



December 19, 2019
City Council Meeting
Willamette Activity Center Room 8
47674 School Street
7:00 p.m.

MINUTES

1.0 CALL MEETING TO ORDER

Council Present: Mayor Kathy Holston, Councilors, Trisha Maxfield, Christina Hollett, Paul Forcum, Bobbie Whitney and Dawn Kinyon

Staff Present: City Administrator Bryan Cutchen, Finance Director Bill Jones, City Recorder Jackie Sims, Police Chief Kevin Martin, Community Services Director Rick Zylstra

2.0 Pledge of Allegiance

3.0 Roll Call – All present

4.0 Additions, Corrections or Adjustments to the Agenda

5.0 Public Comment-30 Minutes

Loren Hogue 48319 E 1st Street- He noticed on tonight's agenda about serving on committees and how a councilor wants them to attend trainings, It is hard enough to get people to volunteer on committees, the vast majority of committees do not have councilor involvement in the State of Oregon and this very verifiable.

6.0 Mayor Comments/Announcements/Proclamations

Mayor Holston- Every year the League of Oregon Cities Foundation sends out requests to all cities to make a donation to their foundation which is used for scholarships to attend conferences, she passed out the requests and we can discuss this at our next meeting. She wants to send out a Back Pack Challenge in the next water bill, this is for individuals in need through the warming center. She will be attending Rural Voices for Conservation the 3rd week of January, she will be representing the City as Mayor and no money is needed.

7.0 Council Comments/Announcements

Councilor Hollett- Wanted a discussion only on where we think the basketball structure should go.

Councilor Kinyon- Would like to see about getting an update on a report that Joe was doing on the fire department. She also wants to know if there is any update on the CIS investigation of the city internal processes.

Bryan- Are you referring to the police department?

Councilor Kinyon- Thought it was city wide, but she could be wrong.

Bryan- He remembers asking the CIS law enforcement individual to look at some of the processes within the police department, but when we had the officer involved shooting it kind of compressed that and pushed that off and it hasn't been rescheduled yet.

Chief Martin- He thinks it was rescheduled for January, he will ask Mikal because she was working on that with him.

Councilor Maxfield- Wants to hear more about Shop with a Cop.

8.0 Consent Agenda-None

9.0 Business from the City Council

9.1 Discussion of citizen complaint

Bryan- We have a citizen complaint regarding Ordinance 873, discussion only. A citizen expressed concern over the municipal court handling or perspective handling of a crime they reported, the crime was theft of services. The City Attorney is on the phone if you have any questions.

Mayor Holston- A citizen filed a complaint and the court used ordinance 873 and the citation was reduced to a misdemeanor therefore there was no restitution that was able to be done, they weren't able to get any money to replace what was missing and it feels like it was either a misuse of the ordinance or the ordinance may not give us much flexibility. She was told our municipal court cannot do restitution.

Matt Dahlstrom- the Mayor really hit on an important piece of this when she said the current ordinance really provides little flexibility. At the town hall meeting the city prosecutor talked about similar limitations that the ordinance has.

Mayor Holston- Is this a failure of ordinance 873 or should we not have used ordinance 873 in this case?

Matt Dahlstrom- Ordinance 873 dictates how misdemeanors are going to be dealt with in Oakridge, it is practical order if you don't want to fund a jail, if you don't fund a jail there are only so many options that you give your city prosecutor.

Chief Martin- The officers have discretion and they have a lot of misdemeanor cases that they send to circuit court and they get letters back stating to try the case in municipal court, so they have no other option than 873.

Councilor Hollett- Is there any rewriting the ordinance or making an amendment to it?

Chief Martin- that would be a Matt question, but every other ordinance he has seen in other cities are very similar to ours. It is his understanding that if it gets switched to a violation the judge cannot seek restitution.

Matt Dahlstrom- That is a pretty grey area, but that is the general rule.

Bryan- He had a conversation with our municipal judge the other day and he asked him about restitution and the judge said about all that he can do is if he has both of the characters in the room when he starts talking about fines he can tell the defendant if they hand over what they owe, he can possibly lower the fine.

Matt Dahlstrom- If someone was to suffer a loss there is nothing about our ordinance that prevents them from going to small claims court and seeking a judgement against that person, it just can't be handled through our court because our isn't handled like that.

Chief Martin- Is all for a better ordinance, but it would really hurt us if we completely lost this.

Matt Dahlstrom- He completely agrees with Chief Martin that this is a similar ordinance that other communities use that aren't going to be operating a jail.

Mayor Holston- Do you know of any other cities that have similar ordinance and have tweaked it so that restitution can be ordered?

Matt Dahlstrom- The tough part is that it always comes back to some degree of having a jail, without that it will be extremely difficult to ever implement restitution.

Councilor Kinyon- What do the numbers for violations this year look like in fines received and imposed over a years' time.

Chief Martin- He doesn't have the numbers but it wouldn't take the court clerk long to get that information.

Councilor Kinyon- She's looked at the numbers and wonders if it's even worth it to have a municipal court.

Chief Martin- As Police Chief it is absolutely mandatory, we are the only city that he knows of that doesn't try misdemeanors on a daily basis.

Bryan- It would take some time to collect the data, it was on his project list to do. We have a revenue and an expense, we don't have a connection between the actual ticket and fine. It wouldn't be hard it would just be time consuming.

Councilor Whitney- Are there ways that the police officers have found that they would like to change 873 to make it work better for the work they are doing?

Chief Martin- The biggest thing for them is to be able to expand 873 because the drug crimes are not in there right now and since the drug crimes got changed from felonies to misdemeanors they are not getting prosecuted.

Councilor Whitney- We need to do research on that then, it makes total sense to hold people accountable.

Mayor Holston- While we recognize the limitations of 873 from what the chief just said 873 needs to be looked at and changed or expanded so it includes the drug crimes. Can we have 873 in front of us to change by March?

Chief Martin- March is probably good. We have a lot going on in January, but they can probably start in February.

Councilor Whitney- If she heard you right you are expecting the police department to come back with 873?

Mayor Holston- The police department, City Administrator and Attorney.

Councilor Hollett- She was curious if we would entertain a subcommittee because she would like to help, she learned a lot at the town hall.

Mayor Holston- Personally she thinks that this is something we should leave to the professionals and when we have this in front of us we can ask questions. It is not within any of our expertise to be writing ordinances.

Motion: Councilor Whitney moved for the Police Department, the City Administrator and the City Attorney to research ordinance 873 to include drug crimes and to bring a draft ordinance back to council. Councilor Hollett seconded the motion.

Councilor Kinyon- Would like to make a friendly amendment to add anything else they might think is pertinent other than just adding drug crimes.

Amended motion: Councilor Whitney moved for the Police Department, the City Administrator and the City Attorney to research Ordinance 873 to include drug crimes and any other pertinent crimes and bring a draft ordinance back to council. Councilor Hollett seconded the motion.

Mayor Holston (aye), T. Maxfield (aye), D. Kinyon (aye), P. Forcum (aye), C. Hollett (aye), B. Whitney (aye). Motion carried 6-0

9.2 Discussion on need for public meetings law training for city volunteers: Councilor Kinyon

Bryan- Read the issue.

Councilor Kinyon- She would be ok with looking at the reading and signing off, but there are a lot of different funds that our committees are actually working to help like the police fund and fire department fund and they have a line item for travel and training, they have very low amounts that have been spent out of those funds and she wanted to point out that it doesn't have to come out of the council fund.

Councilor Hollett- responded to Loren's comment about councilors being on committees, at the conference she met many councilors who sat on committees, it is important for committee members to get training and we should make the training available to committee volunteers.

Councilor Maxfield- it is important that our committee members know that they fall under the same laws and regulations that they do as an advisory body to the council.

Mayor Holston- agrees that they need to have some training, it is important that when we have committee members come on that they receive the code of conduct and a packet that has an easily understandable and easy to follow guide and they need to be informed that they are under the public meeting laws.

9.3 Discussion of sale of city property: Councilor Kinyon

Bryan- read the issue.

Councilor Kinyon- In general she is confused about what the city processes are and she would like information, she was really hopeful that when she requested this that she would be provided with that information.

Bryan- he explained the process of the sale of city property. When he got here he set up a standardized process between OEDAC and the Realtor of Record.

Councilor Kinyon- has a concern on whether or not OEDAC can actually hold Executive Session. She didn't think this was going to be an item the way it was written so she didn't bring her information.

Mayor Holston- There are a lot of questions about OEDAC and what they actually do and don't do and what their purpose is, they have a pretty defined resolution. OEDAC was originally a group to report to the city administrator. She suggests that we look at this in February.

10.0 Business from the City Administrator

10.1 Administrative Services

The council work session is on January 11th, 2020 in the council chambers. Councilor Whitney would like to talk about some housekeeping items. Also, she talked to Chad Harrison at the high school who runs the Robotics Club and she asked if they could come and present at the next city council meeting.

Councilor Maxfield- had someone ask her about hiring a fire chief.

Bryan- he wants to get into the budget process to see if we can even afford to hire a fire chief and if between the staff and budget committee we decide we want to fund a fire chief we will be ready to have somebody on at the beginning of the fiscal year.

Councilor Whitney- Do we have any grants or anything that anybody is working on to help the fire department?

Bryan- nothing that addresses personnel.

Bill- Scott has been instrumental in GEMT funds, we have got some funds from that, around \$35,000-\$40,000 total.

Bryan- Wanted to update on the 2017 Water Systems Source and Improvements Projects, we had two change orders and we spoke about the debt services coming due in December, because of getting the paper formalized and some delays in mediation the project hasn't closed out yet so because of that we aren't making a payment this year and the IFA understands that. Yesterday we closed on Lot 6 that now belongs to Cody Jones, we aren't sure what his construction details are.

10.1.1 OLCC Liquor License Application recommendation

Bryan- Read the issue.

Motion: Councilor Maxwell moved we recommend granting the liquor license for Big Mountain Pizza Restaurant. Councilor Hollett seconded the motion.

B. Whitney (aye), C. Hollett (aye), P. Forcum (aye), Mayor Holston (aye), D. Kinyon (aye), T. Maxfield (aye). Motion carried 6-0

10.1.2 Approval of Municipal Judge to appoint a Pro Tem

Bryan- read the issue.

Motion: Councilor Hollett moved that we do not approve the Municipal Judge to appoint a Pro Tem to serve for a period not to exceed three months. Councilor Kinyon seconded the motion.

Councilor Hollett- She saw this and it concerned her so she emailed Bryan, one of the things that concerned her was that the council has not seen a contract for Frank or have done an evaluation on Frank. She thinks our prior judge should have been somebody with the Oregon State Bar. She would like to ask Pat Melendy for some recommendations and that the council should be choosing this position.

Councilor Maxfield- She is not comfortable with this in general not knowing who the pro tem is, she agrees with Chrissy.

Councilor Kinyon- She was going to ask about provisions in the judge's contract for extended periods of time off. She understands that the appointment of the pro tem part of it was actually questioned by our prior council. She did learn from Gary Carl that our court is not a court of record. She wants to see our court use someone who is a licensed attorney, so if we do hire a pro tem she would like to see that they list that qualification.

Mayor Holston- from everything she has heard, her concern is we have never done an evaluation on the judge as far as we know, we don't have a contract showing how much he makes now and while it is within the charter for him to appoint a pro tem she is not comfortable not knowing who that is.

Chief Martin- his preference is if we can appoint a pro tem with some prosecutorial experience or defense attorney experience, not somebody who does nothing but divorces and wills.

B. Whitney (aye), D. Kinyon (aye), C. Hollett (aye), P. Forcum (aye), Mayor Holston (aye), T. Maxfield (aye). Motion carried 6-0

Mayor Holston- She would ask council to give direction to the city administrator because we may not have a judge if he does take the leave in January and chooses to take this opportunity and says goodbye.

Motion: Councilor Whitney moved to direct the City Administrator work with the Municipal Judge and Pat Melendy to bring back a potential Pro Tem Municipal Judge to the City Council for approval. Councilor Hollett seconded the motion.

Chief Martin- made a suggestion that it should be Bryan that does this and not Pat because of the way the criminal justice system works, if the prosecutor can have control over judges that's probably not a good idea.

Mayor Holston- that's an excellent point.

Amended motion: Councilor Whitney moved to direct the City Administrator to bring back a potential Pro Tem Municipal Judge to the City Council for approval. Councilor Hollett seconded the motion.

B. Whitney (aye), Mayor Holston (aye), D. Kinyon (aye), T. Maxfield (aye), C. Hollett (aye), P. Forcum (aye). Motion carried 6-0

10.2 Finance Director – preview and choice of finance reports for council

Bill- over the last few meetings we have discussed what reports the council would like to see, we sent out via email a set of documents to potentially use. If we use the 2nd meeting of the month to receive the reports that would be a better fit. Bill went over the different reports he sends out to the council.

Councilor Kinyon- she is good with reports 1 and 2 and she likes to receive them via email rather than hard copies.

Mayor Holston- she would like to know from the finance director what significant things happened throughout the month that the council should be aware of.

Councilor Maxfield-is there any way we can make some of this available on our website? The city administrator in Albany did that as a dashboard and he won an award for it.

Bill- it wouldn't be difficult to put one on the website if that is what council would like and we are confident that it wouldn't be an issue.

Mayor Holston- why don't we just get all of the reports for the next couple of months and then we can revisit this and decide which reports we would like to see each month.

10.3 Community Services

Rick- read the Public Works monthly report for November and reminded everyone about the joint Planning Commission and City Council TSP meeting on January 7, 2020.

Councilor Hollett- she asked our insurance agent Rex about the old play structure/basketball area and he said that insurance is going to be paying out about \$100,000 for that and we would be able to put that to another area in Oakridge and she is just wondering what the plan is for that.

Rick- internally with staff we have discussed that, personally he thinks it would be a good addition to Diamond View Park to cover the basketball hoops.

Mayor Holston- asked if we received the check and how much was it?

Rick- Yes we did, it was \$147,000.

Mayor Holston- asked if it is being held in the general fund?

Bill- yes, it is in the general fund.

Councilor Hollett- Would like to put on the next agenda to discuss what happens with that.

Mayor Holston- she agrees with Councilor Hollett and thinks that council should have a say in that.

Councilor Whitney- the Parks and Community Services Committee would like to have a say in this as well.

Councilor Maxfield- are there strings attached to this money that they have to put back into parks because that is two salaries.

Bill- he is all for a nice project but we do need to look carefully at how we spend these funds.

Mayor Holston- this is an example of why she wants to have a fund summary so when money comes in like that we can say we got this, but our recommendation is we hold on to it. We don't know the ins and outs of what is going on.

10.4 Police Services

Chief Martin- read the Police report for November

10.5 Fire / Emergency Services

Bryan- read the Fire Department report for November

11.0 Items removed from the consent agenda- None

12.0 Ordinances, Resolutions and Public Comments-None

13.0 Public Hearings-None

14.0 Appointments

14.1 Appointment to the RTMP/TRT Committee

Bryan- read the issue.

Motion: Councilor Whitney moved that we appoint Gary Carl to serve on the RTMP/TRT Advisory Committee for a three year term. Councilor Forcum seconded the motion.

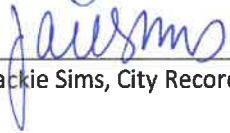
D. Kinyon (aye), Mayor Holston (aye), P. Forcum (aye), C. Hollett (aye), B. Whitney (aye), T. Maxfield (aye). Motion carried 6-0

15.0 Public Comments

16.0 Adjourn- 9:11 P.M.

Signed: 

Kathy Holston, Mayor

Signed: 

Jackie Sims, City Recorder