

COTTAGE GROVE CITY COUNCIL  
MEETING MINUTES  
APRIL 11, 2022

**CALL TO ORDER**

Mayor Jeff 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, Jon Stinnett, Greg Ervin, and Kenneth Michael Roberts

PRESENT VIA GOTOMEETING: None

COUNCIL ABSENT: None

YOUTH REPRESENTATIVE Emma McDonald

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, and Finance Director Roberta Likens

STAFF PRESENT VIA GOTOMEETING: None

CITY ATTORNEY: Carrie Connelly

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

**ITEMS ADDED TO THE AGENDA**

None

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

Bruce Kelsh 78340 Halderman Road, Cottage Grove Oregon thanked the City Manager, City Recorder and City Staff for their hard work in organizing the Town Hall. He said the format captured the responses of close to 200 community members and it was an impressive accomplishment to set up the well-organized meeting. He acknowledged and thanked the Councilors for facilitating table discussions and listening with open minds to the diverse opinions that were expressed. He said the Town Hall was well advertised, had an important topic, and the community responded by showing up in impressive numbers. He added that the structure allowed people the opportunity to learn more about Homelessness, express their responses, and the format prevented the Town Hall from becoming a forum in which only a few people could speak at an open microphone.

Duane Taddei 77561 Hwy 99, Cottage Grove Oregon reminded City Council that there needs to be a discussion regarding the MUPTE and that the City needs to change it to require low income affordable housing.

Kathleen Mattson 1740 Bryant Ave, Cottage Grove Oregon said that April is Child Abuse Prevention Month and she is concerned with the location of the proposed Homeless Shelters being located next to the High School and she said to protect the children of Cottage Grove it needs to be somewhere else.

Councilor Fleck reminded the audience that they may submit written testimony if they are unable to fit their comments into the five minute time frame.

Linda Olson Girard Ave, Cottage Grove, Oregon asked why speakers have to give a physical address because the Councilors do not give theirs and she said twice in the last week and a half people have been taking pictures of her house. She said she is concerned about the South Lane Mental Health Clinic and its location.

Councilor Ervin called Point of Order, indicating that there will be discussion for items on the agenda prior to the Agenda Item.

Mayor Gowing indicated that she is talking about an item not on the Agenda.

Councilor Ervin said we have ejected a person who would not give their address two meetings ago and he wants to be consistent.

Linda Olson said she lives at 1305 Girard Avenue and is uncomfortable giving her address. She said she will hold the rest of her comments until the Agenda Item.

Amy Merryday 205 Adams Ave, Cottage Grove Oregon said many people are angry about their water bill. She said she would like to ask people how jealous they are of the unhoused who do not pay a water bill. Amy said that she wants to talk about the purple line and spread it back to the people who pay for the water that comes out of the purple line. She said we are privileged enough to have water that could have come from an old fashion well so that we could have

irrigation rates instead of plain drinking water rates and we have to teach our children that you do not have flush your toilet with drinking water.

**PUBLIC HEARINGS**

None

**CONSENT AGENDA**

- (a) Approval of March 25, 2022 Agenda Meeting Minutes
- (b) Child Abuse Prevention Month Proclamation

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO APPROVE THE CONSENT AGENDA**

Mayor Gowing asked if there was any 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               | X            |
| NAYS    |                   |                    |                  |                 |                    |                 |              |
| ABSTAIN |                   |                    |                  |                 |                    |                 |              |

**RESOLUTIONS AND ORDINANCES**

- (a) A Resolution Authorizing a Full Faith and Credit Borrowing and Related Matters

Finance Director Roberta Likens presented information regarding the updated commitment letter from Banner Bank with the proposed interest rate, payment structure and associated fees. She reminded Council that the Local Government Law Group originally drafted the financing agreement however Banner Bank advised that Bond Counsel was necessary therefore the City engaged with the firm of Hawkins, Delafield and Wood, LLP. She said Staff is recommending that Council approve the proposed resolution and authorize the City Manager to sign the financing agreements and other required documents with Banner Bank.

**IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR FLECK TO ADOPT RESOLUTION 2068.**

Mayor Gowing asked if there was any discussion.

Councilor Savage asked if the ARPA funds could be used to pay down the loan.

City Attorney Carrie Connelly replied that the original terms did allow for pre-payment after a period of two years and at that point you would be able to pay back the loan without penalty.

Councilor Savage asked if the ARPA funds could pay part of the amount needed and take a smaller loan.

City Manager Richard Meyers said yes, you could use ARPA funds to pay for a portion or all of the construction.

Mayor Gowing asked if there was any further 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               | X            |
| NAYS    |                   |                    |                  |                 |                    |                 |              |
| ABSTAIN |                   |                    |                  |                 |                    |                 |              |

### **BUSINESS FROM THE CITY COUNCIL**

(a) Homelessness Discussion and Decision on How to Move Forward

Suzanne Keaveny 328 Quincy Ave, Cottage Grove Oregon expressed her thanks and support for the people who worked on and participated in the Town Hall on Homelessness. She said she did not know that decisions were being made in the Courts and the Legislature that required cities to address Homelessness or there would be people sleeping on sidewalks and in the parks. She said she is glad that something is going to happen. She said there will be people who try to make us afraid of the homeless, would like to make them invisible and this problem is bringing out hate and fear. She said the solutions are well thought out and she supports them.

Councilor Fleck reminded the audience that protocol is for those who are speaking at Council meetings to address Council not to look back to the audience.

Bruce Kelsh 78340 Halderman Road, Cottage Grove said the feedback from the Town Hall shows the overwhelming support that community members have for the City doing something more than the minimal to address the issue of the unhoused and how to protect the City from litigation. He said that Council has been informed, received input from the community and it is time for them to decide what to do and it is important to recognize that there will not be a perfect solution.

Carrol Crawford 850 S 3<sup>rd</sup> Street, Cottage Grove Oregon introduced Boxabl Homes as a building system that is a possible solution to helping with the lack of affordable housing and the

homelessness issues. She provided the Mayor and Councilors with a letter introducing her company Home Team and Boxabl homes.

Andrew Cruden 333 E Madison, Cottage Grove Oregon said he has been made aware that the cleanup under the Washington Jefferson bridges in Eugene cost the City of Eugene approximately \$50,000 per month. He asked how are we going to pay for the Homeless Shelters that the City is wanting to create.

Johanna Zee 1386 Cottonwood Place, Cottage Grove Oregon said the Town Hall format did not allow people to be heard, the questions and processes were manipulated and rigged and it was not a true Town Hall. She said it was a presentation for a proposal, well organized, but was not a true Town Hall. She said the people who were brought in to speak do not have a vested interest in the people here. She added that a task force similar to Cahoots would work well in a small town like Cottage Grove. She requested that Councilor Fleck recuse himself from the decision making process based on his role with Community Sharing and said that he is unable to be unbiased as the outcome affects him personally on many levels.

Linda Olson 1305 Girard Avenue, Cottage Grove Oregon said she was pleased with the Town Hall as far as attendance but not pleased with not being able to part of a discussion and that participants vetting for the Hwy 99 site were allowed to speak. She said she does not have a problem with the homeless, but the problem homeless. She added that she disagrees with putting South Lane Mental Health next to the High School and that LCC should be a learning center not a food pantry or medical facility.

Bill Christiansen 1337 Elm Avenue, Cottage Grove Oregon said the Town Hall left him feeling that the questions were biased and designed to elicit a positive response towards the City's plan. He said in a homeless situation he is a fan of structure, responsibility, and accountability on the part of the person that is homeless and not a fan of enabling. He said this issue is critical and the City should call all services together to get it right.

Amy Merryday 205 Adams Avenue, Cottage Grove read a poem that was written for her by Charles when she was describing to him what was going on in her mind regarding homelessness.

Mayor Gowing asked each of the Councilors to share their opinions and ideas about the Homelessness issue.

Councilor Roberts shared a story about his personal experience with being homeless and having a drug addiction. He said he went through a program that changed his life and he would like to see Cottage Grove do a similar High Barrier type of program that is different and bold.

Councilor Ervin shared a personal story of being kicked out of his parents' home and the people who helped him out during a difficult time. He said he is not looking at the issue as primarily a homeless issue but what is degrading the livability of the City and pulling down the ambition that we have.

Councilor Ervin said he believes that the City should not participate in a financial manner to address the issue of homelessness and should be focusing on core issues such as Police, Water, Wastewater, Codes and Regulations, Parks, Bike Paths and Infrastructure. He said he is willing to explore the Cahoots model and that he would change Code so that the City is not liable to law suits based on the changing legislation and direct the Police Force to be understanding, discerning, but strict. He said he would increase access to public information by utilizing large public facing reader boards with a Community Calendar cycling information to services. He added that he is not opposed to spending money if it is used to enhance the city and a good investment in the community. Ervin said that he likes the model concept that the Mayor of San Antonio presented with accountability, structure, and responsibility utilizing day labor. He said they could pick up trash, scrape paint, pull weeds and pressure wash and it would provide opportunity for people to build dignity. He said that he would attack the problem by raising the standard of living and expectation. He added that we do not have a homeless problem we have a bad behavior, entitled attitude, not willing to participate in society problem and we should not tolerate it or reward it.

Councilor Stinnett said homelessness is not a living situation that anyone would choose, want or desire. He said it is uncomfortable to watch people suffer, it is here, and we are seeing it. He added that these are not new people to our community, they have been hiding and they realize now that they no longer have to hide because the law now says you can be on Public Land. Stinnett said we can wish that we hadn't seen it, but it is there and it is not going away. He said there is no they, they is us. He said we have to tackle the situation, manage our Public Lands, change codes, and close the Community Center site as soon as possible. He said the current Warming Center Site has many pluses; the shelters are already there, there are not many residential neighbors, it is close to amenities and services and centrally located. He added that visitors will see and experience the homeless that we have in our community and they will see that we are trying to do something about it. He expressed concerns about the Hwy 99 site being a dangerous route to travel and near the schools and said we need to prioritize camping in the parks when we run out of capacity in the facilities that we have.

Councilor Fleck shared a personal story about his upbringing and how he then in turn raised his children. He said he has zero tolerance for violence and that he has fears with people camping in an unmanaged environment. He said Councilor Ervin's solution is not a viable one and there is no motivation for people to change unless you give them hope. He said he disagrees with a high barrier option and studies have shown that we need to get people into housing, work on self-esteem, encourage mental health and addiction services, and job training and it will improve the quality of life for that person and save the community money. He said Carry It Forward is good at what they do, he supports the current plan and direction that the City is going and is open to making changes that make sense. He added that he has concerns about the traffic at the Hwy 99 site, he would rather see sheltering at the North Douglas site and he does not think the site along the bike path is a good environment.

Youth Advisory Representative Emma said that it is important to break the cycle of homelessness and to recognize that not everyone who is homeless is addicted and not everyone who is addicted to a substance is homeless. She said that nobody wants to be homeless and the majority of them are trying to get the help that they deserve. She added that if they are not able

to benefit from the programs it is to the fault of their mental health, preexisting conditions, or the addiction that they haven't been able to overcome. She said the most important aspect to solving homelessness is to give people the opportunity to get themselves on their feet.

Councilor Savage shared a personal story of being unhoused. She said she believes that there needs to be a place of accountability, responsibility and does not believe in a handout but rather a hand up. Savage shared a personal story of a friend and her special needs son who lost their home and how the friend was able to participate in a program where she received assistance if she worked hard, volunteered and followed the steps of the program. She said she would like a low barrier option be met by a program like Cahoots and that the City should be helping with a medium barrier program at the Hwy 99 site for people who are willing to work for themselves and work hard.

Councilor Solesbee thanked people who were able to come to the Town Hall and apologized to those who felt they were not heard and said that she did not know the format until right before the meeting. Solesbee said that the Council Body did not know there was going to be a homeless camp at the Community Center before it happened and she found out because her husband who is the Fire Marshall drove by and let her know. She said she has been inundated with calls, emails, and people stopping into her business with their concerns. She added that what some communities are doing is not working and the homeless situation is growing. She mentioned the article in the Sentinel and said that Cahoots is worried about staff being able to adequately address mental health issues and the homeless numbers will soon multiply. Solesbee said she does not agree with a low barrier site. She said one of her solutions would be to allow sleeping in one of the parks from 9:00 pm to 6:00 am and then they must clean up and leave in the morning. She added that she would like to spend more money towards programs and assess the needs of the homeless in our community before we set up a permanent homeless camp. She suggested a navigation team consisting of City Staff, Police and Social Services to connect homeless with proper services and that the City invest in programs to waive permit fees to entice builders to build multi-family units, and promote MUPTE and LUPTE programs. She said she would do more with housing trust vouchers and kick back benefits to homeowners who accept them for rent.

Mayor Gowing said based on the laws, we have to do something because doing nothing is what we are doing and it is not working. He said stereotyping the homeless is not an answer and some of them do appreciate the help that they are getting. He said the City can help those that want help by getting the resources and if it was up to him there would be more mental health and counseling resources.

City Manager Richard Meyers added that the proposal brought to Council is three years of work by Community Leaders from South Lane Mental Health, Peace Health, South Lane School District, Community Sharing, South Lane Wheels, Lane County, Carry It Forward, SquareOne, St. Vincent de Paul and other resources from all over Lane County. He said organizations such as Carry It Forward and St Vincent de Paul are the experts and have the ability to do the things that Council has been talking about. Richard told Council that they need to determine the next steps and added that Staff would like to eliminate the Community Center and City Hall site as quickly as possible so that those people could get the help that they need.

City Attorney Carrie Connelly clarified the differences between Martin v Boise, Blake, and House Bill 3115 and addressed the legal aspects.

Councilor Fleck said that whoever runs the Shelter could give priority to those people who are from here and added that a managed low barrier site is key and he does not want to see camps that are not managed.

Youth Representative Emma noted that students are homeless too. She explained that students are not allowed to leave campus with the exception of the lunch period for Juniors and Seniors and sheltering young adults from things that they are going to encounter is not going to help them.

Councilor Ervin asked the Councilors who thinks this is the responsibility of the City, and if the majority of the Councilors say yes, then he has to help figure out the best way to deal with it.

Councilor Stinnett said we have to change Code and he supports closing the Community Center site and City Hall site and moving the residents off those sites to the Warming Center site.

Councilor Fleck said he would rather the City not be doing this but we have no choice. He said in a perfect world he would like to see Lane County as the Community Action Agency doing this with help from Peace Health and the City but until then we are in a position where we have to do it.

Mayor Gowing said he agrees with Councilor Fleck in that we do not have time to wait on the County and the City should get it started and then pass it on.

Councilor Roberts said that the number of people that come from other areas to use the shower trailer is only one or two and it is blown out of proportion to say that the homeless will be migrating to Cottage Grove. He said that he likes a work program idea like Tennessee, Kentucky and Florida have and he would like there to be a certain amount of responsibility and accountability.

Councilor Savage said she fully supports going to the Hwy 99 site as soon as possible and would like to see it require a level of accountability and responsibility.

Councilor Fleck said low barrier means that we take people in as long as their behavior is appropriate.

City Manager Richard Meyers added that other low barrier situations that could be allowed would be people with pets or brother and sisters and to not separate out those type of factors. Richard added that if the City is doing the funding with the County or even some Federal programs we could set preferences as to who gets the services first to make certain we are serving people in our community, and then open it up to others like fire victims and veterans.

Councilor Roberts asked if the City lets people into the shelter who have been smoking and drinking how many days do we let them in and continue their abuse.



City Manager said that is something that would be worked out with the contractor and typically there is a timeline that would be established for the initial first step.

Councilor Roberts said he watched people drop out of the program that he was in and they came back when they realized they made a mistake.

City Manager said those are things that could be worked into the contract.

Councilor Solesbee asked the City Attorney to clarify that the law does not say they can camp. She said it says sitting, lying, sleeping or keeping warm and dry outdoors on Public property and we can establish times of sleeping.

City Attorney Carrie Connelly replied it is true that you can establish times of sleeping but you cannot eliminate them all and you have to allow certain places.

Councilor Solesbee asked if there had to be more than one place.

City Manager Richard Meyers said yes, if they fill up.

Councilor Solesbee said yes if they fill up, but until it is a problem it is not a problem as far as having multiple places.

City Attorney Carrie Connelly said that an Attorney can only tell you the language and it has not been tested under case law.

Councilor Solesbee said it says sleeping, lying, sitting not camping and that is the problem that a lot of the community have because they don't want the garbage and everything that comes with it. She said we need to reach people that want the help and are willing to abide by the rules, and if we do something as a City she said she wants it to have parameters so it can be reassessed and not permanent. She added that this should be in the hands of non-profits and not something the City is doing.

Councilor Fleck said if we allow people to stay in a park overnight and ask them to pick up and move their stuff everyday there will be tents and stuff strewn about. He said we need a managed situation and if we do the bare minimum we are going to end of with more problems. He said we need to think about the impact for the community and the homeless and if we do zero people could be camping on the sidewalk in front of people's homes and we clearly have to do something.

Councilor Ervin said we need to hold them to the same standards that any other resident is held to and the likelihood of stuff being left around is high but we need to enforce. He said we all need to hold each other to a decent standard and respect. He said if the City sets limits we protect the Public Spaces for their intended use and he is not opposed to challenging laws. He said he feels uneasy about placing a financial burden on people who are struggling to make it and feels it is the role of charity and we should not put the burden on the taxpayers.

Youth Representative Emma asked how you would enforce holding people to a standard when that would burden them financially with a fine.

Councilor Ervin said people need to be held accountable by correcting the wrong that they have done.

Youth Representative Emma said she doesn't see how it could be enforced and telling them to do it will not work.

Councilor Ervin said it is a fineable offense.

Councilor Fleck said that we are losing track of where we need to go and spinning our wheels.

Councilor Ervin said he is not specifying homeless people it is same standard.

Councilor Fleck said he agrees with holding people accountable but what we are talking about is solutions for people who do not have housing that are in our community right now and what we are going to do about it. He said we need to come up with minimum ordinances that are going to address the right of ways, identify time, place, and manner that will keep us out of legal jeopardy, do something that will make a difference, and will fiscally make sense.

Mayor Gowing said he would like to see the City allow RV parking on people's property and potentially have a permit process so that it could be somewhat managed.

Councilor Roberts asked if Staff could put something together and bring it to Council.

Councilor Stinnett stated that Staff has already done that. He said it is difficult to approve an entire proposal of that scope. He said he does not think low barrier means no accountability and Police are holding people accountable as best they can. He said if you put up barriers to the first step in housing, people are going to choose the alternative with no barriers and that is our Parks, sidewalks, and planting strips.

Mayor Gowing said it is costing the City money with the employees at the Community Center and the Police force.

City Manager Richard Meyers said Staff will continue to work on the Ordinances and bring them back to Council. He said the City needs to close the Community Center and City Hall Shelter and asked if we should proceed with preparing the Hwy 99 site. He suggested that we could do a contract with Carry It Forward for a short period of time to manage a temporary shelter while we get a RFP out to manage a more permanent location.

Councilor Ervin said he is in favor of code changes, RV camping provisions, and parking strip, sidewalk and park restrictions. He asked Richard what Parks were the top picks at the Town Hall.

City Manager replied that the top Community Parks were Coiner Park and Bohemia Park and then the Neighborhood Parks and Mini Parks were next. The lowest two Parks were the Nature Parks, North Regional and Row River.

Councilor Ervin said he wants to find common ground and he knows that we need to close the Community Center site so the next issue is to decide where we locate it.

Councilor Stinnett said he does not prefer the Hwy 99 site because of the hazardous travel and the increased distance from services and amenities, but he would not hold up progress.

Councilor Roberts said he has questions before we spend any money setting anything up anywhere and he wants to know what kind of program we are going to run and who is going to run it.

Mayor Gowing asked if we have to have the site before we find out who is going to run it.

Councilor Fleck said Councilors are welcome to come and speak to the group at the Shower Trailer site that would potentially be managing the shelters and he said he believes it would ease their mind.

Councilor Savage said she would be comfortable designating the North Regional Park for people to stay overnight and she does not support the Hwy 99 or Warming Shelter location.

Councilor Roberts said he thinks that Carry It Forward should have been at Council many meetings ago.

City Manager said this is only to designate a site and get it prepared so that we could then put an RFP together which would spell out what we want an organization to do.

Councilor Solesbee said that is saying that the Councilors all agree in going that direction.

Youth Representative Emma clarified that it is impossible to secure somebody to run the site without acquiring the site.

City Manager replied that we own the site but we do not want to do an RFP and then not have any place for them to go while we get a location up and running.

Councilor Stinnett asked if there is a deadline to close the Community Center site.

City Manager replied yes, for the roof contractors that are coming.

Councilor Stinnett said closing the Community Center without an alternative means they go wherever they want.

City Manager replied yes.

Councilor Solesbee said or we designate a park.

City Manager said as soon as you designate a park you have lost any supervision, help, and management of the individuals.

Councilor Fleck said he would support the Hwy 99 site so that we could move forward.

Mayor Gowing said his first choice would be the Douglas Ave site due to its location but it is the most expensive.

City Manager said the need to provide transportation and help getting people to and from the site could be included in the RFP.

Councilor Stinnett asked what work is needed at the Hwy 99 site.

City Manager said there is some site work, electricity for the Pallet Shelters, improvements to the restroom and shower facilities, and painting.

Councilor Stinnett said there are shelters ready to go at the Warming Shelter site and we should be using those now.

City Manager said the 15 additional shelters from the County should be here in the next week or so.

Councilor Roberts said he feels like we are putting the cart before the horse. He said he knows we have to do something but he still has unanswered questions and asked if we are just needing a consensus.

City Manager said he would like a motion.

Councilor Stinnett said Councilor Roberts' concerns are another reason that we should be moving to the Warming Shelter site, it is ready to go and not as big of a commitment as completely preparing the Hwy 99 site.

Councilor Savage said if we use the Warming Shelter site and the Hwy 99 site is not approved then we will have people in the middle of town that could potentially feel under a microscope.

Councilor Solesbee asked how the Homeless Shelter ended up at the Community Center.

City Manager said there were individuals staying there and rather than having them go to any park in the community we took the step to monitor and supervise them at the Community Center and City Hall. He said when those sites got full, people are now camping in other locations like Trailhead, Bohemia, Coiner, and All-America Square. He said there are more than what will fit at the Community Center and City Hall and this was an attempt to try and manage the situation and monitor trash, use, and establish rules.

Councilor Solesbee said she is frustrated because we have allowed them to stay at the Community Center and we are now under pressure to make decisions because the Community Center roof repair is starting. She said there needs to be a temporary solution before we start spending money on the Hwy 99 site. She said the 72 hour camping creates a problem with clean up and the dusk to dawn would not if the Police are patrolling at the departure time. She said we would be better served to temporarily assign a park for use from Dusk to Dawn and revisit the plan so that we can make good decisions.

Councilor Fleck said there has been many discussions and public input and while he wants to build as much consensus as possible, he is at a point where he recognizes that we need to do something. He said he is in support of moving forward with the Hwy 99 site and getting an RFP in place.

Councilor Ervin said he wonders if charities are not stepping up because there is a proposed plan.

Councilor Stinnett said the hesitancy for Council to make a commitment points him toward the Warming Shelter site and he supports putting up a visual barrier between the site and the trail.

Councilor Ervin asked if the motion could be split into the things that have been agreed upon.

City Attorney Carrie Connelly said there is sufficient direction on the Ordinances and there does not need to be a motion regarding them. She said a motion would be needed to direct staff whether to start developing a location to move people to or to just move them off of the Community Center site and if Council wants Staff to create an RFP.

Councilor Roberts said that he wants to get something going but he feels that if we agree to do the Hwy 99 set up we are committed, yet he does not fully know what we are committing to.

Councilor Fleck said at this time he would suggest that Council go with Councilor Stinnett's proposal to move people from the Community Center and City Hall over to the Warming Shelter site in the interim and have someone manage it.

Councilor Roberts asked what date they have to be out of the Community Center.

City Manager relied that it was May 1<sup>st</sup> but due to lack of materials it is now June.

Youth Representative Emma said the biggest issues that she has heard is the location of the Hwy 99 site and the potential of there not being an adequate charity to run it.

Councilor Ervin said the issues are different for each Councilor.

Mayor Gowing said it is mainly the location and people's ability to get to and from. Youth Representative Emma asked if it could be discussed further before a decision is made and develop a solid plan for transportation.

Councilor Ervin said there is just going to be a split decision.

Councilor Savage said she is concerned with using the Warming Shelter site and having people on display for tourists to see and she is not in favor.

Mayor Gowing said his concern with moving them to the Warming Shelter now is that we need to have someone managing them.

City Manager said he expected that if they are being moved from the Community Center and City Hall there would be full time management.

Councilor Stinnett said if we can't immediately manage a facility then we are moving them to nowhere.

City Manager said Carry It Forward can staff the facility quickly on a temporary basis if needed.

Councilor Savage asked if Hwy 99 could be ready by the deadline so there is only one transition.

City Manager said it would be tough but could be a possibility.

Councilor Solesbee asked how many are at the Community Center.

City Manager replied there are eight tents and some have a couple people in them and four tents at City Hall.

Councilor Solesbee stated a total of twelve tents.

City Manager replied yes, and the City has seventeen shelters at the Warming Center site.

Councilor Solesbee said we have twelve tents that were on their own before all of this happened. She outlined the different options that are being discussed and said she doesn't understand the downfall to choosing a park for them to stay the night on a temporary basis until Council can make an educated decision.

Councilor Stinnett said he doesn't think they will go back to what they were doing because they know they do not have to because the laws have changed.

Councilor Fleck said some of these people are disabled and if we say the only time, place and manner is North Regional Park it will not work for people with mobility issues and he questions if there would be legal challenges.

Carrie Connelly said the standard when House Bill 3115 goes into place it could be considered objectively unreasonable from the prospective of the homeless individual. She added that the better way to make a decision would be to decide the Park that you want to protect, which is more along the lines of what other communities are doing.

Councilor Solesbee said like Eugene, Portland, and Seattle.

Councilor Savage suggested that we allow people to camp at the North Douglas site.

Councilor Fleck said there are no facilities there.

Councilor Savage said there is a Shower Trailer that could come in.

Councilor Fleck said there is no power, connections or facility for the management.

Youth Representative Emma said that is not much different from them living in their tents or at the Warming Shelter.

City Manager explained that there is no power or water there.

Councilor Savage said if we designate a park the utilities are not there and at the North Douglas site we could provide a port-a-potty and bring in power and water instead of redoing Hwy 99.

Carrie Connelly explained the difference between allowing individuals to go where they may and funneling people to a City managed site.

Councilor Ervin said we are talking about twenty people that the City is housing in a cage, and he asked, aren't there twenty people in this community who have the means and ability to take these people in.

Mayor Gowing said if we move people out of there and we do not have some type of direction other people could go there.

Councilor Ervin said the idea is to take three or four days, explain the situation and ask people for help.

Mayor Gowing said it is a good thought but we still have not solved the problem of people being able to camp anywhere they want.

Councilor Ervin said it would solve the problem of having them at the Community Center.

Mayor Gowing said until they want to come back or someone else wants to come in there.

Councilor Ervin said he thought that is what the designation of parks is for.

Mayor Gowing said we have to designate a Park or we are not accomplishing anything.

Councilor Ervin said I thought we were.

Councilor Solesbee said we need to designate a park.

Mayor Gowing said Council has not decided.

Councilor Ervin said he thought Council was in agreement on that part.

City Attorney Carrie Connelly said it is recommended to have a descending level of protections for the parks in conjunction with a wide sphere of other options and explained why.

Councilor Ervin asked clarifying questions.

City Manager added that it prioritizes the parks in case the park that you have designated has filled up.

Councilor Ervin said if you are filling up a park, wouldn't the standard be that the tents are right next to each other, because right now we are demonstrating they can be right next to each other. He said you could have close to 20,000 tents in North Regional Park.

City Attorney said instead of designating a place where people are allowed to go the proposal was to protect Community, Neighborhood, Mini Parks and Riparian or Wetland areas from 10:00 pm to 5:00 am.

Councilor Ervin said he understands that it was not part of the proposal, but if it doesn't put us at an additional risk we could maximize the public spaces for the uses they are intended for by designating an area that we are not going to enforce sitting, sleeping, resting, lying down.

City Attorney said it increases your risk if you are designating one area.

Councilor Ervin asked is it because there is potential for it to be unreasonable.

City Attorney said if you are funneling people to one location you can't do that without having services.

Councilor Solesbee asked what type of services.

City Attorney said there is a statute that outlines the type services; including sanitation and water.

Councilor Stinnett said if the argument against moving them to the Warming Shelter site is that they would destroy it without management then moving them to a park would accomplish the same thing.

City Manager said part of the management is not only to protect the resources but includes monitoring the capacity, cleaning the restrooms, maintaining the site, and managing behavior.

**IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR STINNETT TO USE THE PALLET SHELTER SITE AS A TEMPORARY SITE UNTIL THE HWY 99 SITE IS DEVELOPED AND CONTRACT WITH CARRY IT FORWARD TO PROVIDE SERVICES.**

Mayor Gowing said you wouldn't name Carry It Forward until we know for sure.



City Manager said we could enter an emergency contract with Carry It Forward. Councilor Roberts asked if we have any idea the type of program that Carry It Forward would run.

Councilor Savage said she would rather leave people where they are at until we can move directly to the Hwy 99 site. She added that she would like to hear about the Carry It Forward program.

Councilor Stinnett said as someone who works for an organization that promotes tourism he is also concerned about the Warming Shelter site but he does not hear a better option and it is better than seeing tents all over our parks and better to see a solution.

Councilor Roberts asked how long before we will have the other pallet shelters.

City Manager said the other shelters should arrive in the next week or two. He said the plan would be to set them up at the Hwy 99, move people over, and then bring the remaining shelters over from the Warming Shelter site.

Councilor Roberts asked how much it will cost to have the Hwy 99 site up and running.

City Manager replied that the rough estimation is \$40,000 to \$60,000.

Councilor Roberts asked if that would be coming out of the COVID money.

City Manager replied that it could.

Youth Representative Emma asked if the call for volunteer work could help eliminate some of the costs.

City Manager replied most of the work would be done by City staff and things like electricity would be hired out.

Councilor Solesbee said she thought it was \$479,000 to get things going and that was not a complete figure.

City Manager said that is the amount to purchase the site from the Street Fund and an estimate of the operation costs for the next two years.

Councilor Solesbee asked why we don't do something temporary and said she does not feel comfortable with this direction.

Councilor Roberts he thinks the City would be committed at that point and he is worried if we do not use Hwy 99 and we have put money into it, will we get that money back out of it when we try to sell it.

Mayor Gowing asked if there was any further discussion.

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            |
| NAYS    | X                 |                    | X                |                 | X                  | X               |              |
| ABSTAIN |                   |                    |                  |                 |                    |                 |              |

Mayor Gowing announced motion failed.

**IT WAS MOVED BY COUNCILOR ERVIN AND SECONDED BY COUNCILOR SOLESBEE TO GIVE NOTICE TO THE COMMUNITY CENTER RESIDENTS AND TO NOT PROVIDE ANOTHER LOCATION FOR THEM TO GO TO AND LEAVE THAT UP TO COMMUNITY MEMBERS FOR A SOLUTION.**

Mayor Gowing asked if there was any discussion.

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.

**IT WAS MOVED BY COUNCILOR SOLESBEE AND SECONDED BY COUNCILOR ERVIN TO DESIGNATE A CITY PARK TO ALLOW FOR SLEEPING, SITTING, AND RESTING FROM THE HOURS OF 9:00 PM TO 6:00 AM.**

Councilor Fleck called Point of Order and asked if that is already currently allowed.

Mayor Gowing replied that City code does restrict camping.

Mayor Gowing asked if there was any further discussion.

Youth Representative Emma asked if that was a permanent solution.

Councilor Solesbee said everything is temporary right now as we are trying to come up with a solution.

Councilor Stinnett asked Councilor Solesbee to restate the motion.

Councilor Solesbee repeated the motion.

Councilor Fleck asked the City Attorney if that motion is following Martin v Boise.

City Attorney Carrie Connelly said it does not, it would be giving direction to enforcement officers to enforce the curfew in all parks except the designated park and it would not be a code language change.

Councilor Fleck said we are risking law suit and that seems really dumb. He said he would rather do nothing than do this motion.

Councilor Solesbee said the law states sitting, lying, sleeping, and keeping warm and dry outdoors in public property that is open to the public and we can choose the time, place, and manner with regards to the person experiencing homelessness. She said that it seems to her that it is legal, not trying to be mean spirited, and trying to keep a balance.

City Attorney Carrie Connelly said you are proposing to limit the ability to sleep, lie, rest, keep warm and dry except in one particular park which is different than the question you asked which was can we set reasonable time, place and manner restrictions. She said cities are limiting people sleeping in parks, in practice to a twelve hour period and the reason is so that you do not have established campsites that you have to give a 72 hour notice to, but that is very different then designating locations.

Councilor Solesbee said isn't that what we are doing with the Homeless Camp, we are giving them a place to go so that they are not camping in the parks.

City Attorney said that is providing transitional housing and understanding that there are going to be locations throughout the City that people are going to be camping especially if you do not have an alternative available.

City Manager added that you are increasing the liability because you are not providing the services that you are designating which are things that we are doing at the Community Center and City Hall.

City Attorney said the moment you start funneling people to a particular location and you are not providing services and are not managing the site that is when your liability starts going up.

Councilor Ervin asked if there is a definition of transitional housing.

City Attorney said transitional housing is inviting people to sleep in one location for an extended period of time.

City Manager added that it could be a number of things including in a car, tent, vehicle, or yurt.

City Attorney said the entity could limit the durations of stay if desired.

Councilor Savage said the renovations that need to be done on Hwy 99 seem extensive and she said to have the bare minimum would be to bring power, and ADA restrooms. She said the Shower Trailer could be taken to the site and provide ADA restrooms and we do not need to do the renovations.

Mayor Gowing said before we discuss the Hwy 99 site there is a motion on the table.

Councilor Fleck said this is dumb and if we are going to have a motion like this it should say we are going to move people from the Community Center site because we are doing construction and leave it at that and not the way that you are going to do it because we are going to get sued. He said he will vote against it but at least our City will not incur a huge liability.

Mayor Gowing asked if there was any further discussion.

Councilor Stinnett said it is hard to see the wisdom in not moving people to a site with facilities that are ready to accept them as opposed to moving them to a park.

Mayor Gowing asked for clarification on the motion from Counselor Solesbee.

Mayor Gowing called the vote. Motion Failed.

**IT WAS MOVED BY COUNCILOR SAVAGE AND SECONDED BY COUNCILOR FLECK TO MOVE THE HOMELESS DIRECTLY TO THE HWY 99 SITE, ADD POWER, BRING IN THE SHOWER TRAILER, ADA BUCKS AND THE NON PROFIT UNDER AN EMERGENCY DECLARATION.**

Councilor Fleck said he has concerns about using the Shower Trailer because Community Sharing has spent \$20,000 establishing the site for it and he would not want to see it moving permanently.

Councilor Savage said the intention would be to bring the shower trailer down and we would need ADA bucks.

Public Works and Development Director Faye Stewart said if the motion passes the challenge would be to see if it is physically feasible to do the renovations and if they would be able to bring in supplies and trucks and have the space to do the work. He said it might best to come back to Council with a plan to make that happen.

Councilor Fleck suggested that the motion and second be withdrawn.

Councilor Savage withdrew the motion.

(b) Concerns from Council

Councilor Roberts praised Officer Gordon and Dunlap regarding a traffic stop and said that they

did their job very well. Roberts mentioned that he received a letter from Senior Party President Bridget Ferguson requesting financial support for the alcohol free party, he announced a gathering for Ukraine this Saturday at 11:00 am and added that the Cottage Grove Carousel in the Industrial Park is open this Saturday for free anyone wanting to stop out.

Youth Representative Emma invited people with youth in their life to talk to her or Richard Meyers regarding YAC and she thanked the Councilors for the opportunity to be a part of Council.

Councilor Savage thanked Council for the passionate discussion regarding homelessness and Chief Shepherd for the attention to some Police matters on Kalapuya Way.

Councilor Fleck asked when there would be discussion about MUPTE.

Public Works and Development Director Faye Stewart said the City is in the process of creating an Affordable Housing Implementation Plan and a report should be back to the City by the end of Summer which will analysis what the MUPTE is doing, what it has produced in our community and it will also make recommendations on Affordable Housing Programs.

Councilor Fleck asked if the Community Health Clinic has City approvals for development.

Public Works and Development Director Faye Stewart said they have not applied for any permits for remodeling as of yet.

Councilor Fleck thanked the Councilors and told them that he respects them and apologized if he was passionate about the situation.

Councilor Ervin said he will be attending a Lane Economic meeting today and as a committee they are working to give more direction and to prioritize the areas of focus in regards to economic strategy that includes early childhood education, childcare, and workforce development. He also attended a presentation by Connect Lane County which works with all 16 school districts to facilitate career technical education.

## **BUSINESS FROM THE CITY MANAGER**

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

City Manager Richard Meyers reminded Councilors to complete their Statement of Economic Interest (SEI) and provided them with the YAC schedule with dates for their attendance.

**BUSINESS FROM CITY ATTORNEY**

(a) Report from City Attorney

City Attorney Carrie Connelly apologized if she did not understand questions of Council and she summarized law in a way that did not make sense.

**ADJOURNMENT**

There being no further business, Mayor Gowing adjourned the regular meeting of the City Council at 10:54 pm.

The next regular City Council Meeting will be held April 25, 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