



March 19, 2015
City Council Regular Session
Willamette Activity Center- Room 8
47674 School Street
7:00 p.m.



MINUTES

1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Council Present: Jim Coey, Mayor
Judy Rowland
Gary Carl
Rick Zylstra
Amy Buchmeier
Dawn Kinyon

Staff Present: Louis Gomez, City Administrator
Albert Alcalde, Fire Chief
Jackie Taylor, Assistant Planner (absent)
Susie LaDuke, Finance Director/City Recorder
Kevin Martin, Police Chief

Mayor Coey announced Councilor Slaven's resignation due to personal reasons. This is effective immediately.

Mayor Coey also mentioned that longtime resident Brad Rhea was killed in an auto accident last night on Highway 58.

2.0 PUBLIC COMMENT

Sandy Edds 48251 E 1st Street, Oakridge – She is a proponent of the sale of property to Robin Kever. She said Robin has hired 98 people in this town in the past. She always found it strange that no one had records of Robin putting the offer in on lot 28. When the previous administration left there were a lot of empty files, the previous Mayor knew about this, Les Biggerstaff and Dan Barclay previous councilors knew about this. So she asked Robin to look into her files again so Robin had her sister look and she found them.

3.0 MAYOR AND COUNCIL COMMENTS

Mayor Coey showed The Bike magazine and talked about the eight page article and pictures of Oakridge. They did articles on Bend, Oakridge and McKenzie. They were very impressed with our area and The Pub.

April 2015 is National Child Abuse Prevention month. Mayor Coey read the proclamation.

Mayor Coey gave an update on what has been going on at the Oakridge Mobile Home Park from a presentation that Geinia Baines had presented. They have reported that there is less crime in the park now.

Councilor Rowland said she was at the same meeting and there is a need for child mentors. There are a lot of kids in the park alone that could use some mentoring. You could take them to the library or sit and read with them. If anyone is interested get a hold of Geinia.

Mayor Coey said they have pulled out 185 yards of debris from the Oakridge Mobile Home Park and put in five new trailers. They have redone the laundry facility and another building that is called the Legacy House with a computer lab and reading center.

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

6.6 Declare a Council Vacancy

Councilor Rowland will present the audit after the City Recorders Report.

5.0 CONSENT AGENDA

Motion: Councilor Rowland moved to approve the consent agenda. Councilor Buchmeier seconded the motion.

J. Rowland (Aye), G. Carl (Aye), A. Buchmeier (Aye), D. Kinyon (Aye), Mayor Coey (Aye), R. Zylstra (Aye).
Motion carried 6-0

6.0 ADMINISTRATIVE SERVICES

6.1 City Administrators Report

Louis said they received the quote for the North Ash Street LID, the low quote was \$32,000. He will be bringing this to the Council probably at the next meeting.

Mayor Coey asked Louis if he has the cost of what the County did?

Louis said no that has not been included, but will be factored in.

Our next step is Louis will get with Susie and the two parties to set up a payment schedule for the project.

Mayor Coey asked how many quotes we received.

Louis said we received three bids \$45,000, \$38,000 and \$32,000.

Crosswalk – Louis got with the City Engineer, he was supposed to be here today but he is sick. He should be done with the 30% plans on the 26th.

The City Attorney will be here around 7:45 P.M. tonight to talk to the Council.

Mayor Coey said he went down and looked at the Chamber of Commerce information building and he doesn't think we need to be moving this, it is too large to be moving down the highway and we would have to get permits from ODOT. It has been down there for a long time and there is some dry rot in the building.

6.2 City Recordors Financial Report

Susan gave the financial report.

They had an Audit Committee meeting on March 9, 2015. The Audit was submitted to the State, there were no issues so a clean audit was issued.

Councilor Rowland presented the Audit and gave a summary review of the audit.

Councilor Rowland announced that our last three audits have been clean so we have our Fidelity Insurance coverage back which is very important.

Motion: Councilor Buchmeier moved to accept the Financial Reports as presented. Councilor Rowland seconded the motion.

R. Zylstra (Aye), Mayor Coey (Aye), D. Kinyon (Aye), G. Carl (Aye), J. Rowland (Aye), A. Buchmeier (Aye).
Motion carried 6-0

6.3 Resolution 2-2015 RE-Designation of the Oakridge/Westfir Enterprise Zone

Louis discussed the Enterprise Zone Redesignation and how the process will proceed. He asked the council to pass the resolution, the City of Westfir must pass the resolution and the Board of County Commissioners must pass the resolution. Councilor Kinyon asked if she heard Louis correctly that there are four redesignation available and five cities have applied. Louis will be meeting with Lane County Economic Development to ensure our application is written as well as it can be.

Mayor Coey asked Louis if he talked to the Mayor of Westfir?

Louis said yes, he has talked to the City Recorder and they are aware of what needs to be done.

Motion: Councilor Kinyon moved that we adopt Resolution 2-2015 Re-designation of the Oakridge/Westfir Enterprise Zone. Councilor Carl seconded the motion.

Councilor Buchmeier said she is not familiar with enterprise zones, can Louis elaborate on the tax incentives?

Louis said for example we get a company that wants to come in, we get a company whose taxes are \$5,000 a year. They would be eligible for the tax incentive where they wouldn't have to pay taxes for anywhere from a year to five years. It also allows them to get low interest loans. This time Louis added in businesses like small hotels or resorts to be able to request the tax incentive.

Councilor Rowland asked if we give someone the tax incentive for five years, are we asking for a commitment longer than that so they will have to stay?

Louis said no, that is not the way the program is written. That is something we can ask the company when we are at the table.

Councilor Rowland said they should have to stay so many years after.

Councilor Kinyon asked if the time frame of the tax break something that is negotiated between us and the buyer?

Louis said yes, the County has an enterprise zone specialist and they sit down with us to structure the agreement.

Mayor Coey (Aye), G. Carl (Aye), J. Rowland (Aye), A. Buchmeier (Aye), D. Kinyon (Aye), R. Zylstra (Aye).
Motion carried 6-0

6.4 Public Hearing Ordinance No 907 amending the text of Ordinance 874 Zoning and Land Use Medical and Recreational Marijuana

Staff Report

This has been an ongoing process through the State of Oregon, the County and different municipalities to include us. A lot of this started with senate bill 1536 which dealt with a moratorium for medical marijuana, which was back in April 2014. Oakridge did pass a moratorium for medical marijuana dispensaries. In November 2014 Recreational Marijuana was passed by the people of Oregon so we are doing our best to incorporate that piece into the regulatory piece of this ordinance. Part of the statutory piece that came out of 1536 and out of measure 91 is the 1,000 ft distance from schools, that has been pretty consistent.

The Planning Commission had a meeting on Tuesday and some of the concerns that were addressed by a number of folks there was that the initial proposal given to the Planning Commission was that 1,000 ft from schools, child care facilities, churches things like that, seemed to be too restrictive. The Planning Commission did recommend that we not do 1,000 from all of the locations. They recommended that we keep the 1,000 ft from schools and child care facilities that are registered with the state or get federal or state subsidies.

The majority of the issues were churches and Mr. Weih had an issue with them being too close to a medical clinic.

Louis showed a map that represented all of the churches and showed how the 1,000 ft restriction would work.

If someone wants to put in a dispensary they will still have to go before the Planning Commission and ask for a Conditional Use Permit. That is where they will set the conditions.

Open Public Hearing

7:42 P.M.

Statements in Favor

Loren Hogue 48913 Ash Street, Oakridge – He said when Washington passed this things went bonkers. He cautioned the City Council to be careful. The Police did not know what to do.

Statements in Opposition

None

Statements in General

Dirk Tarman, Oakridge – Urged the Councilors to read House Bill 3460. You need to be a four year resident of the city to open up a marijuana dispensary and he would encourage the City to take the same stance.

Jerry Shorey 47943 Commercial Street, Oakridge – There is a difference between a dispensary and a manufacturer. If you have a dispensary it has to be a certain distance from a manufacturer.

Terry Walker 47483 School Street, Oakridge – Wants to see what Washington State has done, they put information on their website so people know if you are legit. He also wants a residency clause, he wants things to be legit. He likes what Colorado has done where you only have specific areas that you can grow.

Amber Allen 48105 Commercial, Oakridge – She believes the law allows each person in the house to have four plants, so that wouldn't be realistic to have specific areas to grow.

Kevin Martin Oakridge – He would like to see only green marijuana allowed, no oils or candies or anything like that because of the problems other states have had with children getting a hold of it.

Dirk Tarman said regarding people being able to have four plants, as of July under Measure 91 it was written that you grow your plants inside. You don't have to worry about people jumping the fence to steal your plants.

Louis said we are not allowed to dictate what type of marijuana is sold as in candies, oils etc....

Matt Altemus 48479 W 2nd Street, Oakridge – Was wondering if a school moves near a dispensary that is already established, what kind of problems would you have.

Elizabeth Barclay, Oakridge – How many dispensaries will be allowed in Oakridge.

Councilor Buchmeier said it will be limited by the available area and they can't be within 1,000 ft of each other.

Close Public Hearing

8:06 P.M.

Council Discussion and Motion

Councilor Rowland asked about the number of growers we might see, can everyone in town grow four plants if they want?

Louis said anyone 21 years old and older per household for personal use, not for sale. Councilor Carl said he has thought a lot about this. The state has passed this into law, he is more concerned about people smoking marijuana and then getting behind the wheel of a car, nobody has mentioned that. He took an oath as a Councilor to support the laws of the State of Oregon. OLCC will be regulating and monitoring this and they are not going to be tolerant of abuses. Nobody seems terribly concerned about children going into the existing establishments in town that sell beer, wine and cigarettes. This is really no more harmful than children being exposed to Tabaco or alcohol at a family gathering in the summertime. He is in support of the regulation of the dispensing of medical and recreational marijuana within the city limits of Oakridge pursuant to the regulations of distance that the Planning Commission recommended to us. They spent a considerable amount of time listening to pros and cons from more people than expressed their opinions tonight.

Mayor Coey said this is all new to everybody, our job is to do the best we can with what we understand today. It is quite possible that the laws will change and we will have to adapt to those changes. Initially he didn't like the 500 ft distance, but the more he and Louis discussed it he understands it more. Again, don't forget about the conditional use permit, it will have to go before the Planning Commission.

Councilor Kinyon said on Tuesday there was a bill introduced to the senate that will only take a few months to finalize and it's going to make it so marijuana would be decriminalized federally. This will make it a lot easier for states with their laws regarding managing marijuana. Right now the only thing the state has is the 1,000 ft rule for schools and other dispensaries/marijuana facilities. The Planning Commission recommended 1,000 for schools and other marijuana facilities and 500 ft for everything else, she agrees with that.

Councilor Zylstra said we should follow the OLCC regulations.

Councilor Buchmeier said she is on the same page as Councilor Zylstra, the state has given the 1,000 ft around schools, which is what Eugene adopted. Everybody has to apply for a conditional use permit so it will be on a case by case basis. Looking at the daycare list in town that kind of locks out the west end of town which concerns her. She doesn't think that is fair, people should have the right to fight for a spot.

Councilor Buchmeier contacted OMMP, the Oregon Medical Marijuana Program today and asked how many patients we have in Oakridge and as of today in our zip code, we have 125 patients, 56 caregivers and 85 growers. The Westfir zip code said their counts are less than 50 so they couldn't give her a headcount.

Motion: Councilor Kinyon moved that we adopt the state regulations as they are written and not the changes that have been added to this ordinance.

Louis said we need to be careful here, although we are rewriting this for land use for retail and medical marijuana use we have to remember that they are two distinctly different programs. One is under OLCC and the other is under the Oregon Health Authority. Right now we are flying by the seat of our pants on the recreational part. You need to be more specific in your motion.

Recess taken at 8:26 P.M.

Resume meeting at 8:37 P.M.

Louis said we can actually adopt 907, but we do it with attachment A as amended. Everything will stay the same except article 24. So, we can go with the original motion, but with attachment A as amended.

Amended Motion: Councilor Kinyon moved that we amend section 24.08 for additional conditions by removing a child care facility, a public library, a public playground, recreation center or athletic field, sections 4a, 2, 3, 4 and section 4C by removing 2 and 4. Councilor Buchmeier seconded the motion.

A. Buchmeier (Aye), R. Zylstra (Aye), Mayor Coey (Nay), J. Rowland (Nay), G. Carl (Aye), D. Kinyon (Aye). Motion carried 4-2.

Louis said since there were nays, what we have to do to push this forward is a motion can be made for him to read this by title only. We will have to set up another meeting before the end of the month, possibly the 26th.

Ken Jones, City Attorney, said we need to vote on whether or not we approve the ordinance as amended.

Motion: Councilor Kinyon moved that we approve the ordinance 907 as amended. Councilor Carl seconded the motion.

J. Rowland (Nay), A. Buchmeier (Aye), D. Kinyon (Aye), G. Carl (Aye), R. Zylstra (Aye), Mayor Coey (Nay). Motion carried 4-2

Louis said they will have to have another meeting before the end of the month so he needs someone to make a motion for him to read this by title only.

Motion: Councilor Kinyon moved that the City Administrator read ordinance 907 by title only as amended. Councilor Carl seconded the motion.

Mayor Coey (Nay), D. Kinyon (Aye), J. Rowland (Nay), G. Carl (Aye), A. Buchmeier (Aye), R. Zylstra (Aye). Motion carried 4-2

Louis read ordinance 907 by title only.

Louis said we need to set up another meeting before the end of the month.

There was a council consensus to meet March 26, 2015 at 5:30 P.M. in the Council Chambers.

6.5 Fill Planning Commission Vacancy

Motion: Councilor Kinyon moved that we appoint Dwight Chitwood to serve in the vacant Planning Commission position. Councilor Carl seconded the motion.

D. Kinyon (Aye), Mayor Coey (Aye), G. Carl (Aye), A. Buchmeier (Aye), R. Zylstra (Aye), J. Rowland (Aye). Motion carried 6-0

6.6 Declaration of Council Vacancy

Motion: Councilor Kinyon moved that we declare a council vacancy and request applications to fill Councilor Slaven's Council position. Councilor Carl seconded the motion.

D. Kinyon (Aye), Mayor Coey (Aye), G. Carl (Aye), J. Rowland (Aye), R. Zylstra (Aye), A. Buchmeier (Aye).
Motion carried 6-0

7.0 COMMUNITY SERVICES

7.1 United Communities Events Association Request use of OIP for Fire Works 2015

Motion: Councilor Kinyon moved that we allow the United Communities Events Association to use the OIP for the Fourth of July 2015 Fireworks show. Councilor Zylstra seconded the motion.

Councilor Carl has concerns about holding this event with a beer garden and would like to hear what our public safety officers have to say about that.

Chief Alcalde said they have a good group for the fireworks, they are making good process with the State Fire Marshall, before they can use any of the fireworks they have to go through that process.

Councilor Carl is specifically concerned about the combination of alcohol and fireworks.

Chief Martin said his standpoint is working at different places that allowed alcohol and fireworks, they will have to a lot more officers than they can afford at that time. He is not against it, but they are going to have to have the manpower to be able to deal with the issues that can occur.

Councilor Carl asked if we approve this tonight, who will pick up the burden of the extra cost for police?

Louis said we haven't done the agreement yet, so however we can work that into the agreement. All that is being approved here tonight is if they can use the OIP for the event.

Councilor Kinyon asked Sandy Edds if she intends to have a beer garden during the fireworks show or just earlier in the day for the lawn mower races?

Sandy Edds said they have had many fireworks shows with a beer garden for many years. She is planning on having the beer garden during the races and during the fireworks. They will have security and you have to stay inside the beer garden while drinking.

Councilor Carl asked if they are going to have porta potties, there are not any shown on the map.

Sandy Edds said yes, they will have 6-8 porta potties.

Mayor Coey said Chuck Kurnick is concerned about trip hazards. Who has the liability if someone gets hurt walking through an industrial park.

Sandy Edds said they will have most the area taped off. They are landscaping out there also and clearing up blackberries.

Mayor Coey asked what we are going to do about people parking on Fish Hatchery Road, sitting out there having their own little party.

Chief Martin said this would be more our responsibility where on McFarland Rd it was the County's responsibility so, there are more issues and liability with us.

Mayor Coey said so there has been discussion about the city as an additional insured.

Louis said yes. He was going to ask Councilor Kinyon to add that to the motion.

Amended Motion: Councilor Kinyon moved that we allow the United Communities Events Association to use the OIP for the Fourth of July Fireworks show to require the event meets the conditions of the City's facility permit and add the City as an additional insured. Councilor Zylstra seconded the motion.

Councilor Zylstra said he knows it's going to be taped off, so is it going to be clearly marked where the event is going to be and where the people are to not be.

Sandy said yes it will be marked.

Mayor Coey (Aye), D. Kinyon (Aye), G. Carl (Aye), R. Zylstra (Aye), J. Rowland (Nay), A. Buchmeier (Aye).
Motion carried 5-1

8.0 POLICE SERVICES

Will report at the next meeting

9.0 EMERGENCY SERVICES

Will report at the next meeting

10.0 REPORTS FROM BOARDS AND COMMITTEES

See attached

Executive session 9:05 P.M.

Executive Session: ORS 192.690 (2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions. 192.690 (2) (h) to consult with counsel regarding legal right of public body regard to current litigation or litigation likely to be filed. 192.690 (2) (d) to conduct labor negotiations on behalf of the government body.

Resume Regular session 9:48 P.M.

Adjourn 9:50 P.M.

Respectfully submitted before the City Council April 2, 2015

Signed: _____
James Coey, Mayor

Signed: _____
Susan LaDuke, City Recorder