

February 1, 2007
City Council Regular Session
City Council Room
48318 E. First Street, Oakridge OR 97463
7:00 p.m.



MINUTES



1.0 CALL MEETING TO ORDER

Mayor Hampton called the meeting to order at 7:00 p.m.

Council Present: Donald Hampton, Mayor
Carina Schorer
Dan Rehwalt
Rayetta Clark
Randy Dreiling
Amy Kordosky
Glenn Fortune

Staff Present: Community Services Director Kevin Urban (Meeting Facilitator)
City Recorder Chantell Steiner
Police Chief Louis Gomez
Fire Chief Jerry Shorey
City Administrator Gordon Zimmerman was excused.

2.0 PUBLIC COMMENT

Dean Phillips, 47699 W. 2nd, Oakridge: Mr. Phillips asked for clarification regarding the planning commission on the structure, mission, membership, and term limits.

Mayor Hampton said he would address those questions later in the meeting when they discuss the agenda item for a vacancy on the planning commission.

3.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Kevin Urban added item 4.3, Minutes of the Work Session of January 29, 2007.

4.0 CONSENT AGENDA

- 4.1 Minutes of Regular Session of January 4, 2007
- 4.2 Minutes of the Regular Session of January 18, 2007
- 4.3 Minutes of the Work Session of January 29, 2007

Motion by G. Fortune and seconded by R. Clark to approve the consent agenda. C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), and A. Kordosky (Aye). Motion carried 7-0.

5.0 ADMINISTRATIVE SERVICES

5.1 Goal Discussion (Dependent on January 29 Work Session)

Mayor Hampton asked the councilors to have these items scored and returned to the City Administrator before February 14, 2007.

5.2 Audit (If available)

Chantell Steiner reported that the audit would be available next week and would be available for the next council meeting.

6.0 COMMUNITY SERVICES

6.1 Review Potential Water Bill Formats

Councilor Schorer said she liked the Central Lincoln statement design.

Chantell discussed several options of information that may include some features from the Central Lincoln and Central Point utility statements. She asked for permission to design the best statement with all of the current Oakridge statement information as well as any additional features such as yearly comparison information and a well-clarified past due amount field. The new statement would be a full page with a removable return receipt in a one-color design with a return envelope included.

Councilor Rehwalt noted that the cost of this invoice versus the old version is nearly double the current cost. He would like to know if there is an offsetting benefit to this.

Chantell explained that when the city outsourced the billing it was a savings to the city in personnel costs being reduced for time spent on billing. Chantell noted that the cost of this would come out of the water and sewer funds and those funds are capable of this expenditure with no increase to customer rates.

Councilor Schorer said that she is very impressed with the new design and will be happy to see it when it is out.

6.2 Planning Commission Vacancies: Permission to Advertise

Mayor Hampton said that terms of three positions have expired and it is time for the positions to be posted as vacant. He noted that the current members that are voting could be in jeopardy due to their appointments being expired.

Kevin responded that the Planning Commission has not had a meeting in 2007; therefore, it is not an issue. He asked Council if they could do a temporary interim appointment on the current members so they may proceed legally with the currently scheduled February 20, 2007 meeting.

The Council asked a few questions and then Mayor Hampton asked the Council how it would like to proceed.

Councilor Fortune made a motion to reappoint Pat Harmon, Keith Leavitt, and Fred Payne to another term on the planning commission.

Mayor Hampton clarified Councilor Fortune's motion to reappoint these commissioners to the full four-year term positions.

Councilor Fortune concurred and Councilor Clark seconded the motion.

Chantell noted that we are likely required to advertise the vacancy before reappointing the current members to allow new members to apply. Mayor Hampton agreed.

Councilor Fortune asked to modify his motion.

Motion by G. Fortune and seconded by A. Kordosky to appoint Pat Harmon, Keith Leavitt, and Fred Payne as interim commissioners for a term of thirty (30) days. Mayor Hampton (Aye), A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), and D. Rehwalt (Aye). Motion carried 7-0.

Mayor Hampton asked Kevin Urban to now address Mr. Phillips questions about the Commission.

Kevin explained that the commission consists of a chair and vice-chair as a quasi-judicial board that reviews planning related issues. They will make decisions on issues and make recommendations to the City Council that could include zone and code changes, variances, annexations, permits, etc.

Mayor Hampton noted that state laws define a commission and the Council would be a final decision maker of any recommendation by the Commission.

Councilor Fortune and Mayor Hampton clarified that the staff would notice the vacancy so permanent appointments could be made in March.

Kevin furthered explained the need for a city staff recorder and a city staff representative at each meeting to assist and facilitate. He noted one stipulation is that no more than two members of a commission can be realtors. Requirements would include being a registered voter and living within the city limits for more than one year.

7.0 POLICE SERVICES

None.

8.0 EMERGENCY SERVICES

None.

9.0 REPORTS FROM BOARDS AND COMMITTEES

Councilor Fortune reported that he was appointed today to the at-large position with the Lane Regional Air Protection Agency (LRAPA). He plans to continue to address the issue of the location of the meter that measures air quality with the Department of Environmental Quality (DEQ). He noted that in the location of the meter it can be thick with fog and smoke, but overall Oakridge has good quality air and clear skies. He is passionate that our air quality is not as bad as the reports reflect due to the location of the meter itself. He said at some point the DEQ has to understand that they are only monitoring one small part of Oakridge and not all of Oakridge.

Mayor Hampton asked if Councilor Fortune knows the requirements of location for certain meter stations.

Councilor Fortune said he could not recall that information but would see what he could find out.

Mayor Hampton addressed the issue of concern at a prior meeting for both he and Council Fortune to apply, and in his opinion it did not affect the outcome of the vote. He continued to explain a little about how the LRAPA meeting went that evening and how they proceeded to interview the applicants. He stated that he is happy that one of the Oakridge members was appointed to the vacancy. A small discussion continued between Mayor Hampton and Councilor Fortune.

Councilor Dreiling reported that the Trails committee met to finish the first draft of the trails plan. The draft will be available for public comments by March 1st. He reiterated that no trails would be built in people's yards or on their properties. The committee will meet again on February 7, 2007 at 6:00 PM in City Hall. The committee hopes to have a final draft by May 20, 2007.

9.1 Community Service Committee Report – Keene Request

Councilor Schorer reported that the committee met on January 23, 2007, to discuss the property for Mr. And Mrs. Keene regarding the mini-mall property on Highway 58 next to the A&W. She said Gordon Zimmerman, Kevin Urban, Randy Dreiling, Mr. And Mrs. Keene, and she were present. After reviewing all of the statements, notices, and zoning descriptions the committee recommends it as stated in the council packet.

Councilor Dreiling noted that he was not present at the meeting but had reviewed the documentation prior to his leaving for a funeral.

Mayor Hampton asked if the Keene's are still pursuing this.

There was confusion as to whether the Keene's were still pursuing an appeal or a variance. Kevin Urban explained that they had first submitted a variance, which is not allowed in this type of matter, and that an appeal would have to be filed and to go before the Planning Commission.

Mayor Hampton asked Mr. Keene from the audience if they are still pursuing the appeal.

Mr. Keene noted his frustration with what he has heard so far.

Councilor Schorer continued to say that everyone had met and reviewed all of the information presented and it was clear at that time to her and the staff that the request would be a nonconforming use, which is not allowed per the City Codes. She said Mr. and Mrs. Keene both understood this when the meeting adjourned.

Mayor Hampton said the process would allow for an appeal through the Planning Commission rather than the Council at this point.

Councilor Rehwalt added that he is not on the Planning Commission but was involved in this matter indirectly with Mr. Keene. He said Mrs. Keene decided to drop this issue somewhat due to it causing her health issues. He also noted that Mr. Zimmerman had called him to let him know there is not an appeal currently being filed.

Mayor Hampton said this does not seem to be the message he is hearing, nonetheless, an appeal will go to the Planning Commission first. The final decision would be reviewed and voted on by the Council. He cautioned Council members of their involvement from this point forward with this matter because the proper procedure for this type of request is to go through the Planning Commission first and Council later. He said too much investigation on a councilor's part could disqualify the council member during a final vote.

Kevin Urban noted that the required fifteen days to appeal the City Administrator's decision expired on January 31st; therefore, it cannot be resubmitted.

Mayor Hampton allowed Mr. Keene to speak, although he noted that this conversation could put the Council in jeopardy of an ex parte contact.

Mr. Keene first noted that they had applied for a variance rather than an appeal.

Kevin explained that the statutes are written so that a variance cannot be requested to change the use of a zone and that is what this was for. A zone change would have to be submitted instead.

Mr. Keene replied that he is not contesting that but rather is upset at how the whole process was conducted. He explained that he was notified the day of the meeting rather than being given a 24-hour notice and did not received the message until minutes before the meeting began. He did attend the meeting with Mrs. Keene but was very upset that he was not allowed ample notice and questioned the validity of the process. He also believed that the Mayor had assigned him to attend the meeting and report to the committee.

Mayor Hampton corrected him to say that he might have said Mr. Keene was invited to the meeting and could only be heard from the committee if they called upon him for information.

Mr. Keene did not agree with this and would like the minutes to be reviewed from the tape for accuracy. He said the proper way this should have been handled should have at least given proper notice.

Councilor Schorer explained that she had called the Administrator that morning and due to her schedule she was able to meet that evening at 4:45 PM. Staff proceeded to post the meeting that morning on the board and called Mr. Keene, leaving him a voice message on his machine.

Mayor Hampton clarified that a meeting must be posted 24 hours in advance and suggested that this meeting be reposted and brought back to the Council after properly proceeding.

Mr. Keene said he would appreciate that.

Discussion continued as to why the Council would want to reconvene over a topic that would not change the decision of the committee just for the sake of posting the notice. Mayor Hampton asked that the meeting just be redone properly and directed Councilor Schorer and Dreiling to reconvene before reporting their final decision to the Council.

Mr. Keene wanted to add that Mr. Zimmerman has submitted a letter to Bi-Mart that he believes includes a quote to sell his property with the City's property for a specific price. He asked the Council if it is aware of this and if they have seen this letter. He asked the Council if they think that is proper.

Mayor Hampton said that the Council to his knowledge has not authorized that.

Mr. Keene said that Mr. Zimmerman told him that he was only invited to the committee meeting as a courtesy, and he believes that is not true. He thinks the Council assigned the review to the committee so he could present his case. He said people have a right to be heard. He said the Council is the elected officials and not the hired help and it is the job of the Council to make the decisions.

Mayor Hampton reiterated that it would be up to the Council committee members to call on Mr. Keene for his input if it so chooses.

Mr. Keene ended by saying that he has served on a lot of committees including the school board and has helped hundreds of students work through college over the thirty years that he worked at A&W. He said he was proud of this town and has done everything he could to give something back. "In 45 years of living in this town and what he has seen in the current and past administration, when somebody asks him on the street where he is from, he will be ashamed to say he is from Oakridge. Thank you," he said.

10.0 MAYOR AND COUNCIL COMMENTS

Mayor Hampton presented a letter of request from Leslie Wilson and Tracy Krueger for an annual request to camp in Greenwaters Park for the weekend of May 2nd through the 7th for the Tree Planting Festival vendors. Mayor Hampton said the Council would have this item on the agenda for March 1st for approval so they could be present.

Mayor Hampton presented a request from the Oakridge Community Orchestra on whether the City could help provide liability insurance for its event. A free concert may be held on April 8, 2007, at 7:00 PM at the high school if they can find a liability carrier.

Councilor Fortune said that this is not allowed by CIS insurance. He said the City couldn't sponsor people and events unless they are a public entity that is being sponsored by the City directly. Sponsoring would include being involved in the planning and implementation of the project.

Mayor Hampton reminded the Council that any document sent among Councilors or Councilors and staff is always a public document and the same is true of e-mails. He recommended that each of them save any particular e-mails they receive from other government officials/entities. He continued to review a document that Councilor Rehwalt had circulated to several of the Councilors. The document contains information on ideas for, "Rules of the Council," which will be copied to others later.

Councilor Clark and Councilor Rehwalt said that this is the work of their meeting and they want this to be reviewed by the Mayor and the City Administrator.

Mayor Hampton clarified that the rest of the Council needs to also review it so that they may make any additions/changes before the entire Council will vote upon it. He noted that there is another document from Councilor Rehwalt with some suggestions for a newsletter. He said he would hold onto that until after the Council finishes the goal process.

Mayor Hampton continued to hand out the new committee assignment sheet and asked specific Councilors if he had missed anything. Council reviewed and made a few changes to the document.

