



July 19, 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 (absent)
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
Rick Zylstra, Community Services Coordinator

Mayor Rowland wanted to make a statement, she wanted to make sure she is following the advice given by our City Attorney last month and that she is covering everything. Last month Gary Carl as Mayor, called for an Executive Session. He asked that the City Attorney review all complaints made by Dawn Kinyon at the June 6, 2018 meeting. He also asked that the City Attorney review and make determinations on Michael Hansen's Consulting, at that meeting Gary Carl (Gary Carl called point of order)

Councilor Carl asked if it was appropriate for the Mayor to be discussing what was said during an Executive Session.

Louis said he believes that the points that the City Attorney made as far as what his review was as he reviewed the allegations, the bullet points are sufficient to present.

Councilor Carl said you don't have bullet points, we had an executive session, period.

Louis said those bullet points were of advice from Counsel that we could release the bullet points of his review and his review was a number of these items, or all were unfounded and he said we could release that and those are bullet points that he presented to the Council because Ms. Kinyon wants to know, was it investigated and what was the outcome?

Someone from the audience started speaking.

Louis said one of the issues we keep have been having is folks jumping in, so we are going to ask that you do not.

Councilor Gobelman asked Louis if we have responded to Dawn prior to this meeting?

Louis said no, normally we would respond with a letter that would say either the concerns were sustained or not sustained. He believes that part of this is to settle some of the concerns she brought out in public, was to answer them back in public.

Councilor Gobelman said he believes we should respond to a letter to her and she can come forward to a public venue and discuss that letter.

Louis said ok, the issue would be, if the issue is with anyone but him, we are not coming back in front of the council with it. If you don't want to read it now, he will send a letter.

Councilor Holston said she agrees with Councilor Gobelman just said. She does want to point out that Louis sent those bullet points to us via city email which makes it a public record. She can only repeat what he put in the bullet points and not make comment.

Councilor Holston said she would be happy to read those bullet points if anyone would approve or not approve. She also wants to formally say that it is not a good idea that when a citizen brings up complaints of the magnitude of the ones brought up that there is not a communication brought up to them at least advising them that there is something happening.

Mayor Rowland said this has nothing to do with the attorney, but she will say if there is anything slanderous being said she won't put up with it. This is a business meeting, you guys don't seem to realize that. We are not able to get our business done, this is not going to happen.

Councilor Holston said council directed an outside investigation and somehow that got convoluted.

Susan said in the matter of the independent contractors contract, it was sent to Brenda Wilson at LCOG by former Mayor Coey in January and he asked her to comment on it and she too agreed that it appeared MVHC, Michael V Hansen Contracting, was an independent consultant.

Councilor Holston said I think we are talking about our response to Dawn here.

Susan said well, that (review) was not done by the attorney (Councilor Holston interrupted)(Susan stopped her, stating she is speaking, has the floor and was recognized by the Mayor. It was sent to Brenda Wilson of LCOG in January, she responded that she found it appeared he was an independent consultant,

this was done without the council's knowledge and without the staff's knowledge, although it is the staff's knowledge now. So that is pretty much an independent person as she does not work for the city at all and is not connected personally with the city although it was through LCOG, so that one can be taken to be an independent decision.

2.0 PUBLIC COMMENT

Mike Kisinger 47732 W 2nd Street- He'd like to know if something can be done about neighbors smoking pot on their back porch, they can't even go outside.

Stephan Ball 76482 Cedar Street- He wanted to thank Louis Gomez for settling a way for citizens to make complaints about employees of the city. He also wants to address disturbing facts that he has seen that relate to the fire department. He believes the easiest way to solve this is to termination of Hanson LLC.

Trudy Hammond 47752 Berry Street- She agrees with Stephan Ball about Mike Hansen. She thanked the council for the opportunity to speak.

Ken Hooker 48231 Hills Street- Looking for some help getting large trucks off of Hills Street. He has talked to Louis and Rick about this and recently talked to Officer Cleavenger, he told Mr. Hooker that there isn't anything in the Ordinance that states Hills Street is a truck traffic road.

Mayor Rowland asked Mr. Hooker who the 18 Wheeler trucks belong to?

Mr. Hooker said they are all different.

Councilor Forcum asked where all of these big trucks are going on Hill Street?

Mr. Hooker said some are the Railroad, one lives on Jasper Loop, some of it is City equipment for the well drilling rigs. There is a sign that says not a truck route, use Fish Hatchery. The roads are all busted up and there is a sink hole.

Chief Martin said they don't currently have any Ordinance to enforce the truck traffic. We would have to start a new Ordinance.

Dawn Kinyon 76113 Fish Hatchery Road- She would like to know if there is a rule or a procedure, that when a complaint is made against an employee of the city that the employee is not allowed to see a copy of that during the investigation.

Louis said that is correct, we do the fact finding and once we get to a point when there may or may not be discipline at that point, the pre disciplinary hearing, we do have to at that point give that person everything.

Dawn Kinyon asked if that is part of the policy because she didn't see it.

Louis said the policy that he has there is for you to get the information to us. The piece you asked me about is our internal policy and part of our disciplinary process.

Dawn Kinyon asked if there was a policy written where a person could request by public record?

Louis said yes, most of it should be available, it is in our personnel manual.

Louis said as complaints come in they have the HR Manager Susan LaDuke and Mikal McPherson from the Police Department investigate the complaints. They do the majority of the investigations. They normally work as a team, but if a conflict with an employee came up then one or the other would investigate the complaint. They then give the finding to the department head.

Dan Barclay 47501 Hwy 58- First off, this is not, you's guys , you guys or ya'll, this is citizens that you represent. The first meeting in June Mayor Coey resigned. When he resigned he created a vacancy of the Mayors chair and then Gary Carl was shifted to the Mayors seat. So when he shifted as council president, the vacancy was his seat, not the Mayors.

Jim Coey PO Box 122 – He asked who are personnel and would Louis please define that.

Louis said personnel is our employees, part time permanent, full time personnel, and volunteers he believes, we try to include the volunteers. The key issue is this, on the policy there are some key points and one them is to ensure that falsehoods aren't' being presented in public. If the reputation of our personnel is going to be affected in any way, he and the council can be held liable on some of these items. That is why he went back to ensure that if you have any complaints on personnel put it in writing and we will investigate it. If you are not happy with how we investigate something there is a next step. Anyone who works under Louis is personnel and anyone who works for the department heads.

Jim Coey asked if everyone sitting at that table is a personnel?

Louis said yes, anyone who works below him.

Jim Coey asked if Chief Hansen falls under that?

Louis said Chief Hansen is his appointee so if you have a complaint they need to go through the complaint process. So yes, if you have a complaint it needs to go to him.

Councilor Holston said she just wants to make sure that everyone understands, because she is not sure she understands when we say personnel complaints, we are not talking about a complaint that says I don't think I got what I needed when I went to the front desk and It's ok to express that I need to know why my street isn't being done, those kind of things are complaints. The difference is when you personally say this person by name did this to me and I don't like it, and it's a personal thing, not as involved as to the piece of paper you didn't receive. How do you differentiate between that, because frequently we go in and we are a small community and say well I talked to so and so and I just didn't get any right answers, well that is not a personnel complaint, is it?

Louis said it is not a personnel complaint per say, but we would look in to as a procedural piece that we would look in to. So it could very well become a personnel complaint if there is an outcome of discipline. Any violations of the rules that he established, procedures, ordinances, resolutions.

Councilor Holston said it sounds like what he is saying is that anytime you have a complaint you have to put it in writing.

Louis said they could type it up or it could be in writing.

Councilor Holston said so someone couldn't walk up to a councilor and say I have a real issue.

Louis said they could, but put it in writing and get it to us so we can get it handled.

Councilor Holston said can she put it in writing if someone came to her and said they are afraid to say something, will you do it on my behalf.

Louis said there is a lot of case law that would not allow us to do that because you could be effecting somebody economically, those kind of pieces. If we are going to go towards any type of discipline which could be up to termination we have to know who is presenting it.

Councilor Holston said she's not sure she accepts that.

Chief Martin said he is going to put Susan (Hardy) on the spot because they are both School Board members, and they actually took this verbiage from the School Board packet because Louis and the Council, if a citizen is talking about an employee which is anybody but Louis, and the council just lets them talk, it can cause damages to that employee and the school board did that in the past and the school board didn't even say anything, the citizen just stood up and was talking about an employee and that employ was awarded damages.

Councilor Holston said so yes, the council and the city administrator both can be held responsible, it is neither one nor the other, it is the responsibility to stop it.

Bobbie Whitney 48150 E 1st Street- She wanted to encourage the council to come up with a more defined three minute rule. She would like to see if the city could put on a health and wellness fair for the citizens or a housing fair.

Loren Hogue 48319 E 1st Street -On 7.5 the-Well drilling that is really good, he believes in the long run, the rate of return and the quality will be much better for the city.

3.0 MAYOR AND COUNCIL COMMENTS

Councilor Holston read a statement- As you all know I was not here for the last meeting, I'm almost grateful that I wasn't. (Transcript note; someone asked Kathy to speak up; Kathy responded I will thank you let me know if I go down again alright because I have a tendency to do that) Um, Ok so I have three things to ask of council tonight and I am following Judy's lead and I am actually reading it because I am not sure that I can remember everything I want to say. Um, so I have been a councilor for almost two years. Um, coming in I was open to ideas and aware that there is more to a situation than meets the eye but it has become evident to me that a change in our City administration is necessary so I asked myself these questions. How does a new City administrator happen? Who is the City administrator's boss? Who holds that authority? What does his or her current contract say? Where his current contract is and what is the process to review and how do we discuss it? These are not easy questions to find answers to I discovered but in the process of trying to find answers to those questions other concerns came to my attention. Concerns to unfairness, concerns from citizens not being heard, concerns of citizens being treated unfairly and I also saw a pattern that concerned me even more. I will acknowledge that very often people have concerns and (um) mostly what they want to do is just have someone listen to them and most of their concerns probably fade away after they talk to them so I do want to acknowledge that. But one of the concerns that I saw that concerned me the most was of some subtle manipulation

that goes on in the City. This happens everywhere and I just want you to know that this isn't unique to Oakridge but we do need to stop it. We have this bias and whispering, we have more concern for our loss of our own power than we have for the progress of our community. We have a decided lack of forward motion and my concerns continued and they've grown and now they've been realized. The lack of ethical behavior and the cry used to cover but its legal use to validate that is to me reprehensible. Confronting issues, standing up for others, shining in the light gains clarity and they can be done kindly, compassionately or with civility but they must be done. We can no longer brush issues under the rug, we can no longer cower from confrontation just because it might be uncomfortable from uncomfortable situations arise solutions so let me proceed with uncomfortable, the attempts I believe of the current city administration to influence council have gone from subtle to blatant. At last session asking a specific councilor to reconsider his vote and whether the individual understood thoroughly what the vote was is an attempt to change the outcome of a vote. While trivial perhaps, it shows a lack of knowledge and integrity. The fiasco that happened last meeting embarrassing, comical and maddening at once and I did listen to the tape was indicative of a lack of administrative knowledge from our City administrator that he allowed one of his employees to be publicly targeted and then later admonished to the council about how they failed and what should have happened is again thoroughly indicative of a lack of control and understanding. I apologized to that employee for their supervisor's failure to protect them. The council members sitting here have expressed their upmost trust in favor of the City administrator they went as far as to praise how wonderful he has helped them to be good councilors. I would suggest that the current situation speaks volumes about the definition of good, Legal vs. ethical two words that have been banding about considerably for the past few months. Where do we go from here? We have passed a budget, a budget that on the record I would not have voted for but we the council did pass it. A budget that I believe is filled with writing between the lines a budget that will lead to a privatized fire department in my opinion, a budget that doesn't adequately fund some of the areas we need funded. The citizens have asked for and the council has asked for an independent inquiry into the allegations made by a member of our community. The result was an emailed document from the City administrator interpreting the attorney's words and absolving the CA and the City of any wrong doing an attorney who first approved some of what we are asking to be reviewed was asked to be the reviewer. At an executive session where council was given access to the attorney and his tape of the meeting and there was a tape is for some reason unable to be heard, as a councilor myself who was unable to be present it has taken repeated emails to receive just a brief "oh this is what it was about" from the CA this is unacceptable in my opinion. At last, at our last work session we as counselors were asked to re-sign ethics oath and I refused, why? Because I had already signed that and I never deviated from it I offered to re-initial the original one I signed but that was not made available to me then or at any time since. So was this a show? Was this just a ploy to make everyone think that we are reaffirming our um The City? I don't believe so. When a City administrator is vacant the next step is to secure a temporary service through a qualified administrator pool similar to what we did originally with Mr. Hanson who was under contract to assist in search in hiring of a new chief. That resulted however in the formation of a consultation or a consultants firm in his name and contracted to the City without City council approval or input and repeatedly renewed without City council approval or comment, another obvious violation of the public trust in my opinion as I interpret the charter and also a violation of that. Council I am, I am appalled and I am saddened at the situation. Citizens you have the right to replace every one of us in November and I hope you do including those two of us who have two more years to serve. If that is your wish I would acquiesce at the end of my term because I do not quit in December. Um, Please I admonish all of you to ask question of your candidates and your existing councilors don't vote for someone because you went to school with them or because you ride a bike with them or because you know of them from here and there. Vote because you asked questions and I am going to ask that you remember that councilors when they come in are not imbued with automatic wisdom concerning legislative processes it doesn't get

pumped into your vein so look for people that are well spoken, look for people that are sincere and cooperative, look for people who show leadership and respect. The current seated council did not hire our City administrator, a city council is a body and each successive incoming councilor takes the responsibility for running the City to its best ability. The City council is assisted in that task by the City administrator; a good City administrator does not only guide the council but pointedly refrains from moving forward agendas that may be his own or his or her own rather they give guidance to the consensus of the council and implementation of the objectives and goals the council has chosen. The City council is the City administrator's employer and boss and such tasked with evaluating the city administrators performance. To that end we are in remiss we are in remiss in violation of our own established policies when we allowed and voted to extend the city administrators contact for two years without a review and evaluation of his performance but based off of a popularity contest and major reaction would perceive the attempt to pull a fast one and get rid of the City administrator. Personally I have believed for some time that we need to have a new City administrator. Because we have not conducted our duties appropriately we must as a council immediately initiate a performance evaluation this is the responsibility of the council not the responsibility of the City administrator and we are remiss. Council directs the evaluation, council sets the parameters, council approves the format for the time line and I point this out because our CA initiated this himself and had to be reminded that it is the council that evaluates him and he has a say in the format within legal guidelines but it is our prerogative. This begins as a request for information and I won't go into all the detail of how that happens. I have been told that we need to help our City administrator reach his potential by nurturing and explaining specifically what needs to be done to which I emphatically say no! It is not the job of the council to nurture and explain the job that needs to be done to the person who has been in the position for seven years. The fiasco following the resignation of our Mayor recently is a prime example of the incompetence that I see in explaining policy was a failure, following through with what council directed there was failure, the presiding mayor asked for a meeting and the councilor of the then councilor Roland indicated her availability to me, I myself indicated my availability to meet via phone. This meeting did not happen and at the next council meeting council Roland became Mayor Roland via a flustered motion, followed by a flustered temporary Mayor and followed by a flustered City administrator and in my opinion of the tape that I heard it was a mockery of good governance we danced around established procedure. I have three things to ask the council to consider and act upon;

Councilor Holston asked that you reconsider for discussion reinstating Mayor Roland as councilor and immediately post a thirty day notice to fill the vacancy of Mayor until the November election. Does she have any council agreement?

Councilor Gobelman said he agrees.

Councilor Holston also asked the Council to add for consideration to the agenda a motion now to begin the process of the review of the City Administrators performance to be completed by August 30 and to include input from the department heads and assistant heads of whom he supervises, with that input given directly to council for use in their review of the City Administrator. Councilor Carl seconded the motion.

Councilor Holston moved to make a motion to direct staff to secure an independent agency to perform an internal management audit of all city departments. Councilor Carl seconded the motion.

Councilor Holston said it would be a process of the council and she is open to suggestion here in vetting a series of questions that can be used from the top down. Louis supervises a lot of people and though

we don't want input from every person, we would like input as available from the department heads so we can ask a standard set of questions to be turned in to us. Using that information and using our own set of questions that we formulate for one another, for all of us, we individually format our own evaluation.

Councilor Gobelman said to be clear, we want input from the Department Heads on the CA's performance.

Councilor Holsten said yes.

Councilor Carl said there are a lot of hands up in the room and this is all pretty important stuff and he would like to call on all of you so it's not that he's disrespecting all of you, but we can't do that. Mayor Rowland said we have three motions on the floor and to call for the vote.

Jackie did not have all of the motions written down that Councilor Holston requested.

Councilor Gobelman asked Councilor Holston if she could give Jackie her copy to read.

Councilor Holston gave her statement to the City Recorder so it could be read for the record.

Louis said it has been placed in the record, if she could read it off of yours that would be great.

Councilor Holston agreed.

Councilor Gobelman asked to have all three of the motions reread.

Jackie read the first motion.

Councilor Holston asked that you reconsider for discussion reinstating Mayor Roland as councilor and immediately post a thirty day notice to fill the vacancy of Mayor until the November election. Does she have any council agreement?

Councilor Gobelman asked when we take this vote, when does that action occur and when that action does occur and Mayor Rowland does return to her seat as a councilor and then Council President Carl is then the Mayor. Is that correct? And when would that take place. Are we voting for right now is to have these placed on the agenda for the next council meeting?

Councilor Holston said she is asking for this to be considered now. So that at the next council meeting the result of this consideration will be in effect. We have 30 days to get that consideration and fill that position.

Motion: Councilor Gobelman motioned that Kathy's motion is amended to state that the outcome will be effective at the next council meeting. Councilor Carl seconded the motion.

K. Holston (aye), K. Gobelman (aye), G. Carl (aye), Mayor Rowland (nay), P. Forcum (aye). Motion carried 4-1

Motion: Councilor Holston motioned that you reconsider for discussion reinstating Mayor Roland as councilor and immediately post a thirty day notice to fill the vacancy of Mayor until the November election. Councilor Carl seconded the motion.

P. Forcum (nay), K. Holston (aye), G. Carl (aye), K. Gobelman (aye), Mayor Rowland (nay). Motion failed 3-2

Motion: Councilor Gobelman moved to table the remaining two motions until the next meeting and we have adequate councilors. Councilor Carl seconded the motion.

G. Carl (aye), K. Gobelman (aye), P. Forcum (aye), K. Holston (aye), Mayor Rowland (aye). Motion carried.

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Added Richard Montgomery to 7.3

5.0 CONSENT AGENDA

Motion: Councilor Gobelman moved to approve the Consent Agenda. Councilor Holston seconded the motion.

P. Forcum (aye), Mayor Rowland (aye), G. Carl (aye), K. Gobelman (aye), K. Holston (aye). Motion carried 5-0

6.0 ADMINISTRATIVE SERVICES

6.1 City Administrators Report

Our transmission line is under Salmon Creek and it is ready to be connected to the pump station.

The Community events project, the council at a work session asked the staff to do some community outreach.

The Gazebo out at the rest area has been repaired.

Advanced Communications has installed the new phone system.

The City received a \$15,000 grant from Lane County to install electricity into lot 37,

TRT Block Grants are available for FY 18-19.

We received the TGM Grant. This is a huge accomplishment. We should start on this in August 2018.

PM 2.5 Particulate matter. The RFP's for the Project Coordinator are being graded this week.

6.2 City Recorder Finance Report

Motion: Councilor Carl moved to approve the City Recorders Financial Report as presented. Councilor Forcum seconded the motion.

G. Carl (aye), Mayor Rowland (aye), K. Holston (aye), P. Forcum (aye), K. Gobelman (aye). Motion carried 5-0

6.3 Oakridge Sani Haul Franchise Agreement-Rate Increase

Louis read the issue, the last time they came in for a rate increase was in 2007.

Motion: Councilor Carl moved that we approve Oakridge Sani Haul's request to raise their rates in accordance with the proposed sanitation/recycling rates as of July 1, 2018 labeled exhibit A. Councilor Holston seconded the motion.

K. Gobelman (aye), P. Forcum (aye), G. Carl (aye), Mayor Rowland (aye), K. Holston (aye). Motion carried 5-0

6.4 OLCC Application for Corner Grill "Uptown"

Rick needed to clarify that he left two names off of the Staff Report, but they are on the application. Rick read the issue.

Motion: Councilor Carl moved that we recommend approval of the Corner Grill "Uptown" OLCC Liquor License Application. Councilor Forcum seconded the motion.

Mayor Rowland (aye), P. Forcum (aye), G. Carl (aye), K. Gobelman (aye), K. Holston (aye). Motion carried 5-0

7.0 COMMUNITY SERVICES

7.1 Planning Commission 2nd Quarter Report

Rick gave the 2nd Quarter Planning Commission Report.

7.2 Street Closure and Alcohol Permit for Keg and Cask

Motion: Councilor Forcum moved that we approve Mr. Custer's request for street closure and alcohol permit from Alder Street to Oak Street and Ash Street from 1st Street to the first alley for the Keg and Cask Festival on August 11th, 2018. Councilor Gobelman seconded the motion.

K. Holston (aye), Mayor Rowland (aye), K. Gobelman (aye), P. Forcum (aye), G. Carl (aye). Motion carried 5-0

7.3 Filling of Planning Commission Vacancy

The Applicants stood and introduced themselves to the Council.

Motion: Councilor Carl moved that we appoint Robert Montgomery to serve on the Oakridge Planning Commission for the remainder of the open term ending in December 2020. Councilor Forcum seconded the motion.

G. Carl (aye), P. Forcum (aye), K. Holston (aye), Mayor Rowland (aye), K. Gobelman (nay). Motion carried 4-1.

7.4 Request for Disabled Parking Spot on E 1st Street

Rick read the issue.

Motion: Councilor Holston moved we designate a handicapped parking space 70-75 feet west of the Ash Street and 1st Street intersection on the North side of E 1st Street. City staff will install the necessary signage. Councilor Forcum seconded the motion.

P. Forcum (aye), K. Holston (aye), Mayor Rowland (aye), K. Gobelman (aye), G. Carl (aye). Motion carried 5-0.

7.5 Approval to Seek out Funding Sources for Exploration of Municipal Well

Rick read the staff report.

Louis said we will go back and see the last time they were tested and if they are close to being due we will test the wells.

Motion: Councilor Holston moved we approve the use of the Oregon Health Authority Grant of \$20,000 and a loan not to exceed \$40,000 for the exploration of a new Municipal Water source. Councilor Carl seconded the motion.

K. Gobelman (aye), G. Carl (aye), Mayor Rowland (aye), P. Forcum (aye), K. Holston (aye). Motion carried 5-0.

7.6 Request to Remove Construction of Well House from Current Water Project Contract

Rick gave the staff report.

Motion: Councilor Holston moved we remove the construction of Well Number Seven Well House from current City of Oakridge 2017 Water Source, Transmission, Storage and Distribution improvements Contract until a suitable solution is found to mitigate the Tetrachloroethene from our drinking water system. Councilor Forcum seconded the motion.

P. Forcum (aye), K. Holston (aye), K. Gobelman (aye), G. Carl (aye), Mayor Rowland (aye). Motion carried 5-0.

8.0 POLICE SERVICES

Chief Martin gave his report. National Night Out will be August 7, 2018 at Greenwaters Park.


9.0 EMERGENCY SERVICES


Chief Hansen gave his report.

10.0 REPORTS FROM BOARDS AND COMMITTEES

None

Meeting Adjourned 9:15 P.M.

Signed: 
Judy Rowland, Mayor

Signed: 
Susan LaDuke, City Recorder