



August 16, 2018  
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: Judy Rowland, Mayor  
Gary Carl, Council President  
Josh McMillin  
Paul Forcum  
Kathy Holston  
Kevin Gobelman

Staff Present: Louis Gomez, City Administrator  
Mike Hansen, Fire Chief  
Jackie Taylor, Assistant City Rec/Assistant Planner  
Susie LaDuke, Finance Director/City Recorder  
Kevin Martin, Police Chief (absent)  
Rick Zylstra, Community Services Coordinator

### 2.0 PUBLIC COMMENT

Rick Wiemholt 47699 W 2<sup>nd</sup> Street- He would like the council to direct staff to put microphones in here so they can hear what is going on.

Trudy Hammond 47752 Berry St- Asked if the City Attorney is available for citizens to ask questions.

Louis said normally questions for the city attorney go through the council, depending on the topic. It would go through the governing body.

Councilor Carl said the attorney does not talk for free, it would depend on the nature of the question. As a member of the council he would be willing to incur costs on behalf of the city to respond to your legal question. If it was a personal matter you would have to talk to your own attorney.

*(Clarification requested by Councilor Carl on September 10, 2018. Councilor Carl asked that the minutes be changed to: He would NOT be in favor of incurring costs on behalf of the city to respond to your legal question.)*

Rustie Ackland 48265 Commercial Street- She is here on behalf of the Oakridge/Westfir Chamber of Commerce about the Capital Christmas Tree. She doesn't know if everyone is aware of this, but the tree is coming from the Willamette National Forest. They will be coming through Oakridge on November 11, 2018. She is here to ask for a street closure for this event. Kiwanis will be providing refreshments and you can have your picture taken.

Dan Barclay 47501 Hwy 58- He would like to thank Councilor Holston for the fact that she actually shows maturity and responsibility to own failings of the council at the last meeting. He would also like to thank Councilor Gobelman for reading and understanding the city code. The word shall means what is mandatory, the Oregon State Bar Association has the same opinion, mandatory. In section 17 it says the Council President shall act as mayor during the mayor's absence. The council shall abide by that.

Susan LaDuke 49571 Huckleberry Rd- Susan read a statement, as a citizen, addressing and denying all allegations made against her by Dawn Kinyon, Chrissy Hollett, Jim Coey and others and presented documentation to back up her statements into the public record. As she attempted to read her statement Councilor Holston called for point of order which was denied by the Mayor.

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

Councilor Holston said Susan LaDuke has filed a Tort against various members and has addressed issues in that at this public hearing, she finds that to be inappropriate and improper, that is why she called Point of Order which the mayor would not recognize. Not because she didn't want to hear what she has to say, but legally that is probably not the best thing to do.

Councilor Carl asked to add 6.5 to the agenda, a discussion regarding the relationship with the Local Government Law Group. He would also like copies of everything Susan put into the record.

Louis asked if there was consensus of the council for everyone to receive copies. There was consensus.

Councilor Holston said at the last meeting they asked to have a meeting, an executive session, with both attorneys so that we can have some discussion with them in regards to what we are dealing with right now. That meeting was set for September 12<sup>th</sup>, evidently we can't get it any sooner.

Mayor Rowland said that it is an executive session so the public is not allowed.

Mayor Rowland read a letter from Patricia Martinson the Volunteer Association President, Leo Robb Volunteer Treasurer and James Stubblefield Volunteer Safety Director.

Councilor Holston asked what exactly is that letter asking of the council? Is this a question or just a statement?

Mayor Rowland said they are asking for someone to help them figure out what (interrupted)

Councilor Holston asked are they asking for the council to allocate funds to help them? I am not sure what they are asking.

Louis said yes, it appears that they are asking for funds.

Councilor Holston asked if they want us to put this on the agenda?

Mayor Rowland said they just wanted to see if we could help them, at this point I don't know what we could do.

Louis said he will take a look and see what they want and he will get with the Fire Chief and see what they can do.

Mayor Rowland asked the audience to please not whisper amongst themselves during the meeting because it interferes with the recording of the meeting.

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

Louis wanted to add 7.1 Wellfield test results, we got the results today and he thinks we need to discuss that.

#### **5.0 CONSENT AGENDA**

**Motion:** Councilor Holston moved to approve the consent agenda with both sets of minutes from July 19 and August 2 as presented. Councilor Gobelman seconded the motion.

Councilor Holston said she asked at the last meeting that the minutes be looked at for accuracy that was done specifically in two areas that she asked and that was not reflected. She doesn't want to waste the council's time, she just hopes that all of the councilors are careful when they read the minutes because it's not just a matter of being picky, it's a matter of many people in our community go to the minutes on the website and read it. She wants it to accurately reflect what we've said and the discussions that we've had in a manner that is both professional and accurate.

K. Holston (aye), G. Carl (aye), P. Forcum (aye), Mayor Rowland (aye), K. Gobelman (aye), J. McMillin (aye).  
Motion carried 6-0

#### **6.0 ADMINISTRATIVE SERVICES**

##### **6.1 City Administrators Report**

Louis said he got a phone call from one of our businesses in regards to fiber that went into the Industrial Park. The question was, did the businesses get it for free and the answer is no. The fiber that went into the Industrial Park from Hunter Communications was paid for, the City paid their share, Davidson's Construction paid their share and The State Police paid their share. About three years ago we did get a grant and we were able to put fiber into Orchid and all of those businesses up there and because of that grant they were able to get it for free.

The new website has gone live, there is still some clean up on it, so when you plug in The City of Oakridge you will see two lines, go to the top one and you will see on your phone it is a lot easier to navigate. Again, there is still more work being done to it.

Performance auditor, he is working on that, he is slowly getting some consultant names and some different counties and cities who do this for other agencies. He is working on this through OCCMA.

Councilor Carl asked if LCOG would be an appropriate place to check?

Louis said they are one that is already in the loop.

We signed the contract with Good Company yesterday.

Councilor Holston asked about microphones.

Louis has found a set with four microphones, he is doing more research on them to make sure they are functional. He wants to make sure they are not just directional, so yes, he is looking into it. He wants to keep it at a reasonable rate. He is looking to have them by the meeting in September which is looking to be towards the end of the month.

Councilor Holston asked aren't we going to have a meeting the first week?

Mayor Rowland said we only need to have one meeting a month and she would like to have a meeting after we meet with the attorney.

Councilor Holston asked if the council agreed to that?

Mayor Rowland said it is in the charter that we only need to have one meeting a month.

Louis said normally we do poll the council for this, it's totally up to you all.

Mayor Rowland said she will poll the council.

Louis said he has heard from the community that they would like to have a town hall.

Councilor Holston said that is a different question.

Louis said but it is communication with the council and the citizens.

Mayor Rowland asked the council individually if they'd like to have a meeting the first week of September?

The council all said they'd like to meet.

## **6.2 City Recorder Finance Report-**

Susan gave the Financial Report.

**Motion:** Councilor McMillin moved to approve the City Recorders Finance Report. Councilor Forcum seconded the motion.

Mayor Rowland (aye), P. Forcum (aye), K. Gobelman (aye), J. McMillin (aye), K. Holston (aye), G. Carl (aye).  
Motion carried 6-0

### **6.3 Resolution 9-2018 A Resolution Establishing the Administration Committee**

Louis said the council and staff have been working towards having some type of rules or resolutions for all the different committees within the city. The last one we will need a resolution for will be the Public Safety Committee and that is why he is presenting this to the council to for approval.

**Motion:** Councilor Forcum moved that we approve Resolution 9-2018 a Resolution creating the City of Oakridge Administration Advisory Committee. Councilor McMillin seconded the motion.

Councilor Holston said just for the public we have had an administration committee running and that was Councilor Holston and Louis to review different items affecting the city. This formalizes the committee, this will be an advisory committee.

K. Gobelman (aye), J. McMillin (aye), P. Forcum (aye), G. Carl (aye), Mayor Rowland (aye), K. Holston (aye).  
Motion carried 6-0

### **6.4 Capital Christmas Tree Street Closure**

Louis presented the issue.

Rustie Ackland said the tree will be there around 2:30 – 4:30 it will be coming from Eugene. She has asked for the street closure from 2:00 – 5:00. This will be a chamber function. Beverly Isaacson is organizing the ornaments so if you have any questions you can get a hold of her.

**Motion:** Councilor McMillin moved that we approve the November 11, 2018 street closure request on East 1<sup>st</sup> Street between Cedar and Oak Street for the display of the 2018 Capital Christmas Tree. Councilor Forcum seconded the motion.

Mayor Rowland (aye), P. Forcum (aye), G. Carl (aye), J. McMillin (aye), K. Gobelman (aye), K. Holston (aye).  
Motion carried 6-0

### **6.5 Discuss the Relationship with Local Law Group**

Councilor Carl wanted to discuss the relationship that the city has with this attorney and he wants the council to know what his feelings are. He is not happy with our attorney, he is not satisfied with the legal advice that they are giving us and he is not satisfied with their integrity, so he wants to change attorneys. He asked Louis to give him a copy of the fee agreement we have with them, it is a rather old agreement, but they are all pretty standard. We are in the middle of some pretty sticky stuff and so it's nice to have an attorney that knows your situation. On the other hand he'd rather have an attorney that he has confidence in. Any good attorney can be brought up to speed pretty quickly. There are a lot of attorneys out there that would like to have the city's business and he would like to change attorneys.

Councilor Holston said she appreciates Councilor Carl brining this up, there are pros and cons to doing this, she thinks there are more pros to looking at replacing the attorney that we have. This brings up the point that we have had the same attorney since 1998 that is twenty years. This is a rolling contract and she personally thinks a contract should have a beginning and an end. This is difficult because she has never talked to the attorney and she doesn't know if the direction they give us comes from understanding

what it should be. It is our job to legislate and act on what they say, she thinks they, as a council don't have a good grasp on that. She supports moving forward with replacing the attorney.

Councilor Carl said the way to do this would be to put out an RFP, there would be several law firms that would be interested.

Mayor Rowland said she does not believe we should switch attorneys until all of this legal stuff is resolved. They know all of the background and she thinks it would be wrong to change, we couldn't get a new attorney up to speed in 15 minutes.

Councilor Carl said bringing a new attorney up to speed can be done in about an hour and a half. It always costs you money to change, but sometimes change in the long run is necessary and puts you in a better position. We are in the middle of this stuff, let's have good legal advice while we are going through it, let's not wait until it's all over and then bring in an attorney that we can count on.

Councilor Gobelman said he'd ask the council to put together their thoughts on what they want in a city attorney and we can discuss it at our executive session.

Louis said he doesn't think we can discuss that in executive session. He thinks your September 6 meeting would be a good opportunity for a work session before you go into your September 12 meeting.

Susan was recognized by the Mayor and said at this point she needs to go on record as the Finance Director that there could be, because of potential lawsuits that possible litigation, changing attorneys now could add a financial liability to the city that all of the councilors should be aware of. She will prepare a packet of information for each of the councilors to review that will give them a little bit of an overview of some of the information that has been forwarded to the city attorney, so they will be able to make a more informed decision.

Councilor Holston said she thinks we already have that information.

Councilor Carl said there is stuff you've been withholding from us?

Susan said, she does have something for you, and if you want it tonight you can have it tonight. This is a compilation as she was made aware that this discussion might come up. As the Finance Director she does have an obligation to provide the information. This is some of the information that was forwarded to the city attorney to let them know what was found that may be used against the city in a potential lawsuit. The first one is a copy of an email that was sent in January 2016, there was a 4-2 vote (interrupted)

Councilor Holston said can they have a chance to review this on their own without being schooled.

Susan said she is just going to give bullet points.

Councilor Holsten said she is not interested in bullet points.

Susan said she just wants to make one comment, on the first one from 2016 there was a 4-2 council vote on a community center conceptual drawings, at that point in time we had three women on the council, Dawn Kinyon, Amy Buchmeier and Judy Rowland, this is the comment that was sent from our then mayor, Jim Coey to Allen Longstrum and Luke Longstrum of the Southbank Development Company (interrupted)

Councilor Holston called point of order, what bearing does this have?

Susan said she is just wanting to point out this is information that he has, you can read through it and go through it on your own.

Councilor Holston said there is no sense in (inaudible)

Susan said that is fine, the city attorney has all of this.

Councilor Carl said so you are going to prepare something for us as to why we should or shouldn't change attorneys?

Susan said this is some of the information that your current attorneys have, she is just making you aware of it.

Councilor Holston asked Louis if he directed Susie to provide all of this information to the attorney?

Louis said no, when the mayor found all of this information (interrupted)

Councilor Holston asked Mayor Rowland if she directed Susan to provide all of this information to the attorney and not tell the council?

Mayor Rowland said no, but she sent a lot of it to the attorney.

Councilor Holston asked Mayor Rowland did you not share with the council what you were sharing with the attorney?

Mayor Rowland said no.

Councilor Holston asked her why.

Mayor Rowland said she is not sure.

Louis said he believes one of the reasons she did not let everyone know on the council at the time is because there are some possible violations of meeting laws and other things in the documents that were sent forward and those types of things were forwarded to ensure where we are at, he does not believe she was trying to hide anything from the council.

Councilor Carl said every time I turn around someone is saying he violated the public meeting law, well he didn't and he is tired of being beaten with that stick.

Louis said again, after this was all sent that is what it seemed to him, was possible violations that she forwarded to the city attorney.

Councilor Carl asked if she is sending things to the city attorney and we don't even know about it? How does that work? Can someone explain that to me?

Susan said it worked the same way it did in March when you did it.

Louis said everyone just take that home and read it, and then we are having the work session on September 6, am I correct? What time do you all want to have that?

Councilor Holston said do we want to have it at six or have it earlier?

Mayor Rowland asked Councilor McMillin what time he gets home from Eugene?

Councilor McMillin said he gets home around 4:30 P.M.

Councilor Holston said she can do six, Gary can you do six?

Louis said so September 6 at 6:00 P.M. at City Hall.

Councilor Holston said thank you.

Someone from the audience asked if it was going to be here?

Louis said we usually do the work sessions at City Hall, but we can do it here.

Louis said (location) will be determined. Part of your discussion will be on considering a different attorney.

Councilor Carl said this whole discussion that we just had, is it on tape? Can he get a copy of the tape?

Louis said absolutely.

## **7.0 COMMUNITY SERVICES**

### **7.1 Wellfield Test Results**

Louis said we were asked to test the wells, he just got the results today. Well #4 tested with tetrachloroethene contaminate in that well in a concentration of .81 PPB, this value of TCE detected in the sample is very low, close to the detection limit of .5 PPB of the laboratory instrument performing the analysis. Basically in a nutshell that is the lowest amount that that instrument can test.

Louis read a letter from Edward Hodges the City Engineer.

Louis said the question for the council is do we leave this on line or do we take it off line? He believes if we take it off line and we quit irrigating those parks, he believes we will be ok on our water and we should be able to maintain our 800,000 gallons a day that we are producing. He is looking for council discussion on this matter.

Councilor Holston said we water Salmon Creek Park and Greewaters Park with treated water?

Louis said yes.



Councilor Holston asked if we have a capacity to pull straight from either water source that runs right by the parks?

Louis said he can ask the question because we do still have the water right to the Middle Fork by Greenwaters.

Councilor Holston said thank you for getting this report, she recognizes that all water is not pure. Her opinion is to leave it on line as long as we continue to monitor it monthly. She can be convinced otherwise.

Mayor Rowland said she agrees with monthly testing.

Councilor Carl asked what is costs to test monthly?

Louis said he isn't sure of the cost, but it isn't something that is going to break the bank.

Louis said we will go with the recommendations of monthly samplings for 4-6 months and if it shows that it is going up we will have another discussion.

#### **8.0 POLICE SERVICES**

Chief Martin was absent, Officer Clevenger gave a report. He said the Chief wanted to express his gratitude for everyone who showed up to the National Night out.

#### **9.0 EMERGENCY SERVICES**

Chief Hansen said he gave you the activity report at the last meeting. From January until June they averaged 10 minutes 48 seconds to be enroute and in July and it was down to 4 minutes and 24 seconds which is good, we are now a month and a half into it and our average is down to 3 minutes and 32 seconds. There was a car fire and they had ten of our people on scene within 21 minutes, so far things are going well.

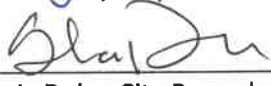
#### **10.0 REPORTS FROM BOARDS AND COMMITTEES**

None

Louis announced that at the next meeting councilors need to bring their own containers for water, we will no longer be providing bottled water.

**Meeting Adjourned 8:17 P.M.**

Signed:   
Judy Rowland, Mayor

Signed:   
Susan LaDuke, City Recorder