion dies from lack of a second and is procedurally incorrect.

Councilor Ervin asked if that section of Robert's Rules could be read so that everyone is on the same page.

City Manager said it was asked of the City Attorney if Council could delay the revote on the reconsideration to the next meeting and the reply was no, it cannot be delayed.

Mayor Gowing announced that Council is reconsidering the vote from the motion at the last meeting 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
NAYS	X		X		X	X	
ABSTAIN							

Motion failed.

Mayor Gowing reminded Council that the only way that this can come back to Council is for everyone to be 100 % on board.

**IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO BRING THE SAME ITEM BACK TO THE NEXT COUNCIL MEETING FOR CONSIDERATION.**

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							

Motion Carried.

Councilor Fleck apologized to Councilor Solesbee and said that he does not mean to have disagreements in public and they clearly do not remember things the same way and they can leave it at a misunderstanding. He asked Councilor Roberts if he was inferring that he was trying to persuade him one direction or another on the issue. He said he wants to keep decorum and not let this go any further.

**BUSINESS FROM THE CITY MANAGER**

- (a) Report from City Manager

None.

**BUSINESS FROM CITY ATTORNEY**

- (a) Report from City Attorney

None.

**ADJOURNMENT**

There being no further business, Mayor Gowing adjourned the regular meeting of the City Council at 8:47 pm.

The next regular City Council Meeting will be held May 23, 2022, at 7:00 p.m. in the Council Chambers at City Hall.

  
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Mindy Roberts, City Recorder

  
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Jeffrey D. Gowing, Mayor