



February 13, 2019
City Council Special Session
Willamette Activity Center Room 8
47674 School Street
7:30 p.m.

MINUTES

1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Council Present: Kathy Holston, Mayor
Christina Hollett, Council President
Bobbie Whitney
Stan Barenboim
Paul Forcum
Donald Hadley

Staff Present: Phil Messina, Interim City Administrator
Mike Hansen, Fire Chief (absent)
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 PLEDGE OF ALLEGIANCE

3.0 ROLL CALL – All councilors were present

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE ADGENDA- None

5.0 BUSINESS FROM THE CITY COUNCIL

5.1 Water Project Update from Engineer of Record

Business Session – 8:15 P.M.

6.0 Business from the City Administrator

6.1 Water System Improvement Project Engineering Services Amendment No. 3

Rick read the issue.

Councilor Hadley asked if the \$7500 goes to you (motioned towards Mr. Hodges) or what is it used for, for you?

Mr. Hodges said yes, it goes to Curran McLeod for Engineering services or construction, administration. It is really for the past services because of the circumstances that are out of everybody's control.

Motion: Councilor Whitney moved to approve the water system improvement project engineering services amendment No. 3 change orders in the amount of \$22,500. Councilor Hollett seconded the motion.

Mayor Holston (aye), P. Forcum (aye), B. Whitney (aye), S. Barenboim (aye), D. Hadley (aye), C. Hollett (aye). Motion carried 6-0

6.2 Approve Test Well #3

Rick read the issue.

Motion: Councilor Whitney moved that we award the contract for drilling test well #3 to Casey Jones Well Drilling allowing Curran McLeod to deliver all needed contract documents for execution of test well #3. Councilor Barenboim seconded the motion.

Councilor Whitney said the last time you presented this to us she remembers you (Mr. Hodges) saying that we had a grant to help cover this?

Mr. Hodges said yes, he got us a technical assistance grant loan for \$40,000, out of that \$20,000 is an outright grant and the other \$20,000 is a short term loan.

D. Hadley (aye), C. Hollett (aye), Mayor Holston (aye), P. Forcum (aye), B. Whitney (aye) S. Barenboim (aye). Motion carried 6-0

6.3 Rehabilitation of Well #2 and Removal of Well #4 from the Public Drinking Water System

Rick read the issue.

Robeart Chrisman said we know that the public, including himself, is worried about TCE levels in the drinking water, it is his responsibility to make sure that everybody has clean drinking water. Knowing that that is in there scares him. Removing Well #4 does cause problems with the hydraulics in the system, especially the chlorination process, we have to chlorinate our wells due to the problem we had in well #2

which had the high iron content that gives you a false positive in your coliform sample, which is why we have to chlorinate, the only reason we have to chlorinate.

Mayor Holston said she wanted to interject here in case someone didn't hear you clearly, we don't have coliform, but having the iron causes it to appear that we do, which is why we add the chlorine. We have to by law.

Robeart said if you take #4 off that chlorination pump it does not get a signal because the mag meter is not reading any water traveling through the pipes so that chlorine sits in that pump and it is a very active, volatile chemical. If you look at it it creates air bubbles, well pumps and air don't go together. Once it gets that air bubble it will just sit there and pump and push the air bubble back and forth.

Mayor Holston asked what the timeline is for this if it gets approved, what are you looking at as far as getting back to us?

Robeart said he would like to get back to you with answers as quick as possible because when well #2 fails it is a lot more expensive for him to go out and have these people come out and fix it rather than have him out seeking several people.

Mr. Hodges said he'd say a month max.

Motion: Councilor Hollett moved that we direct staff and the city engineer of record to do the necessary research to determine the cost and effects of rehabilitating well #2 for the preparation of removing well #4 from the city of Oakridge public drinking water system. Councilor Whitney seconded the motion.

B. Whitney (aye), S. Barenboim (aye), C. Hollett (aye), P. Forcum (aye), Mayor Holston (aye), D. Hadley (aye). Motion carried 6-0

6.4 Sole Source Determination for the Waste Water Treatment Facility Ultraviolet (UV) Disinfection System Control

Rick read the issue.

Rick said that TAG has done 99% of their automation and our SCADA work, they are very familiar with our system, they are known for being the best in the Northwest and they are local guys from Lowell. They have served us very well, his fear is that one of these times they are not going to be the lowest bid and we are going to get someone in there messing with the system that they are not familiar with and this is a very complicated system.

Mayor Holston asked if the cost is a one-time thing?

Rick said for this devise, this is a one-time thing.

Motion: Councilor Whitney moved we direct staff to take the necessary steps to utilize TAG with the sole source determination for the waste water treatment facility ultraviolet (UV) disinfection system control. Councilor Forcum seconded the motion.

S. Barenboim (aye), Mayor Holston (aye), P. Forcum (aye), C. Hollett (aye), D. Hadley (aye), B. Whitney (aye). Motion carried 6-0

7.0 Business from the City Council

7.1 Consideration of Amendment to Resolution 02-2016 A Resolution Establishing Procedures for the Filling of vacancies to allow for excused absences during consideration of applicants

Rick read the issue.

Councilor Hadley asked who brought this forward?

Rick said the council brought it forward.

Mayor Holston said at one of our meetings we had a discussion if some people wanted to apply for some of the boards and they weren't able to be here and they wanted to know if they could still apply.

Councilor Hadley said that is the problem, most of these people don't come to the committees anyway and they don't fulfill them because they aren't here from the start.

Councilor Whitney said she thinks this is more for extenuating circumstances, when someone would ask for an exception ahead of time.

Mayor Holston said with this circumstance this person was asking for a stand in.

Councilor Whitney said she thinks the City Council and Planning Commission people should be present and that has to do with judicial and Quasi-Judicial actions that come out of those whereas the boards and committees really don't.

Councilor Hadley said he would like the budget committee included.

Councilor Whitney said we should post for a minimum of 30 days, she didn't find anything that said this.

Mayor Holston said although it's not defined anywhere, we typically post for 30 days.

Councilor Whitney said it's been a best practice.

Rick said he wanted to make sure we are on the same page, what he wrote down is section 7 would say "all vacancies must be posted for no less than 30 days for consideration"

Councilor Whitney said she doesn't understand why we would want the budget committee to be present?

Councilor Hadley said because the budget committee is the budget, he would like to interview them and ask questions. We need to know if they have a background in budget and if they aren't here what do you know about them?

Councilor Whitney said they fill out an application.

Councilor Hadley said he'd like one on one.

Mayor Holston said in curiosity how often have we had people not show up?

Rick said he usually makes the phone calls and it is out of the norm for them not to show up, it has happened a handful of times.

Mayor Holston asked if there was any way that we can do one offs or are we bound by this?

Rick said there was a motion made a couple of months ago in regards to setting aside the rules, but he is very unfamiliar with that.

Susan said setting aside the rules has to do with Roberts Rules of Order, not our ordinance.

No motion was made.

7.2 Rescind Motion Regarding Non-Redacted Billing from Local Law Group passed during the special session of 1-30-2019

Rick read the issue.

Mayor Holston asked that if this was done at a work session or was it a special meeting, because she wants to know how bad we violated the law.

Rick said it was a special meeting.

Mayor Holston said she is correcting the words work session to special meeting. According to what we have been advised this was illegal and we shouldn't have done that. We are not just throwing this out, we are asking that it be rescinded and then if you notice on the next one, we do it correctly.

Councilor Hollett asked who advised that it was done illegally?

Mayor Holston said she believes that the staff did.

Susan said part of it is in the code, when Christy Monson was here it was brought up to her too. Our code states that no item should be placed on the agenda unless it is ready for council action and/or consideration. Action being a vote and that all councilors are ready, which means all councilors have read a staff report or at least read other information that other councilors may have before they vote so that everybody has the chance to absorb the information and make an educated decision. The other part of our code says that at each regular meeting of the council, not a special meeting or emergency meeting that is a regular meeting, a council member or mayor may bring an item not on the agenda. They may bring them up which means an item not on the agenda, they may bring it up to be placed at a later date so that a staff report could be done and presented to the council so they can consider it before voting on it. Our code is our law so that is what was broken.

Councilor Hadley said so that is the second time it was brought up correct?

Mayor Holston said she wants to interject here, we can spend a lot of time spinning our wheels about what it is and what isn't and what should be, but the intent of what you want to do can be accomplished,

so let's get on with it and accomplish it so that we can vote and get what you wanted or choose that we don't get what you wanted. She would ask you for a little bit of latitude so we can evolve.

Councilor Hollett said if this were true then adding on the property sale that was not on the agenda would be another consideration that was not on our agenda and that was sprung on us.

(Correction: At the February 21, 2019 meeting Phil Messina read into the record the sale of the OIP property occurred at the January 17, 2019 regular session which city code allows additions to the agenda to be added. This agenda item also included a staff report as per code.)

Councilor Hollett said she called and spoke to Patty Mulvihill from LOC and she did quote her the same ORS that is quoted here in the agenda bill, she says it's widely practiced for councilors to add topics to the agendas and to make motions. Her take on this was that it was perfectly acceptable. She and Councilor Hadley interviewed two attorneys extensively yesterday and he asked this exact question to both attorneys and both agree with Patty and said it was widely practiced. Obviously they are not our attorneys, but they are attorneys that we were selecting from, so she really feels that if this was the case that the property sale would need to be rescinded as well.

Councilor Whitney asked which meeting did the property sale come from?

Councilor Hollett said January 30th and it was not on the agenda.

Councilor Whitney asked if it was a regular meeting or was it a special meeting?

Mayor Holston said it was a special session.

Councilor Hollett said she thinks what the point was whether it was advertised or not giving the public an opportunity. According to Patty and the other attorney's it happens all the time and we have that liberty because of our ORS, which ORS does trump city ordinance.

Susan said no, our code is ours and we are home rule which means that this does on certain things, supersedes. It is in there.

Councilor Whitney said from her experience at DOJ one thing is that you have your Federal Laws, Oregon Administrative Laws and then they worked on ORS's. Your Federal laws kind of define your ORS's from there and create your administrative laws. So ORS's don't necessarily trump our charter, our charter is our rules, so when we go to follow our rules we are going to go to our charter first and look at those and if there is no rule in there then we might look at the ORS.

Councilor Hollett said that is what happened, there is no rule in the charter on this, and she is talking about an ordinance.

Susan said this is code, this is part of our charter.

Councilor Hollett said no, the charter is separate.

Susan said the code is the laws that were passed.

Mayor Holston said we are at the point here where she has to remind council that while you do not have to follow the advice of your staff, who also has the advice of an attorney, you do not have to follow it, but it is always best practice to do that. The council is autonomous and it can do what it chooses to do and suffer the consequences. She doesn't want to spend too much more time hashing this out, we all seem to have a difference of opinion, so you have asked for unredacted copies to be viewed, and that is not the issue here. Right now what we are discussing is whether or not the initial asking was done proper and if we need to do it again. If you poll that it was proper and you want to continue then...

Councilor Hadley said suffer the consequences.

Mayor Holston said exactly, you suffer the consequences.

Councilor Hadley said that is fine.

Mayor Holston said and you ask staff to continue to get those.

Dawn Kinyon said she wanted to point out that even though Susie did read from our code which is ordinance, not charter, she also interjected her opinion on how that is to be interpreted...

Mayor Holston said we are not going to do that, thank you. So, she will entertain a motion since we have this in front of us.

Councilor Hadley said so basically what you are saying is because we did this wrong we are not going to get the unredacted?

Mayor Holston said no, that is what the next motion is for, to make that will happen. If you choose to continue and direct that it happens in this manner without protecting yourself, in her opinion, then that's fine, but she just has to make this quit.

Motion: Councilor Whitney moved that we rescind the motion made at the special session of 1-30-2019 the "we get the unredacted statements from the attorney from January 1, 2018 ending December 31, 2018." No second.

7.3 To View Non-Redacted billing invoices from Local Law Group to the City of Oakridge from January 1, 2018 to December 31, 2018.

Mayor Holston said direction to staff is the motion to provide unredacted statements still stands, staff and Mayor will set an executive session.

Councilor Hadley asked if the attorney will be there?

Mayor Holston asked if we want the attorney there?

Councilor Hadley said yes he does.

Councilor Whitney said she wants to make a statement, when these are to be viewed in executive session she will not be present. She is excusing herself from that meeting because she strongly feels that we put the city at risk when we start trying to interject and work outside our scope. If anything is released about

any personnel that comes out of executive session it puts the city at risk as a whole and this is somewhere she thinks we don't need to go. She just does not want to be there because she doesn't want to put herself at risk.

Mayor Holston said thank you that is a fair statement.


No motion was made

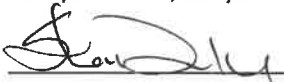
8.0 Upcoming Meetings and Events

9.0 Public Comment

Trudy Hammond 47752 Berry Street- She said she is volunteering to paint.
Stephan Ball 76482 Cedar Street- Was not present

10.0 Adjourn- 9:00 P.M.

Signed: 
Kathy Holston, Mayor

Signed: 
Susan LaDuke, City Recorder