

**COTTAGE GROVE CITY COUNCIL
MEETING MINUTES
JANUARY 8, 2024**

CALL TO ORDER

Mayor Solesbee called the meeting to order at 7:02 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 Candace Solesbee, Councilors Alex Dreher, Greg Ervin, Mike Fleck, Dana Merryday, Chalice Savage and Jon Stinnett

PRESENT VIA GOTOMEETING:

COUNCIL ABSENT:

YOUTH REPRESENTATIVE:

STAFF PRESENT IN THE COUNCIL CHAMBERS: Interim City Manager/Public Works & Development Director Faye Stewart, Assistant City Manager Jake Boone, City Recorder Mindy Roberts, Police Chief Cory Chase, Human Resources Manager Mandy Biehler and City Planner Eric Mongan.

STAFF PRESENT VIA GOTOMEETING:

CITY ATTORNEY: Carrie Connelly

MEDIA PRESENT: The Sentinel, The Chronicle, KNND

STATE OF THE CITY ADDRESS

Mayor Solesbee presented the 2024 State of the City Address, attached hereto and marked *Exhibit A*.

ITEMS ADDED TO THE AGENDA

None.

APPEARANCE OF INTERESTED CITIZENS FOR ITEMS NOT ON THE AGENDA

Johanna Zee Cottage Grove, Oregon presented Council with information regarding the City of Lebanon’s approach to homelessness.

Mary McNamara Cottage Grove, Oregon asked questions regarding residency requirements for Council members.

PUBLIC HEARING

None.

CONSENT AGENDA

- (a) Approval of November 27, 2023 City Council Meeting Minutes
- (b) Approval of December 8, 2023 Agenda Session Minutes
- (c) Approval of December 8, 2023 Work Session Minutes
- (d) Greater Privilege Full On-Premises Commercial Liquor License for RTLTD LLC, dba Great Western Pub, 802 E Whiteaker Avenue.

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

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

RESOLUTIONS AND ORDINANCES

- (a) Resolution Approving the Petition for Formation of a South Lane Park & Recreation District.

Public Works and Development Director Faye Stewart provided Council with a recent draft budget and ballot timeline for the South Lane Park & Recreation District (SLP&R). He shared a

resolution as a follow up to the December 11, 2023 meeting, at which SLP&R requested the support of Council and \$5,000 to fund third party legal assistance in order to prepare documents.

Samantha Duncan, SLP&R briefed Council on additional community polling that will take place in partnership with University of Oregon, School of Planning/Policy and Management. She said the survey would provide a better understanding as to how much support there is for a taxpayer funded Parks and Recreation District and determine if the November 5 election is a feasible target.

Council expressed concerns of compression, there being too many unanswered questions, the district not having a facility and that the formation of SLP&R district would affect obtaining funding needed for street improvements.

Council members discussed multiple steps that would take place, including signature gathering and voter approval through the ballot process. Council members expressed support in letting the voters decide and commented that having a parks and recreation district would bring value for people of all ages, be a great outlet for the youth and create a cost savings for centralizing and streamlining functions.

IT WAS MOVED BY COUNCILOR SAVAGE AND SECONDED BY COUNCILOR ERVIN TO ADOPT RESOLUTION NO. 2125.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X		X	X	X	
NAYS			X				X
ABSTAIN							

Motion carried.

BUSINESS FROM THE CITY COUNCIL

(a) Municipal Court Judge Contract Renewal and Amendments

Public Works and Development Director Faye Stewart reminded Council that the Municipal Court Judge contract is for one-year terms expiring on December 31 of each year. He said the Judge provided his annual report on November 13, 2023 and Council held an Executive Session to evaluate the Judge on December 11, 2023. Council was presented a contract renewal and amendment for consideration.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO APPROVE THE RENEWAL AND AMENDMENT TO THE MUNICIPAL COURT JUDGE CONTRACT AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

(b) City Manager Employment Agreement

Mayor Solesbee called attention to the City Manager Employment Agreement presented to Council and called for discussion.

Councilor Ervin commented on the importance of the decision and inquired if the Finance Director was available to answer questions on how the salary would affect the budget.

Past Interim City Manager David Clyne shared that the salary in the Employment Agreement is higher than the previous City Manager’s salary and added that it does fall within the salary range that Council adopted and is consistent with the budget for a City Manager.

Councilor Fleck acknowledged that inflation has affected salary ranges, commented on the incredible applicant pool, shared that he has reviewed the agreement and finds it acceptable.

Mike Borke Cottage Grove, Oregon expressed concern regarding background information revealed about the City Manager candidate and said the recruitment firm should be held accountable for not presenting the information ahead of time.

Dave Gilkison Cottage Grove, Oregon expressed support of Faye Stewart being hired as the next City Manager.

Jim Gilroy Cottage Grove, Oregon expressed support of Faye Stewart being hired as the next City Manager and acknowledged Mike Sauerwein as a very close second. He said the City is fortunate to get the best of both worlds and he respects Council’s decision.

City Attorney Carrie Connelly acknowledged that the recruitment process has been lengthy and involved many stages. She clarified that a decision has not been made yet to hire a City Manager and that it would be determined by a motion to approve the employment agreement.

Councilor Merryday shared his prospective as to why the candidate and City Managers in general are being let go without cause and clarified that Council received candidate background information. He expressed concern that the recent recall effort of Councilors and a slate of candidates ran for office with the intent of firing past City Manager Richard Meyers contributed to the lack of local candidates. He acknowledged those who did apply were a great set of applicants.

Councilor Savage acknowledged there was a great set of applicants despite chaos within the community and said she supports accepting the employment agreement.

Mayor Solesbee rebutted Councilor Merryday's comment regarding a slate of candidates running for office with the intent of firing Richard Meyers. Mayor expressed frustration with the recruitment consultant not revealing any candidate's negative employment history and questioned if there may be a breach of contract. Mayor expressed feelings of being demeaned, disrespected and bullied to vote a certain way by the majority of Council. She shared that her concern is not with the candidate but with the process and she will work with whomever is chosen.

Councilor Fleck asked legal counsel how he is to defend the process without revealing Executive Session content, which he believes the Mayor, just did. He proceeded to read a letter aloud attached as *Exhibit B*.

City Attorney Carrie Connelly commented that prior to Councilor Fleck's comments she was asked to weigh in on the Mayor's comments. She prefaced by saying that she was not present at the Executive Session and added that the information she heard was from public discourse and public Facebook posts not information in detail from the Executive Session that would be considered confidential information.

Councilor Fleck said it was content shared from the Executive Session deliberations.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO APPROVE THE AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN THE CITY MANAGER EMPLOYMENT AGREEMENT.

Mayor Solesbee announced the motion and with a second and called for discussion. Seeing none, she called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X		X	X	X	X	
NAYS		X					X
ABSTAIN							

Motion carried.

(c) Appointment of City Manager Pro Tem

Public Works and Development Director Faye Stewart reminded Council that he was appointed City Manager Pro Tem through January 8, 2024 and it is Council’s discretion to continue the designation or appoint a new City Manager Pro Tem through the arrival of the newly hired City Manager.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO APPROVE THE DESIGNATION OF MR. STEWART AS CITY MANAGER PRO TEM.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

(d) Election of Council President

Public Works and Development Director Faye Stewart reminded Council that they are to elect a Council President at the first meeting of each year and the Council President presides in the absence of the Mayor and act as Mayor when the Mayor is unable to perform duties. He added that Councilor Ervin served as the Council President for the past year.

IT WAS MOVED BY MAYOR SOLESBEE AND SECONDED BY COUNCILOR MERRYDAY TO SELECT COUNCILOR ERVIN AS COUNCIL PRESIDENT FOR 2024.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

(e) City Council Subcommittee and Liaison Appointments

Public Works and Development Director Faye Stewart stated that annually Council reviews and approves the Mayor’s appointments to various subcommittees and liaison positions. He added that the list of 2023 Mayor’s appointments had been provided and it is his understanding that the Mayor is recommending appointments remain the same for 2024.

Discussion held regarding the Vision Keepers Committee. Public Works and Development Director shared that Vision Keepers is on hold and would resume when there is more direction and potentially a facilitated process to help guide the next 20 years.

Discussion held about adding City Manager Mike Sauerwein as an alternate to the Lane County Area Commission on Transportation (ACT) and the City Planner or Public Works and Development Director could attend in his absence.

Mayor Solesbee confirmed that Council is willing to maintain the same committee assignments.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO APPROVE THE MAYORS SUBCOMMITTEE AND LIAISON APPOINTMENTS AND AMEND BY ADDING THE CITY MANAGER AS AN ALTERNATE TO THE LANE COUNTY ACT AND PAUSE ON APPOINTING ANY VISION KEEPERS COMMITTEE REPRESENTATIVES.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

(f) Planning Commission Appointment

City Planner Eric Mongan shared that there are two vacancies on the Planning Commission created by 12/31/2023 term expirations. He said the openings were advertised in the Cottage Grove Sentinel and on the City’s website and one application was received from incumbent Commissioner Garland Burback.

Amy Merryday Cottage Grove, Oregon expressed the importance of the Planning Commission as Cottage Grove starts developing more housing on large parcels and the need for low-income housing.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN TO REAPPOINT GARLAND BURBACK TO A THREE YEAR TERM BEGINNING JANUARY 8, 2024 AND ENDING DECEMBER 31, 2026.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

(g) Cottage Grove Economic Opportunities Analysis Advisory Committee Appointments

City Planner Eric Mongan shared that the City of Cottage Grove received a grant to study the City’s commercial and industrial/employment lands inventory via an Economic Opportunities Analysis. He said an advisory committee is being formed to guide the planning process with the

assistance of consultants from ECONorthwest and DLCD and asked that two City Councilors be appointed to represent the City Council.

Council members expressed interest in being on the committee and discussed anticipated time commitments.

Mayor Solesbee appointed Councilor Ervin and Councilor Savage to the committee.

(h) Council Direction to Staff Regarding Three City Resident Proposed City Initiatives

Public Works and Development Director Faye Stewart presented to Council three initiatives that City Resident Michael Borke requested Council review and consider placing on the ballot.

Public Works and Development Director outlined each initiative individually and requested guidance from Council.

Exhibit A would amend the City Charter, Chapter III, Section 7 to require the four City Council positions representing City Wards be elected by the residents in the ward for which they have filed.

Exhibit B would amend the City Charter, Chapter VII, Section 32 to require a vacated City council position remain vacant until filled by a vote of the City residents at the next General Election.

Exhibit C is a proposed Ordinance amending Ordinance 3174 Section 122.24.020 of Cottage Grove Municipal Code pertaining to overnight camping. The proposed Ordinance would require that overnight campsites only be occupied from 6:00 pm to 7:00 am the following day.

Johanna Zee Cottage Grove, Oregon presented to Council documents from the City of Lebanon's approach to homelessness and shared conversations that she had with their Interim Manager about how the plan is working.

Council discussion and concerns regarding Exhibit A included:

- The history of voting only by Ward versus voting for all positions within the City.
- Low voter participation within any individual Ward.
- Acknowledged possible voter confusion.
- Cost associated with printing additional ballots.
- The need for voters to feel represented within their Ward.
- Encouraged the petitioner go through the signature gathering process.
- Potential cost associated with drawing districts.

Council discussion and concerns regarding Exhibit B included:

- Concern with the possible length of vacancies.
- Cost of special elections.

- Encouraged the petitioner go through the signature gathering process.
- Expressed interest in vacancies being awarded to runner-up from election.

Council discussion regarding Exhibit C included:

- Acknowledged upcoming homelessness discussion at Work Session.
- Concern for amount of time required by staff to manage proposed ordinance.
- Expressed desire for more information regarding lawsuits in Portland.
- Acknowledged changes and improvements need made.
- Expressed interest in the Lebanon model.

Michael Borke explained to Council what lead him to create the initiatives and what he is trying to achieve.

City Attorney Carrie Connelly acknowledged Council consensus on not referring the initiatives, shared that she could be available for the homelessness work session and expressed concern that proposed initiative Exhibit B would leave Council unable to conduct business if a quorum of Council was recalled.

(i) Concerns from Council

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR SAVAGE TO ACKNOWLEDGE THAT A GRIEVANCE WAS FILED REGARDING THE PROCESS FOR HIRING A CITY MANAGER AND REQUEST THE CITY ATTORNEY TO CRAFT A RESPONSE DENYING THE FACTS THAT COUNCIL VIOLATED PUBLIC MEETING LAWS.

City Attorney Carrie Connelly clarified that the response would be to accept the facts, adding to the facts and explaining why there was no violations of public meeting laws.

Mayor Solesbee announced the motion with a second and called the vote.

The vote on the motion was as follows:

VOTE	Councilor Dreher	Councilor Ervin	Councilor Fleck	Councilor Merryday	Councilor Savage	Councilor Stinnett	Mayor Solesbee
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Motion carried.

Councilor Stinnett expressed concern that residents of his Ward do not feel represented and he encourage residents to contact him.

BUSINESS FROM THE CITY MANAGER

(a) Report from City Manager

Interim City Manager/Public Works and Development Director Faye Stewart provided the following updates:

- Shared a thank you card to Council from Nadine Kelly for the support of the Airport Courtesy Car.
- Announced that St. Vincent de Paul is interested in facilitating a homelessness work session and the City Recorder will work to secure dates.
- Shared the Council Rules Work Session will still take place on February 12.
- Provided updates on upcoming Ad Hoc presentations and those that have been completed.

BUSINESS FROM CITY ATTORNEY

(a) Report from City Attorney

City Attorney Carrie Connelly welcomed incoming City Manager Mike Sauerwein and thanked Faye Stewart for his assistance during the interim.

ITEMS REMOVED FROM THE CONSENT AGENDA

None.

ADJOURNMENT

There being no further business, Mayor Solesbee adjourned the regular meeting of the City Council at 9:26 pm.

The next regular City Council Meeting will be held January 22, 2024 at 7:00 pm in the Council Chambers at City Hall.

Mindy Roberts, City Recorder

Candace Solesbee, Mayor

Exhibit B

The last few years have been very difficult for the City of Cottage Grove and its Council. I certainly am not perfect but I have always tried to put the citizens interest first, ALL citizens. I believe good government representation starts with honesty and integrity. The second most important quality of an elected official should be the willingness to work toward consensus. Consensus, of course, is not that everyone agrees, but that everyone can live with the outcome. If consensus can not be reached, the willingness to not hold hard feelings against the individuals who disagreed with you is paramount. The next attribute I believe is important is the elected officials positions and beliefs, are they reading all of the material presented, are they making responsible decisions? Some may think that I have these priorities out of order. That conservative or liberal, Democrat or Republican are most important. I disagree because democracy REQUIRES representation of all citizens so all voices are heard. I believe Cottage Grove has a well-rounded Council that represents the city well. We have liberal and conservative, young and old, male and female representatives. There certainly could be more diversity with better minority representation but I believe we are fairly diverse based on our population.

This is where this conversation becomes difficult. COVID started the escalation of tensions here and nationwide. People feeling that their rights were not being upheld, extreme amounts of money being spent, general mistrust of government and economic concerns including a severe increase in the unhoused population were some of the drivers of these tensions. Our leaders at the national level taking more and more extreme positions and honesty and integrity taking a back door to politics. This, in my opinion, has also happened at the local level.

I have tried to work with our current Mayor, Candace Solesbee, over the last several years in her role as a Councilor and as a Mayor. This has been very difficult for me because I have served over 17 years on this Council and, for most of that time, we were able to keep an atmosphere of mutual respect among the Councilors, even when we disagreed. Former Councilor Jake Boone and I used to have HUGE disagreements on issues but always maintained a good working relationship. Ms. Solesbee, on the other hand, has been divisive and created an atmosphere of mistrust and division. This has become more problematic since she became our Mayor. The Mayor is supposed to be the person on the Council bringing us all together, not the one fueling division and discontent.

The list of the Mayor's missteps is long so I will keep to my key concerns. There are, in my opinion, 3 potential Oregon ethics violations the Mayor has committed. In Oregon, any vote where a representative may benefit financially from a vote, they must disclose their conflict of interest. There are 2 types of conflict of interest. The first is an ACTUAL conflict of interest where the individual will benefit directly from a decision. The second type of conflict is a POTENTIAL conflict of interest where the individual is part of a class that COULD benefit from the decision. Both types REQUIRE disclosure of the conflict and an actual conflict REQUIRES recusal from the vote.

The first potential violation was when we held discussions about the Main Street Revitalization Project. The Mayor owns several properties on Main Street and should have disclosed, at a minimum, the ownership of those properties under Oregon's ethics rules. That decision will likely increase the value of those properties - impacting her financially. One could argue that the community benefits from the revitalization of the downtown so the Mayor is part of a class, one could also argue she directly benefited – either way, she should have disclosed this conflict at every meeting!

The second potential violation occurred at a work session in February of 2023. The Council was discussing potential measures to increase housing units when short-term rentals came up. The Mayor

expressed the desire to not regulate short-term rentals while having a short-term rental property. This direction was also given to staff at a subsequent meeting. Once again, the Mayor was part of a class and should have disclosed a conflict of interest. I have not said anything until now because these were likely unintentional violations and I have been trying to keep council relations good.

This last potential violation is the straw that broke the camel's back. It seems clear to me that the Mayor violated executive session rules by disclosing protected content. There were posts on social media from the Mayor's friends describing content from the executive session. I do not have proof at this point but it has been suggested we have an outside investigator look into this; I completely support that. This is so egregious because we are making one of the biggest decisions we will likely make in many years, who will lead our city as City Manager? This wasn't an accidental faux pas to a family member or friend; this appears to be an intentional effort to stir up discontent in the community and sabotage our incoming city manager.

All of these potential violations are an absolute insult to me and the other councilors who faced a potential recall effort. Recalls are for the very things I listed above, not because you are not getting your way.

Ok, tough stuff out of the way. In spite of the challenges I've mentioned, I would like nothing more than to have the Mayor and Council be successful. I recommend we have leadership, team building and ethics trainings in the near future. I am not sure they will be effective or will heal the divisions we have, but I want to try. Mayor Solesbee, PLEASE STOP! In my estimation, you have lost the support of a super majority of the Council, I don't trust you and my guess is that most of the other councilors don't either. What legacy do you want to have? Do you want to be known as the mayor who united a divided council or the one who created the division?

Mike Fleck
City Councilor At Large