

April 19, 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

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

Staff Present: City Administrator Gordon Zimmerman
Community Services Director Kevin Urban
City Recorder Chantell Steiner
Police Officer Cory Gerig
Fire Chief Jerry Shorey

2.0 PUBLIC COMMENT

George L. Derr, Attorney, 260 Country Club Road, Eugene: “I represent Don and Audrey Hadley. They just came into my office; so if I am mistaken on some of the facts, by all means correct me. Mr. Hadley, if I say anything that is not right, let me know. I am going to tell you I will start with the end. At the end of this conversation I am going to ask Mr. Dreiling and Mr. Zimmerman to resign. Based on what I have been able to investigate so far, Mr. Dreiling’s behavior in this matter is absolutely reprehensible. I say to you personally, Mr. Dreiling, if you have any more contact with my client, you will be named in a defendant lawsuit and I will get a stalking order against you. You are not to come near him. You’re not to talk to him. You’re not to threaten him anymore. You’re not to make turns on Highway 58 in your pick-up truck and pull up along side him and confront him or you and I are going to get to know each other. Okay? And you are going to be named in a defendant lawsuit. More focused now, I will submit information at a later time because I am still investigating. I am letting you know where this is going because you all need to be aware of what is going on here. I think the City of Oakridge, some of you may know me, some of you may remember me, but I had a law office up here for about five and half years. Between Mr. Dreiling, possibly Mr. Hogrefe, possibly Vivian Erickson, and certainly the City of Oakridge has probably created a financial and environmental problem here that you people aren’t even thinking about. Mr. Dreiling and Ms. Erickson, to the best of my knowledge, burned and torched a manufactured

home on Highway 58. It had ten to fifteen percent of friable asbestos in it. Chief Louis Gomez and Mr. Zimmerman, as far as I am concerned, conspired against my client to interfere with an economic opportunity to buy a piece of property. Specifically, Mr. Hadley met with Louis Gomez and told him he was going to buy this parcel up here, down the road from where Dink's used to be. And I have a deal with Mr. Hogrefe for \$38,000 and I am going to buy it. Mr. Gomez apparently went over and told Mr. Zimmerman about it. Then Mr. Zimmerman went down in the name of the City and bought it for \$40,000, \$2,000 more. Then they proceeded to tear down manufactured homes that had friable asbestos in it. To the best of my knowledge, they were not taken down by a contractor who is licensed to do asbestos abatement. They were hauled over to the industrial site and put in a burn pile over there. That burn pile has been rolled, stirred, and shaken all around and in it is asbestos. I understand LRAPA (Lane Regional Air Protection Agency) has been in touch with the City. I don't know if the DEQ (Department of Environmental Quality) is involved in this yet, but the DEQ, LRAPA, and this City Council ought to be notifying the people who live on Highway 58. Near where Vivian Erickson and Mr. Dreiling and other people burned one manufactured home that has asbestos in it. They ought to be blamed and told they have been exposed to asbestos. The City ought to be telling the people that live on Highway 58 that they have been exposed to asbestos. It is my understanding, and I've got some photographs, that a City track hoe went over there and just basically mashed these things up, crushed them up, put their metal frames on a flatbed, drove them one way and hauled the rest of the stuff without a permit and without a licensed contractor over to the Industrial Park. I went over there and looked at it before I came here and my client has pictures of pieces of this stuff in there. He has been told that one of these manufactured homes have been put in that large building as part of the old Pope Mill over there. I haven't been out there looking and checked it out yet. I think first off, Mr. Zimmerman was totally out of line, coming in and taking Louis Gomez's information from my client and buying this property and circumventing my client's opportunity. In addition, this City has blown it with regards to the DEQ, CERPLA and LRAPA regulations. You have a real problem here. This gentleman (indicating Zimmerman) and this gentleman (indicating Dreiling) are responsible for it. I think this City needs to hire an independent auditor and an independent investigator to investigate this thing. This City ought to take steps to ensure that the burn pile over there does not mysteriously catch fire and result in the spoliation of evidence. I'll just warn you all now, asbestos doesn't burn. For those of you that know anything about asbestos, it's a mineral and does not burn. It used to be used in stoves and such because it is fire proof. But you have a thing here, which a private individual did. He could be looking at six figure fines for violation of environmental laws. And you drive that thing down the highway, across the road into the industrial site without anybody doing anything about the asbestos. Those areas should be sealed off; the neighbors should be notified so they can contact their own lawyers. These two guys here are responsible and I think the City ought to do an investigation. I think these two individuals already lied. I will copy the documents my client has and the tape recording my client has of the conversation with Mr. Dreiling that occurred during working hours from his pick-up truck. And maybe this board can sit back and decide whether this is the kind of individual that you want involved with the City or not. I think this man's (Zimmerman) actions or

inactions his misfeasance or malfeasance has potentially caused this City a catastrophic amount of money. I know somebody in here who has been talking to LRAPA about it, but the problem is that no one is doing anything about it. Somebody ought to be over there testing the ground. Somebody ought to be over there taking immediate action right now on that property. He understands there is one lady here who lives right across from it and saw the whole thing go on. She knows what happened. I bet you she has asbestos on her property now too, you want to bet on it? According to the report, apparently, people within the city government have and knew, including Mr. Hogrefe, knew that there was up to fifteen percent of friable asbestos in this property. It was tested and disclosed last March of 2006. Last September, you people created this nightmare. I am going to tell you right now, there is probably going to be litigation, you are all put on notice that somebody is going to get sued over this. Right now, I think just propriety demands that these two individuals resign. That is all I have to say.”

Don Hadley, 48203 Highway 58, Oakridge; Tim Hester, 47556 Teller Road, Oakridge; Bob Dunning, PO box 777, Oakridge; Beth Evans, 48229 Highway 58, Oakridge; and Ernie Baszler, 41861 W. Commercial, Oakridge: Each attended to hear what would be discussed about the Hogrefe Property clean up and chose not to comment at this time.

Beth Evans had several questions that she would like answered about what is occurring with the City property and the removal of the asbestos on the newly acquired property.

Mayor Hampton noted that LRAPA is currently investigating and preparing reports for the City to review. He stated that the Council is in no position to respond to questions until it has had the opportunity to review the facts put forth by LRAPA. He welcomed her to submit her questions and said that the Council would respond to them as soon as they have the answers.

Beth said she has seen the Northwest Hazmat report that was written in March 2006 that clearly states that the property was red tagged. She feels that what the City has done was wrong and she thinks everybody in the City needs to be held accountable. She agrees with some of the changes that need to be made starting with Mr. Dreiling and the City Administrator and other steps that need to be taken further, if needed.

Ernie Baszler said this has answered all his questions and it is too bad that we are in this mess. He said this is absolutely ridiculous and the City will have to take a lot on this.

3.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Mayor Hampton added Item 4.2 Waiver of Willamette Activity Center Rental Fee.

Gordon Zimmerman added Item 5.3 City Hall Copier Purchase.

4.0 CONSENT AGENDA

4.1 Minutes of Regular Session of April 5, 2007

4.2 Waiver of Willamette Activity Center Rental Fee – Kiwanis Club

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 Adoption of Safety Committee Policies

Gordon Zimmerman said Oakridge EMT/Firefighter Tim Whittaker has created the policies and procedures that would govern the City Safety Committee.

Mayor Hampton noted that he has some editorial corrections for the document that he will submit.

Motion by R. Clark and seconded by G. Fortune to approve the City of Oakridge Safety Committee policies and procedures. R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), A. Kordosky (Aye), and C. Schorer (Aye). Motion carried 7-0.

Mayor Hampton asked that the Council members be added to the Safety Committee email list so they could attend the meetings if they choose to.

5.2 Discussion of Hogrefe Property Clean up

Gordon started by saying that the City was not aware of any asbestos on the property until Mr. Hadley called the State Police and LRAPA. They (LRAPA) came up and did some sampling and found asbestos-containing material. That material has been isolated. You have the first quote in your packet and we have received several other lower quotes to do the clean up. We are looking for your approval tonight to give the City the authority to work with one of the environmental clean up companies to get this cleaned up as soon as possible.

Motion by C. Schorer and seconded by A. Kordosky to approve staff to seek quotes from qualified contractors and authorize the acceptance of the lowest, responsible quote to remove the asbestos containing material as required by LRAPA. 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.

Councilor Rehwalt noted that he has been in a class action suit about asbestos from 1947. He would like to make a motion for the City employee's that were involved.

Motion by D. Rehwalt and seconded by R. Clark to have all city employees involved in the cleanup of the site be medically examined and assessed for asbestos exposure damage within ten days from now at no cost to the employee for either the examination or lost wages to get the examination. A timely report to the City Council will be made indicating completion of the exams and the assessments. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), D. Rehwalt (Aye), A. Kordosky (Aye), R. Dreiling (Aye), and Mayor Hampton (Aye). Motion carried 7-0.

Councilor Rehwalt said he would like to recognize the citizens in the audience that would like to speak further on this topic.

Beth Evans commented that she feels Mr. Zimmerman has contradicted himself by saying in the packet that he wants to expedite this matter, but then he wants to waste more time getting more bids.

Mayor Hampton noted that a requirement of the City policies is that we have to get several bids for anything over \$5,000.

Gordon noted that the bids have already been received. Now that the Council has given approval, the staff will work on scheduling the removal. He said it will be done as soon as the winning bidder can schedule the clean up.

A citizen from the community said she was present during the burning and wants to know if she will be able to be tested as well.

Beth said somebody on the property Mr. Dreiling manages burned a trailer to the ground.

Councilor Dreiling noted that it was a building beside the trailer, not the trailer itself.

Mr. Derr asked if the Council could pass something to ensure that nothing more would be removed, tampered with, or burned before the proper removal could be done. He thinks the City should do more than just work with LRAPA on the removal. He believes a Phase III analysis should be done on the property and properties located near the site. He thinks the City needs to make an effort to preserve these sites.

Mayor Hampton asked Councilor Rehwalt if he would like to amend or add another motion. No motion was made.

Councilor Dreiling noted that the property that burned is not City property, was not on City property, and the City should not be held responsible for this. He said he is working with LRAPA personally for the events that occurred on the property that he manages which is across Highway 58 from the City's property.

5.3 City Hall Copier Purchase

Gordon explained that the current copier is starting to wear out and needs to be replaced. Quotes are provided for a black and white replacement copier. The staff recommends the purchase of the refurbished Konica Minolta color copier that is priced slightly higher than the black and white versions.

City Recorder/Finance Director Chantell Steiner discussed the details of each of the copiers that were quoted and the maintenance agreements being offered. She pointed out that the used color copier also has the capability to network for scanning, printing, and faxing, which would reduce printing costs of the current deskjet printers.

Motion by G. Fortune and seconded by R. Clark to approve the purchase of the used Konica Minolta C-350 and to negotiate a contract with National Purchasing Partners for the maintenance agreement.

Councilor Dreiling said this would definitely save money by not having to outsource color projects and being able to use it like a printer through networking.

6.0 COMMUNITY SERVICES

None.

7.0 POLICE SERVICES

Gordon introduced the City's newest patrol officer Cory Gerig who is filling in tonight for Chief Gomez.

8.0 EMERGENCY SERVICES

Fire Chief Jerry Shorey said FireMed registration would be coming soon. He is working with Springfield and the helicopter rescue company REACH to integrate the FireMed application process. There will be two options on the form that will have one cost for just FireMed and a second cost for FireMed Plus that will include the REACH life flight program.

Chief Shorey said there would be another meeting this Saturday conducted by the Oregon Department of Forestry to gather information to complete the wildland/urban interface fire planning. He said there is a lot of information for residents if they are interested. He said there are grants available for property protection. The meeting will be from 2:00-4:00 p.m. at the Fire Hall.

9.0 REPORTS FROM BOARDS AND COMMITTEES

Councilor Dreiling said the Trails Plan would be out next week for a 30-day public review.

Mayor Hampton noted it is a very thorough 60-page report and asked where it would be located for review.

Councilor Dreiling said it will be at City Hall and will be presented at several local community meetings such as the Kiwanis and the Middle Fork Willamette Watershed.

Councilor Schorer said the Community Services committee met and discussed the planning of the Highway 58 public meeting planned for May 9, 2007 at the Oakridge High School Auditorium starting at 6:30 p.m. The committee has chosen a question-and-answer format first with a time frame afterward for public comments. A representative from the Oregon Department of Transportation (ODOT) will be present for questioning during and after the event. The committee will accept written questions that will be read by a moderator during the question-and-answer section.

Mayor Hampton noted that the Councilors would also be available for individual discussions with citizens, if needed. He said all of the Councilors' home phone numbers are in the phone book as well as e-mail addresses on the City website if anyone wants to contact them. There would also be the May 17th Council meeting where a final opportunity would be available for public comment before the Council votes.

Councilor Rehwalt attended a chamber meeting and found it to be very informative and interesting. He looks forward to the next meeting.

Councilor Clark said there would be a Council Administrative Committee meeting on Monday, April 23, 2007 at 10:30 a.m. at City Hall.

Mayor Hampton said the Watershed Council had to move to the Lowell City Hall due to the closure of the current location. He said they might eventually move to the Fish and Wildlife office for a permanent location.

10.0 MAYOR AND COUNCIL COMMENTS

Councilor Dreiling reminded everyone about the Mr. and Mrs. OHS event that will be held on Monday the 30th. All proceeds will go to the Children's Miracle Network.

Councilor Kordosky said the Oakridge School District would like to invite people to come on April 27th from 1:00-3:45 pm at the Oakridge High School/Junior High cafeteria. She reported that the Oakridge School District has lost three school days this year due to inclement weather. The certified staff will be making up this time on April 27th (1:00-3:45 pm) and June 18th (8:00-1:00 pm) to collaborate and clarify the overall direction and mission of the district. The district will seek input from the parents, students, staff, community leaders, and community business owners.

Councilor Rehwalt said the first speech this evening was a bit hair-raising and he hopes that there will be no long-term health problems as a result for any of the residents.

Mayor Hampton said he did sign the proclamation for the Red Hat Society.

11.0 EXECUTIVE SESSION: ORS 192.660 (2) d Labor Negotiations

The Council convened into executive session under ORS 192.660 (2) (d) Labor Negotiations at 7:46 p.m.

Executive session ended and Council reconvened in open session at 7:58 p.m.

Mayor noted that he is wearing his tree-planting shirt to remind the Councilors of the event coming up.

ADJOURN

Mayor Hampton adjourned the meeting at 8:00 p.m.

Respectfully submitted before the City Council May 17, 2007.

Signed: _____
Donald E. Hampton, Mayor Date

Attest: _____
Chantell R. Steiner, City Recorder Date