



October 18, 2018
City Council Regular Session
Willamette Activity Center, Rm 8
47674 School Street
7:00 p.m.

MINUTES

1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Council Present: Judy Rowland, Mayor
Gary Carl, Council President
Josh McMillin via telephone
Paul Forcum
Kathy Holston
Kevin Gobelman
James Affa

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

2.0 PUBLIC COMMENT

Stephan Ball 76482 Cedar Street- He has an article in the Dead Mountain Echo this week covering Meatless Mondays at the school, this is a new program at the school.

Ken Hooker 48231 Hills Street- He handed out a paper to the council and city recorder.

Rustie Ackland 48265 Commercial Street-She has lived here for 40 years, at the last meeting Chief Martin talked about the number of calls they went out on that are related to mental health and different issues. Her son is a detective in Jamestown, North Dakota and while he was home she had given him a book that is called Trauma Stewardship, an everyday guide to caring for self while caring for others. She wanted to thank our Police Department and Fire Department and donated a book to each of them.

Dawn Kinyon 76113 Fish Hatchery Road- She wanted to address the complaint process that is going on in Oakridge. She would like to encourage you to take more time to really thoroughly think about how you want to set up that process, particularly not with a subordinate reviewing those complaints before they are presented to yourselves, she would like to see them go to a committee first.

Kristy Ball 76482 Cedar Street- At the last city council meeting she talked about a conversation with Larry Sweet and the Mayor in City Hall. Larry gave her a cd he received from the police department with this incident and asked her to shorten the video down from one hour to the several minutes he had with the mayor so he could keep that copy for himself. She heard conversations from city hall regarding the rental of the WAC gym. She demands that there is a motion tonight to make real changes today. She asks that you have no more failures after tonight.

Councilor Holston asked if they filed a complaint with the city?

Stephan Ball said no, they don't trust the process.

Dan Barclay – This was not the ideal webcast that he recommended years ago, but he appreciates the citizens that put this out on video. He commented on George Custer's letter from the last meeting. There are no ill advised citizen's only intelligent people capable of making informed decisions, but when decisions are based on incorrect information decisions can be equally flawed. Fact, three city councilors were wrongly accused of participating in illegal meetings, one was asked to resign, said it wasn't going to happen and one was stripped of a position he had an absolute right to and four council members selected a mayor with no path to that seat as a quorum of council never elected her to be council president. We live in a city that has been ridiculed by the media and divided twice in the last several years. The common denominators in both instances is that they were unnecessary, costly and caused by the same failure of seven people to supervise two appointees.

Kent Dockery 47768 Fairy Glen- He is here to thank the council and the city staff for the work they help him do to help him keep the warming center going here in Oakridge. This will be the fourth year that they will be starting out, thanks to Rick Zylstra for his help and getting them a new room here at the WAC.

Trudy Hammond- She wanted to invite everyone to the Community Center meeting on October 24, 2018 at 6:00 P.M. at GWP, please bring your ideas.

Sherry Klosterman 48314 Hills Street- Does the City of Oakridge have a contract with their business owners here in Oakridge? Are they allowed to have trailers not hooked up to water and electricity, to have people live in them as a dwelling? She said there is a sign on Hills Street that says No trucks authorized, use Fish Hatchery Road.

3.0 MAYOR AND COUNCIL COMMENTS

Councilor Affa said with great interest he listened to Jackie Taylor who lives up on High Prairie read a letter purportedly by a city employee in praise of the city. He was delighted because most city employees rarely come in here, then he was disappointed to see that this person would not give their name, a person who wants to praise the city won't give their name, this doesn't bode well for the city.

Councilor Holston said after listening to Mr. Custer at the last meeting he mentioned that it was important that the city keep Mr. Gomez in his current position because a new business coming in and they might decide not to if we made a change in that area. Because of his position of chairman of the planning commission and chairman of the OEDAC, she just wants everyone to know that that was not reflective of the committee, they were reflective of himself, a non-citizen of Oakridge. She feels that Mr. Custer's statements were extremely biased and unfair. She wants to make it clear that he mentioned that Mr. Gomez was chosen out of 50 applicants in fact it wasn't because it rose to the top, I believe it rose to the bottom, so that was kind of a misnomer for the public not any disrespect to Mr. Gomez, but she felt that Mr. Custer's statements were extremely biased and unfair.

Regarding this tape and statements, she doesn't know how many times she can listen to people say they have heard really bad language conversations, insinuations in city hall. This keeps coming up and if this indeed is true and what she hears on this is what she is told is said she is appalled, you don't get to influence elections. We are not talking about that you don't like me, I know you don't like me. But, to willingly stop someone from being elected or the process when you are an elected official. She hopes this isn't true, she doesn't know because she hasn't seen it, but this is in violation of law and if this is the case it will be pushed. She would expect you Louis to do something about this.

Louis said absolutely.

Councilor Holston said and take it seriously and not take a month to get back to us.

Louis said he will be looking at this tomorrow and we can go over it together.

Councilor Holston said this may or may not be the right time but she'd like to make a motion pursuant to section 5 category A of the contract they have with the City Administrator which is the section that relates to termination without cause by the city.

Motion: Councilor Holston moved that we terminate the City Administrators contract as of October 31, 2018. Councilor Affa seconded the motion.

Louis said so that the citizens are aware that we are currently in negotiations that he was going to leave anyway. He would hope that the council would consider that so that we can just go ahead and finish that that would be fair.

Councilor Carl said he wouldn't have mentioned the fact that we have been in negotiations because he thought that was pursuant to executive sessions, but since you raised it, yes we have been (Mayor Rowland interrupted)

Mayor Rowland said what he is talking about wasn't discussed, you cannot talk about executive session stuff no matter what.

Louis said all he is talking about is that he got something from his attorney saying that we are in negotiations.

Councilor Carl said so then you don't want me to say anything, just sit here and shut up, is that what you'd like?

Mayor Rowland said yes.

Councilor Carl said well that is not what you are going to get, you don't even know what I am going to say.

Mayor Rowland said you just started talking about it, go ahead.

Councilor Carl said we have been attempting to negotiate with Mr. Gomez's attorney and our city attorney. It is his opinion that those negotiations have not been in good faith and it is time for action.

Councilor Holston said she agrees with that, they have been in negotiations and they have been moving along, but they seem to be going slower and slower the longer they go the more protracted this becomes the more ineffective we become, she believes it's time to move on and we need to move forward. Healing only begins once you've ripped the scab off and you can get started again. I believe this is the right thing to do, but I am a member of the council and that is why she brought this to a vote and would like it to come to a vote so that the will of the council can be known.

Councilor Carl wanted to ask Councilor McMillin who was on the telephone if he has anything to say from wherever he is.

Councilor McMillin said his biggest concern on this topic is that we extended Louis Gomez's contract in good faith, and then Gary Carl gives Louis until December 31st and now it's October? He is having a hard time following, bouncing around and having consistency in what it is that they say as a council and what does the community see if we keep switching things up. If we can't get along with one another then how can we possibly expect anyone else to?

Councilor Carl wanted to respond to Councilor McMillin, your concern if he understands is that the council has not spoken with a unified voice is that correct?

Councilor McMillin said that is part of it.

Councilor Carl said you are right, this is a very difficult process we are going through and we cannot talk about it outside of the council meetings because it would be an improper meeting if we were to do that, so the only time we can talk about it is now. He personally hoped that things could progress differently but they have not and you may recall that when we had that last meeting that Judy Rowland and I were appointed to stay in contact with our attorney and he has been doing that and nothing has happened. He doesn't know if it's our attorney who is prolonging this or if it's Mr. Gomez' attorney who is dragging it out, but this is not a normal negotiation, it goes on week after week without getting anywhere. He personally feels like he is being pushed into this position to either do something or don't.

Councilor McMillin said his worry is that if this goes through during negotiations then that will open a whole different problem that may be larger than the problem that's at hand. He doesn't even know what

to say other than that he hopes the people leading this know what they are doing and he guesses he needs to trust his fellow councilors.

Councilor Gobelman said according to section 10 of the charter it states that each of the Officers shall be appointed and may be removed at the pleasure of the Mayor with the consent of the council.

Councilor Holston asked what do you mean officers?

Councilor Gobelman said Louis and the Judge.

Councilor Holston said she is reading from the contract.

Councilor Gobelman said he is reading from the charter.

Mayor Rowland asked what page of the charter is he on.

Councilor Gobelman said section 10 can be found on page two.

There was discussion among the audience and council, Councilor Holston called point of order, let us do our business here.

Louis said he knows that he is biased, but he reads it as Councilor Gobelman reads it, that the Mayor must initiate it, with the pleasure of the mayor and the consent of the council.

Councilor Holston said she would differ since our attorney told us that what our contract has stands and there isn't any reason why we can't use the contract.

Councilor Gobelman said well he wants to bring it up because (interrupted)

Councilor Holston said she doesn't know why we are bringing it up.

Councilor Gobelman said because a lot of times we go to contracts without reading the charter, he is just putting it on the floor here that this is what the charter states. For himself, he is seeking clarity too, he is seeking opinion, he's not stating this as fact, he is looking for interpretation and how this is interpreted so that we don't get into a situation where we can say we were violating the charter.

Councilor Holston said that is much clearer than what you said before, so I appreciate you clearing that up.

Councilor Carl said the reason that we can't do the interpretation as you are giving it is because that would put all of the control in one person, the mayor and that just doesn't make sense. You can't have the mayor controlling everything that the city council is going to do or not do with respect to terminating your City Administrator.

Councilor Gobelman said he is just saying that this is the way it is written.

Councilor Carl said well then you are wrong.

Councilor Holston said she thinks what we have discovered is in this section is it flips back and forth between the words that it uses and that is what we have found throughout the charter, that it doesn't use the same words consistently. She believes there is a motion on the floor and she would call for a vote.

Mayor Rowland asked Councilor Holston why tonight? Why not December 31st like we discussed?

Councilor Holston said she believes she explained that, that we need to move forward.

Mayor Rowland said ok, call for a vote.

Mayor Rowland (nay), J. McMillin (nay), K. Gobelman (nay), P. Forcum (aye), J. Affa (aye), G. Carl (aye), K. Holston (aye). Motion carried 4-3

Loren Hogue asked what are we going to have? It doesn't matter, what is going to happen? You have no plan.

Councilor Affa said that is just your opinion, there is a plan, there has always been a plan.

Celia Hilleman said that she has never been so sick of this town in her life.

Mayor Rowland told everyone to stop. She will have everyone removed if you don't stop.

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Louis said to add an executive session ORS 192.660 (f) to consider information or records that are exempt from disclosure by law including written advice from the city attorney.

5.0 CONSENT AGENDA

Motion: Councilor Holston moved to approve the consent agenda as given. Councilor Gobelman seconded the motion.

Councilor Carl asked for corrections.

K. Gobelman (aye), J. McMillin (aye), P. Forcum (aye), K. Holston (aye), J. Affa (nay), G. Carl (aye), Mayor Rowland (aye). Motion carried 6-1

6.0 ADMINISTRATIVE SERVICES

6.1 City Administrators Report- No Report

6.2 City Recorder Finance Report-

Susan gave the financial report. Reports were in your boxes.

Motion: Councilor Gobelman moved to approve the City Recorders Financial report as presented. Councilor Holston seconded the motion.

Councilor Holston asked about a TRT request from the Savage's that we paid, and they are from Aumsville, what was that for?

Louis said that was for Burt's Fish N Stuff, they own the building.

G. Carl (aye), J. McMillin (aye), K. Holston (aye), K. Gobelman (aye), Mayor Rowland (aye), P. Forcum (aye), J. Affa (aye). Motion carried 7-0

6.3 Complaint Process Discussion for Council and City Administrator

Louis said we discussed this in 2015 when we originally talked about the code of ethics that was passed and there was a Resolution done Res 18-2015. One of the things that we missed when we did Res 18-2015 was that we should have at that time included the procedures for the complaint process, it looks like it can be taken care of fairly easy. In regards to who does the investigation depends on what it is, we will need to figure out who that would be. That is something you will need to figure it out, another option is that you pay someone from the outside to do it, otherwise you can use internal staff also.

Councilor Holston said she appreciates Louis putting this on the agenda, she personally would like to look it over and make sure that it flows properly, the read was a little confusing and didn't make sense in some areas.

Councilor Gobelman asked if they want to set up a work session to go over this?

Councilor Holston said we are going to need to have a work session anyway.

The work session was set for October 29th at 6:00 P.M. at City Hall in the conference room.

7.0 COMMUNITY SERVICES

7.1 Planning Quarterly Report

Rick gave the Planning Quarterly report to the council.

Councilor Carl said he has a concern that the focus is too narrow on tiny homes, there is another piece that has model ordinances for cites to consider which is more expansive than just tiny homes.

Rick said he will bring this up at their work session Tuesday night.

7.2 Street Sign Requests for City Park Wayfinding

Rick said we have a couple of Disc Golf baskets that we are putting at Osprey Park and Rick asked the gentleman who paid for the baskets to meet him at the park and he said he didn't know how to get there, we have no signs for our parks, that is one of the places this came from. Rick pulled some information from the Oakridge Wayfinding Plan, altered it a little because he has more locations than they recommended, but he is using the exact same sign design standards that they are.

Motion: Councilor Holston moved that we approve the sign installation request that will follow the Oakridge Wayfinding Plan. Councilor Carl seconded the motion.

J. McMillin (aye), Mayor Rowland (aye), G. Carl (aye), K. Gobelman (aye), J. Affa (aye), P. Forcum (aye), K. Holston (aye). Motion carried 7-0

7.3 Haunted Hike Park Electricity Use

Rick read the issue.

Motion: Councilor Holston moved that we approve the use of electricity for the Oakridge High School on October 30, 2018 for the Haunted Hike. Councilor Carl seconded the motion.

J. Affa (aye), Mayor Rowland (aye), K. Holston (aye), J. McMillin (aye), P. Forcum (aye), K. Gobelman (aye), G. Carl (aye). Motion carried 7-0

Louis said on October 24 at 5:00 they are going to do the ribbon cutting for the mural, the Mayor said she'd be there, anyone else going to be there? There will be a number of dignitaries there and Travel Oregon Executive Director will be there.

Louis got an email from the contractor at LTD in regards to repairs, they did have some breakdown issues, in regards to phone calls she stated they do respond to phone calls, if it goes to voice mail they have someone on call. In regards to the dirty busses they did just hire someone new.

8.0 POLICE SERVICES

None

9.0 EMERGENCY SERVICES

Chief Hansen gave his activity report for September.

10.0 REPORTS FROM BOARDS AND COMMITTEES

None

Councilor Carl said in light of the vote tonight and in respect to our City Administrator he thinks someone ought to be assigned the task of beginning a search for an interim city administrator.

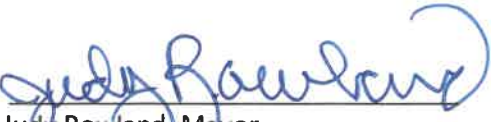
Louis said he can work with the Mayor to get an interim.

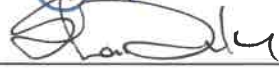
Councilor Holston asked the Mayor if that is something she thinks she can do?

Mayor Rowland said yes, why wouldn't she?

Executive Session ORS 192.660 (f) to consider information or records that are exempt from disclosure by law including written advice from the city attorney.

Meeting Adjourned 8:10 P.M.

Signed: 
Judy Rowland, Mayor

Signed: 
Susan LaDuke, City Recorder