



November 1, 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 via telephone
Kevin Gobelman
James Affa

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

2.0 PUBLIC COMMENT

Susan Hardy 76318 Garden Road- She is here representing 90 by 30, she talked about the program and what they are working on now.

Don Reesman 47738 Fairy Glen –On November 12th there will be a lunch at the high school for Veterans Day. If you need transportation let one of them know.

Audy Spliethof 47587 Teller Road- He is here to ask council what is going on with Inbound and the new site and wanted to ask Louis if there was another place that they could have gone.

Louis said they did look at another location, but there wasn't enough room, they need more cover.

Trudy Hammond 47752 Berry Street- We have been asking for transparency from the leaders of our community and she would hope the community would give transparency back.

Dawn Kinyon 76113 Fish Hatchery Road- She thanked the police department for keeping people safe and she was impressed by the event last night.

3.0 MAYOR AND COUNCIL COMMENTS

Mayor Rowland said we are going to jump ahead and do 7.2 right now.

Mayor Rowland read a letter from the Secretary of State's Office, Elections Division regarding a complaint made by citizens.

Stephan Ball interrupted the Mayor and said he objected to that and that he called them and they said the letter was sent in error.

Mayor Rowland told Stephan Ball to stop and he will be removed if there is another outburst by him.

Councilor Carl said many of you may remember that he questioned the contract Mr. Sanders with Inbound has with the city. Since that time he has a chance to meet with Sarah Altemus and she went over some facts that he wasn't aware of, so he owes Mr. Sanders an apology. Mr. Sanders is making a good contribution to our community.

Councilor Carl asked if he could add something to the agenda?

Councilor Gobelman asked Councilor Carl if this is something that they all have had time to study and discuss?

Councilor Carl said to let him tell you what they are and then we will see. He would like to add a review of our Interim City Administrators and he would also like to discuss terminating the City Law Firm and replacing them with an interim law firm and review the status of our interim Mayor.

Mayor Rowland asked if anyone has any objections to these additions?

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

6.4 Report on status of the Interim City Administrator

6.5 Discussion of Law Firm

6.6 Review status of Interim Mayor

Louis said he wants to remove 7.1 Planning Commission Vacancy

5.0 CONSENT AGENDA

Motion: Councilor Gobelman moved to approve the consent agenda as presented. Councilor Affa seconded the motion.

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

6.0 ADMINISTRATIVE SERVICES

6.1 City Administrators Report-

Million Gallon Reservoir-Well-Transmission Lines- The materials are on site for the Million Gallon Tank, but they haven't started construction on it. On November 6 we will be having mediation with Laskey-Clifton and one of their sub-contractors in regards to the bore under Salmon Creek. We are still looking for a location for a new well, at present we are looking in the area of Greenwaters Park.

Community Events Center- There have been a couple gatherings so far, the goal is to gather more momentum and more volunteers.

Amphitheater Repair- Rick has been working on this, it looks like he has two quotes, and we hope to get this done soon.

We would like to do some maintenance on City Hall and the Library, we may be able to do that when public works get the lift within the next week or two.

Burn Forest Products, Lot 37- We are going to go ahead and put the three phase power into that facility. We are also sealing the West side of that building and filling in some holes. We are having some issues with that property lease at this time and we will be exercising our default because he is behind on rent.

Councilor Carl asked what does that mean?

Louis said basically that means that he will have to send a letter, we have to give him so many days to cure the problem, if not then we would exercise our 90 day clause on the lease, that we are going to pull out of the lease, but the building will be move in ready.

Amtrak Station- We had a gentleman named Chris Zellinger from Community Transportation Association of America on October 26, he discussed the possibilities of a station but more data needs to be collected and looked at, but it's still in the cue for the future someday.

Campground and Staging area- They are slowly getting it done, they are about 2/3 completed with the scalp being spread out and the gravel will come next.

RAIN (Regional Accelerator & Innovation Network- The Council approved \$5000 for this program, they are in the process of hiring a part time Venture Catalyst for Eastern Lane County and they will be spending a good amount of time in the area working with entrepreneurs.

Project Plastic- A letter of intent has been drafted and will be reviewed for purchase of lot 34, we are just waiting to hear back from them.

Project Pride- We are waiting on our concurrence letter from USDA approving the sale, everything else has been completed. We had surveyors on those lots laying out some easements for city use.

Transportation Systems Plan- Rick said they had their first meeting today, it went great and it was a lot of brainstorming and just getting everybody up to date and involved. They will have two public meetings leading into this program and then they will have two public meetings for any changes being proposed to the land use ordinance. There were a lot of great ideas passed around the room.

Councilor Holston asked who the members of the review committee are?

Rick said there is a list of about 18 people, he can get the list to her later, and he doesn't remember everyone right off the top of his head.

Councilor Holston said that would be great. She asked if there is any ad hoc committee members that were just initiated from people who wanted to be a part of it or we asked for them or were they all hand chosen?

Rick said we have two citizens at large and the rest were people who had something to contribute.

Councilor Holston said so the at large members were those that were asked to participate because they were just general members of the public or we put it out there for members of the public to say they would like to participate, which one was that?

Rick said it would have to be a little bit of both, he did reach out to two individuals who he thought would be great. Rick said there is a website for this and he will put this on our website.

Good Company- Louis said they are doing a great job on working with our wood smoke mitigation coordinator, they are also out there writing grants for the wood smoke program and part of their duties are to do a quarterly report to DEQ.

Louis is scheduling some time to get with DeFazio's staff, they are a little busy, they have the elections and he is just trying to make some time for them to get together on the IMBA Grant.

CMAQ Funds- on the agenda for today for the purchase of a bus for the Diamond Express.

Emergency OPS Plan- Louis wants to present that to the council at the next meeting.

Website- We made some adjustments on the opening page, the buttons have changed and you can find information easier now.

I-5 Signage- Rick said one of the thoughts tossed around the room was creating policy that would make the Highway 58 corridor through our part of town a historic or scenic route to Crater Lake.

RFP for Administrative Audit- He should have that done within the middle of next week.

Councilor Holston asked about the work that needs to be done at City Hall and the Library, who will be doing that work?

Louis said public works will be doing most of the work at city hall, it will be maintenance.

Councilor Holston asked when they believe the work will begin on the tank?

Rick said it should have already started. The company who sold us the tank is the same company that is assembling the tank, but they haven't made it to Oregon yet. We expect them at any time.

6.2 City Recorder Finance Report- No Report

6.3 IGA with Lane Transit District for purchase of refurbished bus

Louis said there have been some questions in regards to this and one of the questions was how far out is this project? Louis said they are two weeks out from doing a purchase order. We don't have an ETA from when it will be in service. The new bus will have a new engine, transmission with applicable warranties, in regards to any racks for bikes it is possible to install the bike racks as aftermarket.

Louis said Councilor Forcum asked if we have a copy of the third party contract with Pacific Crest Bus Lines that runs Diamond Express. Louis said they sent him a copy so we have a copy of that contract now.

The key issue is we have been trying to get the money for this bus since December of 2016 and it has been back and forth, so when those three agencies were able to get the Federal Transportation Administration to loosen up the dollars for this then he felt they needed to jump. We need to get a functioning bus, our busses keep falling apart. When Chris Zellinger from CTEA was here he talked about Dial a Ride that is an issue of having transportation in town for seniors and others. He is checking on this service.

Motion: Councilor Forcum moved that the City Administrator sign the Intergovernmental Agreement with Lane Transit District using CMAQ funding for the purchase of a new refurbished heavy-duty bus to be operated by Diamond Express. Councilor Affa seconded the motion.

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

6.4 Report on Interim CA

Mayor Rowland said we sent out requests for resumes, we have received two and we are hoping to get one more to look at, so far all of the people are from the list from LCOG.

Councilor Holston asked if we sent out requests to everyone on the list that we got from LCOG?

Louis said no, just to the ones he had email addresses for, Howard Schussler said he should start with those three because they are the most active.

Councilor Holston said she guesses she doesn't understand why we wouldn't just send it out to all of them that were recommended, not just the ones who had email addresses.

Louis said he will get addresses for the rest of them from Howard and get them out.

Councilor Holston asked if he can just mail them an RFP?

Louis said on interim's they don't generally out RFP's, they just send out a request and ask if they are available.

Councilor Carl said he has a list that he would like to add to Louis' list and he'd like to know what is going to be the process when we start getting the responses back from these people?

Louis said we will get them and he will get them to the council to look at and decide who to have as our interim.

Councilor Carl asked if they could set up a work session and invite them to come and talk to us?

Louis said we could do that or just call it a special session so that you can take action if you decide to.

Councilor Carl said if we could do that it would be good to meet these folks face to face. Here is his list; Larry Patterson, Chad Olson, Wes Hare, Jim Johnson, Ollie Snowden, William Lee and Phil Mecina.

Louis said their lists are very similar, he has got a hold of a few of them.

Councilor Carl said his opinion is he would like to see them, hear them and talk to them, meet them face to face.

Louis said a couple of the names that he said in the beginning have interest.

6.5 Discussion of law firm

Councilor Carl said he wants to make a motion, but there are cascading motions, not just one. He just wants you to know that there is more behind it.

Councilor Carl said the first motion he'd like to make is to terminate the Cities Law Firm immediately and replace them with an interim firm until we can complete the RFP process of all of the firms that we will be interviewing.

Motion: Councilor Carl moved to immediately terminate the Cities Law Firm giving them 72 hours' notice to transfer all open files and open matters to our new interim attorney. Councilor Forcum seconded the motion.

Mayor Rowland asked who the new interim law firm?

Councilor Carl said it would be the law firm of Thorp, Purdy, Jewitt, Urness and Wilkenson in Springfield. He knows a lot of the attorneys in that firm, they have been around for a long time. But, he would like to terminate the current law firm immediately.

Mayor Rowland asked if he could give her a reason why?

Councilor Carl said we have a contract, we don't have to have a reason, we can terminate the contract at any time, but since you asked for a reason he will give you his reason. He has noticed a pattern of conduct with our attorney that he doesn't feel is beneficial to the city and when he says city he means council. He

wants an attorney that he can rely on and trust and feel that he is getting good advice from and know that they are representing the city council.

Councilor Gobelman said they aren't supposed to represent the city council, their job is to represent the entity which is the City.

Mayor Rowland said she believes we discussed this the other night.

Councilor Carl said well he thinks he gave you the research that he had done. He would like to take a moment and retrieve that research that he had done regarding who does (inaudible)

Louis said because of where we are at and he doesn't want to speak to this because this could be an ethics violation on his part, however, he would like, if allowed by the Mayor, he would like Susan to speak.

Councilor Holston asked in what capacity would Susan be speaking?

Louis said she would be speaking in his capacity because he can't at this point because of the attorney piece.

Councilor Holston said if he can't speak then Susan can't speak on his behalf.

Louis asked the Mayor if Susan can speak on this City Attorney piece?

Mayor Rowland said Susan can speak on the City Attorney piece for two minutes.

Susan said because we are in the middle of negotiations still going and there is paperwork that is in the process of being prepared but is not finalized and has not been signed yet that terminating at this point in that process probably would not be in the best interest of the entity of Oakridge. Because it is not finalized. Next meeting things probably should be signed, she would guess, but at this point it is probably not the best choice for the entity of Oakridge.

Councilor Carl said his response to that is precisely because we have a number of legal matters confronting us, precisely for that reason we need to change attorneys. With regard to the negotiations with our City Administrator, well that is a done deal, we got an email from Ross today and he has a proposed settlement from Mr. Boiler that he was reviewing and he thinks it might next week when we reach an agreement. It's done, it hasn't been signed and this isn't the only thing that our city is dealing with, we have a number of outstanding issues and he feels very strongly, very strongly that we need to have an attorney that represents us, and when he says us he means the City as manifested by the city council. When there is a conflict or dispute or potential conflict or potential dispute between the City, the Administration and the Council it is the lawyer's ethical responsibility to come down on the side of the council, not the administration, being meaning Susie.

Councilor Gobelman said it is the lawyer's ethical responsibility to come down on the side of the city.

Mayor Rowland said yes, on the city, not the council.

Councilor Carl said it certainly does mean the council.

Councilor Gobelman said it does not mean the individuals on this council, Gary we had a discussion about this, we agreed to go to an RFP process and now you are blindsiding this council with immediate termination and interim selection of a sole person that none of us at that time could review your list. Why? Why now? Why today? Why not when we were talking about an RFP? Why is it now that you've gone and done independent research and you have a single name prepared for us? You owe it to us to bring us into this loop and not just suddenly pull it out of thin air at a council meeting.

Councilor Carl said when would he present it to you?

Councilor Gobelman said any time before you throw it in front of us and expect us to move on a motion and vote.

Councilor Carl said he has to do it at a council meeting, it's the only time he can do it.

Councilor Gobelman said he cannot present this idea, this could be an executive session.

Councilor Affa said he can present this idea.

Councilor Gobelman said he can present this idea, but not immediately (inaudible)

Councilor Affa said it is perfectly legitimate, this little book of ordinances says (inaudible)

Councilor Gobelman said he is saying from the standpoint of us individuals making decisions (inaudible)

Councilor Holston said just so you are all aware, she does agree with Councilor Gobelman, in the respect that we can have a motion to discuss and consider. We have been faced with other decisions that happened immediately, we make a motion and want to have a vote, and we don't necessarily have to have a vote right now. She does agree that she would like to replace our City Attorney and she is appreciative that Gary Carl has reached out to find a firm that is willing to do this on a temporary basis. She thinks that shows some forethought and she also thinks that we also need to have some respect in the regard to having time to consider that they are not doing it immediately, so her two cents would be if there is a way for us to take this under consideration knowing that we will deal with it as soon as we possibly can, that is the prudent method that we need to follow.

Councilor Carl repeated the motion.

Councilor Gobelman said so we are moving to terminate and hire?

Councilor Carl said it doesn't make sense to terminate if you don't have anybody there to pick it up, then you leave yourself without an attorney.

Mayor Rowland said she just wants to put her two cents in in the fact that again, you (Councilor Carl) are doing this all on his own and she thought we worked as a council. She thought we were supposed to do this as a council.

Councilor Carl said we are here as a council.

Mayor Rowland said you have it all locked up already.

Councilor Carl said I have a proposal for you, if you don't like it vote it down.

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

6.6 Review Mayor

Councilor Carl said he wanted to make a motion to immediately remove the interim mayor from the position of ...

Mayor Rowland said the only way they can remove her now is by a recall.

Councilor Carl said that is an interesting thought (inaudible)

Mayor Rowland said that's ok, Louis was unlawfully terminated.

Councilor Affa said you (Mayor) are in this seat illegally by Charter, by motion and by procedure.

Motion: Councilor Carl moved to remove the Interim Mayor from the Mayor's position. Councilor Affa seconded the motion.

Mayor Rowland asked Councilor Carl why he is making this motion?

Councilor Carl said he doesn't think she is doing a good job.

Councilor McMillin said that there are a few concerned citizens that say that by having messed up on the vote to place you in the Mayor's position is against Robert's Rules of Order, so it makes him wonder since it is breaking the rules of Robert's Rules of Order then what all do we have to unchanged to fix it.

Councilor Affa said that is what the motion does, it corrects an illegal procedure.

Councilor McMillin said except for the fact that since Mayor Rowland has been in we have had several City Council meetings and if it was breaking the rules of Robert's Rules of Order then everything she has voted on would be null and void.

Councilor Affa said that is true.

Councilor McMillin said then we have to go back through and we have to figure out how we are going to fix everything we have voted on that passed that may not have passed if not for her vote.

Councilor Carl said that is not true, because removing her from the mayor's seat does not remove her from the council, so she still has a vote as a member of the council.

Councilor McMillin said but every vote that she took as mayor is null and void because it was in conflict of interest with Robert's Rules of Order and the Charter.

Councilor Carl said he doesn't think that is true at all. If she was properly appointed to the Mayor's chair by the council then she can be removed by the council

Councilor McMillin said Rule of Order #47.

Louis said this has been reviewed (interrupted)

Councilor Affa said all of her votes would have been good until the seat was filled. At that point she would still be a member of the council, once her seat was filled she officially resigned from the council to accept her position as mayor.

Councilor McMillin said so until the date was filled we would have to go back and fix or review some things.

Councilor Gobelman said so James you would be vacating your seat.

Councilor Affa said no, because she officially resigned to accept the position. Even though (inaudible)

Councilor Holston said she recognizes that there is the sense that we would like to put Judy back to the councilor position and remove her from mayor, but she thinks what we are really doing is dancing around the problem. It is not easy to do what Judy has done and while she doesn't agree with everything or the way she has done things, we all need to recognize that this is all part of a bigger political kind of thing that is going on and we all need to take a breath. She would like for Judy to have the opportunity step back into her council seat and put someone else in as the Interim Mayor for the next month and a half. But, the bottom line for her personally, what she believe needs to be done is not having Judy replaced, but she thinks what we are talking about is possibly going into executive session and talking about censor, it's not the job she has or has not done, it's the reflection that she has upon the community that she thinks everyone is reacting to. She is doing the best that she can, perhaps it's not what we want, but she doesn't think it's fair to make a big hub bub about pulling her off right before the election and before January is going to roll around. Judy has never desired to be the Mayor in her opinion, she got stuck into it, maybe by her own doing, maybe not, I don't know, but, she has done whatever it is she can to do the right thing. We may not believe she has done that in the manner that we would like to have our citizens talked to. If you don't like it then your job is to censor her, not remove her.

Councilor Carl said he disagrees, the proper course of conduct is to remove her from the mayor's chair. The council voted to put her there and the council can vote to remove her. She was not elected by the people.

Councilor Affa said to answer Josh's question's there are several rule 47's and they all refer to correct after an approval (inaudible) so it's basically a motion to reconsider.

Louis said he understands that Councilor Carl has issues with our current City Attorney, what he recommends is that we contact a different attorney who does municipal stuff and present this question and let him look at it. This doesn't feel right, so it's better to have another attorney review that.

Councilor Carl said he already did that, he contacted LCOG and he can read his response.

Mayor Rowland said ok again, Gary you went outside the council and did this?

Councilor Carl said yes, he is allowed to talk to an attorney, in fact Louis just said we should do this, well I already did it. Now you don't want to know what they said?

Mayor Rowland said Louis said to do that as a council, but go ahead, you already did it outside of the council.

Councilor Carl said what it comes down to is another way to read the term vacancy. One could argue that the Charter does not specifically deny the council the ability to reappoint a different person to fill a vacancy prior to the general election. In other words the vacancy that was created by the resignation of Mayor Coey, the vacancy remains in place until the next general election and until that time the council has the power to appoint and remove various people as they see fit, this is from Phillip Thoennes, Assistant General Counsel, League of Oregon Cities. You asked whether the current interim mayor who was appointed to that position by the council could be removed by the council in order to reinstate the council president as interim mayor, under chapter 7, section 28, in the Oakridge Charter it appears that the council has the authority to fill a vacancy in the council because the mayor is part of the council.

Councilor Holston thanked Councilor Carl for the interpretation, she believes that earlier this summer when she returned from vacation and gave the council an opportunity to correct a mistake that they had made and she does view it as a mistake, we failed to do that at this time, she believes now listening this interpretation both of them, she believes it's pretty straight forward and pretty accurate she would encourage us all to move forward with this and she would be in favor of returning Judy to council and have our council president step back into the role of filling the vacancy by the absence of the mayor.

Councilor Gobelman said there is no current vacancy on council for her to return to because Mr. Affa has taken that position.

Councilor Holston said there would be when Gary moved into the other position.

Louis asked if he could read section 28 of the Charter please.

Councilor Carl objects to the City Administrator interpreting our Charter for us.

Mayor Rowland said he is not interpreting it for us, he is going to read (interrupted)

Councilor Carl said he suggested that we contact a lawyer and he did that and he read you the lawyer's opinion.

Louis read out of the Charter, section 28. Filling of Vacancies, "a vacancy in the council shall be filled by appointment of the council. The appointee's term shall begin immediately upon the appointment and shall continue until the beginning of the year following the next general biennial election and until a successor is qualified and a successor for the unexpired term shall be chosen at the next general biennial election after appointment. During the temporary absence from the city for any cause the office may be filled pro tem." So, basically the way he reads this, once you appointed the person they are in there up until the election when you get your new mayor in January.

Councilor Carl said he disagrees with Louis and so does attorney Phillip Thoennes from the League of Oregon Cities. There are two ways to interpret a vacancy and you are choosing to interpret it the way you want it to be and he is choosing to interpret it a different way and you are not on the city council so you don't get to have a vote here.

Louis said he understands.

Councilor Affa said I don't know what law school you went to but I am willing to let two attorneys argue it out.

Louis said the only thing he would say here is that he is not your attorney and again he would recommend the council going to an attorney that you hire to review this.

Councilor Carl said he doesn't want to spend his money this way, he'd rather lose on a vote.

Councilor Holston said she agrees that it is up to the council as the attorney said and what you read to determine what the course of action is for the council would be. What is best for the greater good for the community, each of us have to determine this.

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

7.0 COMMUNITY SERVICES

7.1 Fill Planning Commission Vacancy- Removed from agenda

7.2 Fill Library Board Vacancy

Motion: Councilor Gobelman moved to appoint Julia Yoder to fill the Library Board Vacancy. Councilor Forcum seconded the motion.

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

8.0 POLICE SERVICES

Chief Martin reported on the Fall Fun Night, they had a great turnout. He thanked the citizens for volunteering their time and making donations, without them we wouldn't be able to put this on every year. Next year is going to the 25th Anniversary so they are going to try to do something special. They are looking at some other venues for it so the Fire Chief doesn't get on him for having too many people in the gym. Again, really thank the volunteers, it was a lot of fun.

All full time staff and most of the reserves took the mental health issue class, it is a mandatory class and everyone passed.

They have one reserve applicant in the background process and we are hoping to get him into the Academy in January.

Chief Martin gave his monthly report.

9.0 EMERGENCY SERVICES

Chief Hansen gave his monthly report.

We had one of our members attend the National Fire Academy, they took safety programs and operations class. When you get accepted to that the lodging and flight is paid for by the Federal Government, all we had to pay for was the meal ticket which was about \$200.

10.0 REPORTS FROM BOARDS AND COMMITTEES

Meeting Adjourned 8:26 P.M.

Signed: 
Judy Rowland, Mayor

Signed: 
Susan LaDuke, City Recorder