



November 15, 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
Rick Zylstra, Community Services Coordinator

2.0 PUBLIC COMMENT

Sherry Klosterman 48314 Hills Street-She had a question only directed to the council, not the Mayor and not the people sitting on this side (pointed towards staff). Why do we have two recorders? Is it because one is the Finance Director that is going to give her report this evening or is it because she is training the other young lady there at the table? Her question is why do we have two recorders? And if one is not a recorder, then why is she getting paid overtime?

Jim Coey PO Box 122- He congratulated the newly elected Mayor Holston and Council members. He requested to the council that they audit the City Attorney billings for 2018. He believes that there misappropriations of funds and he thinks they have proof of this and he has signed a check that would be proof of this, he thinks possibly that the Mayor and City Administrator and Finance Director and the City Attorney were all complicit in this so I think this should be done by the end of the year and he suggested that the Administration Committee do this.

Rustie Ackland 48265 Commercial Street-She wanted to remind everyone about the Tree of Joy that the Kiwanis puts up and that they have over 100 kids so far.

Matthew Hall 47706 W 2nd Street –Wants to know what we are going to do about the drug problem in this town? How are we going to clean it up?

3.0 MAYOR AND COUNCIL COMMENTS

Mayor Rowland thanked Rustie Ackland the Kiwanis for the treats and the tree event last weekend.

Councilor Carl said Lynda brought three snowflakes to Uptown, if anyone would like to contribute to the Uptown Snowflakes get a hold of Lynda or Rustie at Banner Bank. Each snowflake costs \$350, but you can contribute whatever you would like.

Councilor Holston said she attended the Lane Act meeting last night and it was interesting and she learned a lot. She didn't realize Lane County has the highest fatality rate on their roads and most of those happen on rural roads. Even though most of the fatalities in Lane County happen on rural roads most of the money that they can ask for or use doesn't go to rural roads, it goes to the larger communities and municipal areas. She realized that it is really important for us to have a presence in that meeting.

Louis said the snowflakes was one thing that he had on his list, is the council opposed to contributing \$350 out of TRT funds for one?

Motion: Councilor Affa moved to use \$350 from the TRT fund for snowflakes for Uptown. Councilor Forcum seconded the motion.

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

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Councilor Affa wanted to add three items; a discussion on the Charter, a motion Replacing our current Attorney and Restoring the original wording and intent for membership of the Planning Commission to the 1994 Charter.

- 6.4 Amendment to the Severance Agreement
- 6.5 Discussion on the Charter
- 6.6 Restoring the original wording and intent for membership of the Planning commission.
- 6.7 Replacing our current Attorney

5.0 CONSENT AGENDA

Motion: Councilor Holston moved that we present the consent agenda as presented with corrections. Councilor Gobelman seconded the motion.

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

6.0 ADMINISTRATIVE SERVICES

6.1 City Administrators Report- No report

6.2 City Recorder Finance Report-

Susan gave the Financial Report.

Motion: Councilor Holston moved to accept the City Recorders Finance Report as presented. Councilor Forcum seconded the motion.

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

6.3 Review/Appointment of Interim City Administrator

Louis said what is before you are some names for an Interim City Administrator, you have had some time to look at the lists. There are a couple that rose from the top from the majority of the council, Wes Hare and Phil Messina.

Louis has talked with the gentlemen and gave them a heads up so they will be available.

Councilor Carl suggested they come in for an interview face to face instead of doing it by telephone.

Councilor Holston said she and the Mayor could set up the meetings and add Mr. Schultz also and see if he is available. She will call them tomorrow and find out what their availability is and what their preferences are and then she will let you know.

Councilor Carl said one question he would like to ask them is do they intend to move to this community during their interim service or are they going to commute?

Councilor Holston said the councilors can forward any questions to her or Judy that they would like to ask them.

Motion: Councilor Holston moved that we authorize the Mayor and Mayor Elect to interview the top three candidates and communicate their availability to meet with the council leading to an offer to the candidate that we select. Councilor Forcum 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

6.4 Amendment to Severance Agreement

Councilor Holston said the issue is after the review of the City Administrators Severance Agreement, the lump sum payout was scheduled to be paid in November 2018 or eight days after the contract was signed. From a financial position November and December are very lean months for the city, the majority of the taxes come out in December and we also have a number of payments going out for the water project, so it is in the best interest of the city if the payment can come out in January 2019, there are no objections from the City Administrator or his attorney.

Motion: Councilor Carl moved that we amend the severance agreement to read “employer shall on January 2, 2019 pay to employee as severance compensation” and strike “employer shall on the effective date of this agreement pay to employee as severance compensation.” Councilor Holston 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

6.5 Charter Discussion

Motion: Councilor Affa said he would like to make a motion to establish a Charter Review Committee at this time to look at and gather up other Charters from cities of our same size and since he sees three of the four new councilors coming on board he would like for them to participate if they can.

Jackie asked Councilor Affa what exactly is his motion?

Councilor Affa said it is to establish a Charter Review Committee.

Councilor Affa asked if this is something that the Admin Committee would get?

Councilor Holston said the Admin Committee has talked about this, we can start to establish a committee, but we need to start getting our Ordinances in order. That doesn't necessarily effect beginning the Charter Review also, she thinks we should have the council on it and a council elect and community members. She thinks we should have 7 community members along with the council and a council elect. The League of Oregon Cities has a lot of resources and can help us move through our charter, identify language that is obsolete or now is conflicted or missing and guide us as we look at other charters and suggest language to us.

Jim Coey asked if there was still going to be an internal audit?

Councilor Affa asked if we have chosen a group yet, have we decided?

Louis said no, a lot of stuff has slowed us down, but he has it ready to go and lined out. He will give this information to the Interim City Administrator.

Councilor Holston asked if we want to have a motion on this before we begin the internal audit?

Councilor Affa said we can start gathering the information and we can get most of them on line and get them out and passed out for when the new council comes in.

Councilor Holston said she'd like to get the internal audit is going and up and moving before we get too deep into looking at charters although she doesn't see the harm in (inaudible) and we are going to have a new council that is going to need training and a lot of orientation going. While she doesn't disagree that we should do it she also doesn't want to get the cart before the horse.

Councilor Gobelman said the motion before us is just to create the committee, James would you like to amend your motion so we can advertise for this committee?

Councilor Affa said he would accept a friendly amendment.

Amended Motion: Councilor Gobelman moved to establish a Charter Review Committee and to advertise for seven applicants from the community. Councilor Affa seconded the motion.

Louis said you are bringing in an interim, one of their primary jobs is going to be to continue to steer the boat, and number two is to hire a new person. Once the new council is seated and they decide who their new person is going to be would be the best time to start down the road of your internal audit.

Councilor Holston said you are talking about the interim correct?

Louis said no, he is talking about the new permanent City Administrator because you are talking a long term project.

Councilor Holston said she disagrees with that, part of the process that we need to be looking at so that when we have a CA that comes in that he has something to look at and begin his thought process on how to do his job and how to direct what is going on. An internal audit is not going to be run by the CA anyway, it is going to be run by an outside agency.

Louis said the piece is that the CA, the department heads and all personnel are going to be participants in all of this. As they are coming in to do their assessments of all the departments they will be interviewing all of the people in the departments. We can have the interim start the RFP process so that you can go ahead and get a consultant set up.

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

6.6 Planning Commission Membership

Councilor Affa said essentially it says you have to be a resident of Oakridge, live here one year and be registered to vote. This falls in line with the State Statute which is of the same wording. Right now we are allowed two people that live outside of the city. The original reasoning was that people were not volunteering. When you look at the membership we can have people who live in Portland or California, there is no perimeter or guideline. This could always be amended later, but right now he'd just like us to go back to the original so with the start of the new council they start with people who live here and have a vested interest in Oakridge. This is nothing against Mr. Custer or anyone else.

Mayor Rowland asked when this was changed?

Councilor Affa said it was changed in 2004 by Mr. Zimmerman.

Councilor Holston said she is going to play devil's advocate, she has always thought that maybe some committees themselves should be expanded, we have always included people outside of Oakridge on other committees who are in the school district of Oakridge. She does agree with you because when you read that language technically somebody from Eugene could apply.

Councilor Carl said aside from the fact that we might not have had a sufficient number of applicants, is there any other benefit of having somebody on the Planning Commission that is outside of the city?

Councilor Holston said we have residents that are outside of the city limits who are involved in our community, who are involved in our businesses and who care about our city and want to be part of it. On the flip side she can always make the argument that well, let's annex you and you can pay taxes. She doesn't think our community size has changed significantly from the time that happened.

Louis said he was looking at the code and actually that ordinance was passed in September 19, 1986 and amended February 15, 1990, so this has been in place for about 28 years. One of the ordinances in planning talks about a six mile radius and so it has something to do with where the planning commission does have some jurisdiction. He would have to go read that again though.

Councilor Affa said it is in ORS 215.030 1.

Louis said this goes in line with what Councilor Holston was saying, part of it was there are a lot of members who live outside of the city who shop here or own property in the city, so that was one of the pieces back in the day when they did that.

Councilor Holston said she would like to table this until the next meeting which is December 6, 2018 so that she will have a chance to look at all of it.

Councilor Carl said he is having trouble trying to understand the benefit of having somebody on the planning commission that doesn't live within the city unless they have some special expertise that we don't have within the city.

Councilor Gobelman said he agrees if it's someone from Eugene or some other town.

Mayor Rowland said what if this person owns a couple of businesses in town?

Councilor Carl said that is a good point.

Rustie Ackland said she was listening to what James was saying no more than two people with the same professions, a lot of the planning commissioners are retired, so how is that? That could be something else that you could look at.

Motion: Councilor Affa moved to table the motion to restore the Planning Commission language to the 1994 Charter until the December 6, 2018 meeting. Councilor Holston seconded the motion.

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

6.7 Replace Current City Attorney

Louis said as the council knows you put together a committee to do a request for proposal for a City Attorney, we received three packets timely, and one not. He wants to ask the council tonight who is going to be the selection committee so we can move on with this. The plan is that you will be presenting after the selection committee picks their top person and Louis would negotiate the and have the contract ready to go at the December 6, 2018 meeting so you can select your new city attorney. That is what the original intent of the council.

Mayor Rowland said the original people who started this was Councilor Carl, Councilor Affa and herself so she would like to see this through.

Councilor Carl said he will be out of town, can he participate by phone?

Louis said yes.

Councilor Carl asked that since some of the RFP's went out late, are all of them being considered, even the ones that weren't on time?

Louis said all of the RFP's went out on time, he rechecked the addresses, we did send them out on time.

Councilor Carl said we can avoid a big hoo-ha by just saying that all applicants whether received timely or not will be considered.

Louis said the council can do that but normally when you send out an RFP deadline, for example when we do construction bids, we go to the minute. He doesn't know if the rest of the council wants to put themselves in that position where the other folks who may have been timely could challenge.

Councilor Carl said when a law firm receives mail they time stamp it, and if they said they didn't receive it he believes them over our administrative services that we sent it. If they didn't receive it, then they didn't receive it. He can tell you law firms do not handle their mail casually. He thinks we should take everybody.

Councilor Holston said when you say take everybody, you mean everybody we have received up to date.

Councilor Carl said yes, everybody, he doesn't even know who they are.

Motion: Councilor Holston moved to accept all four RFP's we have received up to date for the City Attorney position and continue review. Councilor Affa seconded the motion.

Councilor Carl said he is going to be in and out and he'd like to be involved by telephone from wherever he is.

Louis said he will give you all copies of the RFP's and meet on Wednesday the 26th at 1:00 in the afternoon and Councilor Carl can attend via telephone. Louis will have the packets ready after lunch and he will post the meeting.

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

Councilor McMillin's phone connection was disconnected and we were unable to get him back.

Louis wanted to make one quick statement, Councilor Carl he knows the diligence that law firms put to their mail, but he personally made sure one on one with Jackie on the day she put them in the mail for him and he knows she put all seven in, he typed up all of the addresses one by one. He feels a little offended, but he knows we put them in the mail on time.

Councilor Carl said he apologizes.

7.0 COMMUNITY SERVICES

7.1 Request to Post Vacancies for Commissioners, Committee Members and Board Members

Rick said in January the city will have a number of vacancies needing to be filled in various boards and commissions. Typically these are posted for 30 days and the staff is requesting approval for those posting so we can have the applicants in January. We have 17 total vacancies coming up in January.

Motion: Councilor Forcum moved to post vacancies of 2 vacancies for Administration Committee, 2 vacancies for Budget Committee, 2 vacancies for Library Board, 1 vacancy for Oakridge Economic Development Advisory Committee, 3 vacancies for Parks and Community Services Committee, 5 vacancies for Planning Commission, 2 vacancies for Rural Tourism Marketing Program. Councilor Holston seconded the motion.

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

Councilor McMillin's phone connection was still disconnected.

8.0 POLICE SERVICES- No Report

9.0 EMERGENCY SERVICES

Chief Hansen gave his report and he went over the Volunteer Fire Department requirements.

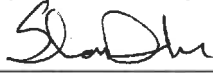
10.0 REPORTS FROM BOARDS AND COMMITTEES

Councilor Holston just wanted to say the community that now that we have moved on from the election we don't need to talk about that anymore. If you hear the undercurrent happening put a stop to it. We teach our children not to be bullies and we shouldn't be either.

Meeting Adjourned 8:26 P.M.

Signed: 

Judy Rowland, Mayor

Signed: 

Susan LaDuke, City Recorder