



November 17, 2016  
City Council Regular Session  
Willamette Activity Center, Rm 8  
47674 School Street  
7:00 p.m.



## MINUTES

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### 1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Council Present: Jim Coey, Mayor  
Judy Rowland  
Gary Carl  
Amy Buchmeier  
James Affa  
Bobbie Whitney  
Kathy Holston

Staff Present: Louis Gomez, City Administrator  
Mike Hansen, Fire Chief  
Jackie Taylor, Assistant Planner  
Susie LaDuke, Finance Director/City Recorder  
Kevin Martin, Police Chief  
Rick Zylstra, Assistant to the City Administrator

### 2.0 PUBLIC COMMENT

Rustie Ackland PO Box 233 – She works elected to come to this meeting by the UWCDC for the Oakridge Food Box. The food box is ran on volunteers and they have very good volunteer staff, always looking for more though. Over the past year some the volunteers have felt threatened. They have had verbal abuse, the manager of the food box has had the lights shot out in her vehicle in October and November, there are dealing more and more with individuals coming in to get their food that want to be angry with them, calling them names. They have tried to get some patrol for the days that they are open. People are becoming angrier, the volunteers have had threats against them, and one gentleman took his big knife out down there.

They have asked for police presence but have not seen that happen. She is here to just ask for that, if an officer could just drive through the parking lot or walk through the building.

Louis Pokorny PO Box 125 – He asked about the procedures for the chipper, we have one young man operating the machine, and we should have two people operating it.

He is not against marijuana and he is keeping an open mind.

Sherri Elvrum 76366 River Road – XI Delta XI along with the Kiwanis helped refurbish the snowflakes. It costs \$25.00 a year to light each snowflake, they have nine or more that need repaired. They will be having a fundraiser to raise money to repair them.

Dawn Kinyon 47709 School Street – Asked about the Fire Department losing three grants, does this mean we will have to do a supplemental budget?

### **3.0 MAYOR AND COUNCIL COMMENTS**

Mayor Coey thought that we gave \$700 for the snowflakes last year.

Louis said over the years the city has contributed to the snowflakes.

Mayor Coey said there is something being worked out with the budget regarding the Fire Department, but they aren't ready to divulge that yet.

Susie said they are looking at adjusting the budget within.

Chief Martin said he will come down and talk to the people at the food box.

Councilor Carl said if someone goes to Ray's and creates a scuffle or shoplifts them can be trespassed. Why can't you do that at the food box?

Ms. Ackland said Food for Lane County said they should get three chances.

Councilor Whitney said she signed up for a table at the Sugar Plum Festival for anyone who would like to come and ask her questions or bring concerns. She invited the other councilors to join if they'd like.

### **4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA**

None

### **5.0 CONSENT AGENDA**

**Motion:** Councilor Rowland moved to approve the consent agenda. Councilor Carl seconded the motion.

Mayor Coey (Aye), A. Buchmeier (Aye), B. Whitney (Aye), J. Rowland (Aye), G. Carl (Aye), K. Holston (Aye), J. Affa (Aye). Motion carried 7-0

## **ADMINISTRATIVE SERVICES**

### **6.1 City Administrators Report**

#### **Capital Projects in Process/Complete:**

Million Gallon Reservoir-Well-Transmission Lines- Ongoing, we are working with the owners of the property to complete some waivers so the surveyors and other employees can get on the property.

Highway 58 Crosswalk Project – they had a meeting yesterday with the affected owners. Our City Engineer is going to look at one more option for location, he should have something back to us within the week.

Community Center Project- We were hoping to do a meet and greet in January, the consultant along with the Mayor were hoping to do it sooner rather than later would be better, if we could something December either before or after Christmas.

The Meet and Greet will be on December 14, 2016 at 7:00 P.M. location to be determined later.

**Economic Development and Sustainment:**

Realtor of Record – We got the RFP done, we just need to get that ready to shoot out.

Enterprise Zone- Still working with Mr. Tanner to get his operation going at the Industrial Park.

**In Process/Pending Grants:**

Small Cities Allotment Grant- We were denied this year, over the last three years we have received \$75,000 from them. It is not unusual for them to skip a year.

**Pending/Ongoing Administrative Tasks:**

LTD Meeting and Discussion –LTD recently sent an email asking about us using CMAQ dollars for the purchase of a bus. That wasn't the original discussion that we had with them, that was to add routes. He sent an email to see if they can set up a meeting with Louis, Mayor Coey and Councilor Buchmeier.

Old Hazeldell Quarry – Louis submitted a letter on November 1<sup>st</sup> to the County Commissioners in regards to our aquafer and the intent to that was to basically ask the County Commissioners to put on the record that we want ground water monitoring for that aquafer because that aquafer is all that we have for our town.

Engineer of Record – We will be asking the new council if they want a new Engineer of Record.

**6.2 City Recorders Financial Report**

Susan gave the financial report.

The auditors were here the first week of November and we should have the audit done by the end of the year.

**Motion:** Councilor Buchmeier moved to accept the City Recorders Financial Report as presented. Councilor Affa seconded the motion.

J. Rowland (Aye), K. Holston (Aye), A. Buchmeier (Aye), J. Affa (Aye), Mayor Coey (Aye), B. Whitney (Aye), G. Carl (Aye). Motion carried 7-0

### 6.3 Planning Commission decision Appeal of Ryan Johnson Conditional Use Permit.

Rick read the general criteria.

- a) Conflicts of Interest/Exparte Contacts
- None
- b) Open Public Meeting
- 7:45 P.M.
- c) Staff Report

Louis read the staff report.

#### d) Statements in Favor

Mayor Coey read a letter in favor from Jeff Smith.

Patrick Selman 47651 NW 1<sup>st</sup> Street – He appreciates that they came back, jobs will be created and he agrees with Jeff Smiths letter.

Ryan Johnson, AVG Investments – Presented their plan to the council. This will be a laboratory grade warehouse. There will not be any odor and they will use very little electricity. He wants this grow to be as green as possible. There will not be any signage, they will have 24 hour security.

He plans on moving his family here and they want to embrace the community and be part of the community.

They will create 10-12 jobs, they start out at \$14.00 an hour.

He was never told the reason they were denied, he was never told in the findings of facts. He was told the two commissioners who voted against this just didn't want it in the town, but this has already been decided by the citizens of Oakridge and the State of Oregon.

Terry Walker 47438 School St- He works at the hardware store, he sees different people moving here, they love this place. He doesn't see any difference of this business coming to town, they are bringing jobs. He wants him here, he wants our town to grow, and times are changing and we have this person that wants to come here and help us grow.

#### e) Statements in Opposition

Mayor Coey read a letter from Marsha Osborne 48230 Hills Street in opposition to this grow.

Wayne Hall Y Drive – He agrees with the letter from Marsha Osborne. We need to get businesses here but in a different nature.

Louis Pokorny 49153 Dunning Road – He is not adamantly against this, he has an open mind.

**f) Statements in General**

Rustie Ackland 48265 Commercial Street – she is on the fence, she is not sure, and her profession is banking. She has lived here most of her adult life, she hears the community say time and time again that we need jobs, we need businesses and jobs and we need people moving in. Most of the time when something wants to come in people fight it, we had a prison, and we had all these different things and there is always a reason to not let them come. We have to have an open mind, she is not sure how she feels about it, but it sounds really great. This is happening in our world now, this is where it's at. Her parents just moved to a town with 400 people and they have 3 dispensaries in their town. It's just like any other business, if we don't take it some other town will and it's jobs. He wants to be embraced and there is so much negativity now.

Scott Goebel 25469 Hwy 126 Veneta – The comments in opposition are out of order, the appeal is on the process of the planning commission decision, and not the marijuana grow.

Kevin Martin 47713 Commercial Street – He is speaking as Kevin Martin, not the Chief of Police. He hasn't decided if he is for or against this. If we take the marijuana part out and embrace it as a business that wants to come to our town and spend money and pay taxes he thinks it's a very good idea.

Dennis Patterson 47871 W 1<sup>st</sup> Street – He agrees with Kevin, there is a legal business that is willing to go through the legal hoops and will be under close scrutiny by the state. We have been trying to get businesses here for years.

Don Hadley 48203 Hwy 58 – He is not against this, he has been approached by people who want to clone plants. This town needs change.

Pam Goebel 25469 Hwy 126 Veneta – She got a call from someone today and they said everybody knows in the industry that Oakridge doesn't want to sell to businesses so don't bother.

Sherri Elvrum 76366 River Road – She was at the planning commission too, as far as she can see they have their professional plans, money behind it, they are willing to go through all of the regulations and she has been to all of the other planning commission meetings where they have approved it and they don't even touch this one. She doesn't see a problem with this.

Josh McMillan 76465 Elm Street- We definitely need to approve this, the reason the other towns are shutting it down is because of the cartels stronghold. They are going to pay their taxes one way or another and it will either be to the cartel or gentlemen like this, he would say gentleman like this.

**g) Close Public Hearing**

8:18 P.M.

**h) Commission Discussion**

**Motion:** Councilor Holston moved that after a public hearing and approval of the findings, I move to rescind the previous Planning commission decision and approve the application for a conditional use permit for a recreational marijuana growing facility located on tax lot 21-35-16-31 00101 with the following conditions.

- Growing of marijuana on the subject property may only take place within a structure and outside of the public view.
- All waste from the recreational marijuana grow facility will remain inside of the facility and not stored outdoors.
- Before beginning to grow marijuana on the subject property, applicant will install any fans, air filtration systems, and /or scrubbers necessary to combat odors that may disturb businesses or other property owners in the area of the subject property.

Councilor Buchmeier seconded the motion.

Councilor Carl is favor of this, he read through the application and they talked about a privacy fence, which is in violation of another ordinance. Would it be appropriate or possible to give them a variance for the privacy fence?

Louis said during the major site review those issues will be discussed with the applicants and the planning commission can take care of that then. It should not be a big issue.

B. Whitney (Aye), Mayor Coey (Aye), A. Buchmeier (Aye), J. Affa (Aye), G. Carl (Aye), K. Holston (Aye), J. Rowland (Aye). Motion carried 7-0

#### **i) Finding of Fact**

Louis read the findings of fact.

#### **j) Commission Action**

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Councilor Rowland seconded the motion.

Councilor Buchmeier asked what their proposed time line will be?

Mr. Johnson said as soon as we issue the site plan and building permits they will break ground.

G. Carl (Aye), Mayor Coey (Aye), A. Buchmeier (Aye), J. Rowland (Aye), J. Affa (Aye), B. Whitney (Aye), K. Holston (Aye). Motion carried 7-0

#### **6.4 IGA with Oregon Department of Revenue for collection of City's 3% Marijuana Tax**

Louis read the issue, the citizens of Oakridge recently approved a 3% marijuana tax on recreational sales of marijuana within the corporate city limits. The question that has come up is who will collect the tax for us?

**Motion:** Councilor Carl moved that we approve the marijuana tax collection agreement with the Oregon Department of Revenue (DOR) for the collection of the City of Oakridge 3% tax on recreational marijuana sales within the corporate city limits of Oakridge. Councilor Rowland seconded the motion.

Councilor Carl said he read the agreement, his first question is is this a take it or leave it, we don't get to negotiate this with them, because legally it is an unenforceable contract because they are making us take it.

Louis said no, the DOR isn't making us do this, we can do it ourselves.

Councilor Carl said he doesn't want us to do it.

Louis said we don't want to do it either.

Councilor Carl said there are certain conditions or clauses in here that he doesn't like. For example, if there is a disagreement we have to go to Salem to resolve it in the circuit court in Salem. Contracts like this call for arbitration first and then if you can't work it out in arbitration then you have to work it out in circuit court in Lane County.

Louis agreed with Councilor Carl, this is what they have sent state wide.

J. Affa (Aye), J. Rowland (Aye), G. Carl (Aye), B. Whitney (Aye), Mayor Coey (Aye), K. Holston (Aye), A. Buchmeier (Aye). Motion carried 7-0

#### **6.5 Highway 58 Crosswalk Discussion**

Already discussed.

#### **7.0 COMMUNITY SERVICES**

None

#### **8.0 POLICE SERVICES**

Chief Martin gave the council his police report for the month of October 2016.

He wrote a search warrant and some of the officers served that search warrant and solved some of their burglary cases and returned some stolen property back to some of our citizens.

They had their 22<sup>nd</sup> annual Fall Fun Night and there was about 250 kids that attended.

They have a new reserve applicant in the hiring process and she should be doing the background check soon.

## 9.0 EMERGENCY SERVICES

Chief Hansen gave the Fire Department report for the month of October 2016.

## 10.0 REPORTS FROM BOARDS AND COMMITTEE

Audit Committee- Councilor Rowland said she attended the exit meeting with the auditors. The auditors said they were very happy with how the audit went. Staff provided them with the requested material in a timely manner and they said they were very impressed with the audit. This is the first audit in over ten years that there were no material weaknesses or significant deficiencies.

Public Safety – Councilor Carl said they met and in addition to Ron Freborg they had two other citizens who came. They both raised some issues of concern and they were ready to address those issues tonight, but they aren't here. Some of their issues are staffing issues, we don't have enough law enforcement out. Another concern they have is that there are a lot of logs up stream and they are concerned that if the logs let go we are going to have flooding here in Oakridge.

Mayor Coey said he has lived here for 20 years and that has only happened about four times.

Councilor Carl said we have public safety meetings the first Tuesday of every month at the fire station and everyone is welcome to attend.

**Executive Session: ORS. 192.660 (2) (f) To consider information or records that are exempt by law from public inspection.**

Adjourn meeting for Executive Session 8:37 P.M.

Executive Session 8:45 P.M.

Adjourn Executive Session 9:04 P.M.

Back in regular session 9:04 P.M.

Adjourn meeting 9:05 P.M.

Respectfully submitted before the City Council December 1, 2016

Signed: \_\_\_\_\_

James Coey, Mayor

Signed: \_\_\_\_\_

Susan LaDuke, City Recorder