

September 6, 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

Dan Rehwalt  
Amy Kordosky  
Glenn Fortune  
Randy Dreiling  
Carina Schorer

Council Excused: Rayetta Clark, Council President

Staff Present: City Administrator Gordon Zimmerman  
Community Services Director Kevin Urban  
Police Chief Louis Gomez  
Fire Chief Tim Demers

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

### 2.0 PUBLIC COMMENT

*Larry Phipps*, 47744 Portal Drive, asked the Council to consider the consequences of selling public property, thereby losing control of the property.

*Craig Allen*, 76394 Thatcher Lane, asked the Council to consider beginning abatement procedures against the burned out home at 76433 Thatcher Lane. It is a dangerous building and an attractive nuisance under City statute. He indicated that the liens filed against the property were much more than the value of the property. Mr. Allen and his neighbors are filing a formal complaint concerning that property. He is interested in knowing what the next step in the process will be.

*Bob Yoder*, First Baptist Church on First Street, was questioning the use of alcohol on the park. He presented a petition listing 83 names of people who were opposed to allowing alcohol to be in Greenwaters Park.

### 3.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Item 5.1 DEQ Loan Repayment Discussion has been moved to the Sep. 20 agenda because the DEQ people were unable to attend the meeting tonight.

#### **4.0 CONSENT AGENDA**

4.1 Minutes of Regular Session of Aug. 16, 2007

4.2 Minutes of Special Meeting of Aug. 22, 2007

Motion by G. Fortune and seconded by D. Rehwalt to approve the consent agenda. C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), G. Fortune (Aye), and A. Kordosky (Aye). Motion carried 6-0.

#### **5.0 ADMINISTRATIVE SERVICES**

5.2 Sale of OIP Property to J. Davidson and Sons Construction Co.

When the OIP (Oakridge Industrial Park) was purchased with USDA funds, the agreement included a provision that J. Davidson and Sons Construction Co. could purchase the roughly five acres property on which their business is located for \$80,000. They have paid \$1000 per month lease, \$467 of which was to be applied to the purchase price of the property until the accumulated payments equaled the \$60,000 down payment. The remaining \$20,000 was to be paid over the next year at 8% interest. The City was unable to provide the proper paperwork because we had not completed the subdivision of the property. Now that the new plat has been recorded, we can proceed with the sale of the property to Davidson. And since it has been 20 months since the \$60,000 threshold for purchase was reached, and they have continued to pay \$1,000 per month, Staff feels that the terms of the agreement have been satisfied. A Bargain and Sale Deed and an Easement have been drafted by the City Attorney to transfer the title to the property to J. Davidson and Sons Construction Company, Inc.

Mayor Hampton asked who pays for the transfer of title. City Administrator Zimmerman indicated that the recording fee was only about \$62 and that the City would cover that cost.

Motion by G. Fortune and seconded by D. Rehwalt to approve the transfer of title for Lot 2 of the Oakridge Industrial Park in substantial compliance with the lease agreement of March 28, 1995. R. Dreiling (Aye), G. Fortune (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye) and A. Kordosky (Aye). Motion carried 6-0.

5.3 LOC Voting Delegate

Motion by D. Rehwalt and seconded by R. Dreiling to appoint the Mayor as the authorized voting delegate for the City at the League of Oregon Cities Annual Conference in Bend. Mayor Hampton (Aye), A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), C. Schorer (Aye), and D. Rehwalt (Aye). Motion carried (6-0).

Motion by C. Schorer and seconded by R. Dreiling to appoint Glenn Fortune as the alternate voting delegate at the LOC Conference. G. Fortune (Aye), C. Schorer (Aye), R. Dreiling (Aye), A. Kordosky (Aye), D. Rehwalt (Aye), and Mayor Hampton (Aye). Motion carried 6-0.

#### 5.4 Library Notice to Proceed

One bid from McKenzie General Contractors in Eugene came in for the construction of the Library at \$1.5 million or \$1,118,000 over budget. The City Administrator encouraged the Council to reject the bid. Staff is working with the architect and the State to review alternatives.

Mayor Hampton indicated it would be common practice to reject the bid, not because we don't like the bid, but because we don't have the money to pay for it.

Motion by G. Fortune and seconded by C. Schorer to reject the bid of \$1,576,569 for construction of the new library.

Councilor Fortune asked why the bid was so high.

Administrator Zimmerman explained that the bid came out of about \$307 per square foot because Davis-Bacon wages would be paid to the contract workers for an hour of travel time each day each way to and from Eugene. Out of an 8-hour day we would get 75% productivity. Gordon did talk to another contractor who indicated he could probably do it for \$200 a square foot, but that still would be \$1.2 million. There are lots of options on the table such as make it smaller, just do the library and not the police portion, see if we can go find more money really quick, or work with local contractors to rebid the project.

Mayor Hampton suggested that we could build it ourselves. Philomath built its own library and worked through the legalities of that option. That option requires a huge number of volunteers as well as someone who can do the engineering.

Councilor Rehwalt asked if we could look at the options in a work session.

Gordon said until the State tells us what we can or cannot do, we can't schedule a work session.

Councilor Fortune asked if we had the plans.

Gordon responded, yes, but the way the building was designed may have added to the cost of construction. The architect will make us aware of those kinds of redesign options to lower the costs.

Councilor Fortune asked about the breakdown of costs between labor and materials.

Gordon answered that the bid was just one number and did not include a breakdown. The \$500,000 that we do have may be able to purchase the materials.

G. Fortune (Aye), C. Schorer (Aye), D. Rehwalt (Aye), A. Kordosky (Aye), R. Dreiling (Aye), and Mayor Hampton (AYe). Motion carried 6-0.

## 5.5 Discussion of City Fees

The staff recently compiled a list of all the fees that the City assesses. As staff made the list, we noticed that there were several areas where adjustments could be made. The Council may or may not wish to address these issues now. We could wait for the budget process, create an effective date of Jan. 1, or July 1 of the next fiscal year. This is an attempt to pull it all into one page for easy reference, but also to make it easy to review the fees. Areas of concern were social gaming, planning fees, animal control fees, and liquor license renewal fees.

Mayor Hampton suggested that this could also be a work session topic. He also suggested that some of these fees could be increased by the cost of living each year so that there isn't a giant increase every few years. The Mayor asked if the City Administrator knew of any cities that do that.

Gordon responded that Oakridge does that with our sewer charges. He was not aware of any other cities that have such a requirement.

## 6.0 COMMUNITY SERVICES

None.

## 7.0 POLICE SERVICES

School has started. The Police ask if we all could watch our speed in the school zones. Chief Gomez also indicated that we are searching for the flashing yellow lights to mark the edges of our school zones.

We also had a meeting with the Oakridge Westfir Together Drug Coalition and the County Department of Youth Services. When our teens are cited for possession of alcohol or tobacco, the current process is to send them to Eugene. The perception is that nothing is being done for our youth. What is proposed that after an MIP or possession of less than an ounce of marijuana citation has been issued, and the drug and alcohol assessment is done, that the case be adjudicated in our own Peer Court. We will know, then, what is being done or not done.

Mayor Hampton asked what would happen if the youth failed to do the penalty assigned by the Peer Court.

Chief Gomez answered that if they failed to comply with the Peer Court, then the offense goes on their official juvenile record and the case would be referred to the Department of Juvenile Services in Eugene.

Mayor Hampton asked what would the County do then.

The DYS could suspend the driver's license of the offenders.

Mayor Hampton summarized that by using our own Peer Court system, we could get things done faster and corrective actions taken quicker.

Councilor Rehwalt asked Chief Gomez what the response was to the inquiry of the Thatcher Lane neighborhood, what the City is doing with this damaged home.

Chief Gomez responded that under the provisions of Ordinance 884 that sets out the procedure, we are sending a notice to the relatives. We basically duplicated the work the Allen's have done and contacted all of the lien holders. As we go through the City process, it is the Council's responsibility to determine whether or not we abate the property or not. We asked an attorney if we could abate the property even though it a not in probate. The answer was yes. We will issue a notice to the heirs of the property. They will be given 30 days to comply or ask for an exception. If they feel they need more time, they are allowed to ask for it if there has been progress on the clean up. Once the City goes through its complete process, then citations could be issued to the family. It could then come back to Council to authorize an abatement.

Mayor Hampton asked Gordon to outline the potential costs of an abatement,

Gordon responded that an asbestos survey and cleanup could be \$2,000 to \$4,000. The City Cleanup crew would be another \$2,000 to \$4,000. The disposal fees would be another \$1,000 to \$2,000. It would be a total of \$5,000 to \$10,000. We have asked the City Attorney to determine if we forced the property into probate, would we be the first in line to recover our costs. The current liens on the house total over \$100,000 and are rising against a property value of perhaps \$40,000. If we don't jump to the front of the line, then our chances of recovering our costs are small. The City has no money in the budget for abatements.

Mayor Hampton indicated that he is not satisfied with the progress of the clean up, just as the neighbors aren't, but he wanted everyone to know the costliness to the City to do an abatement. It is not just a matter of taking a bulldozer and just knocking the building down.

Craig Allen thanked Laura Howery, the Code Enforcement Officer for her help. He continued to assert that the City may be liable if nothing is done to the property. He hopes we can find a legal process to force the property into probate.

## **8.0 EMERGENCY SERVICES**

None..

## **9.0 REPORTS FROM BOARDS AND COMMITTEES**

Councilor Fortune reported that the Lane Regional Air Protection Agency (LRAPA) didn't meet.

Councilor Dreiling noted that the Trails Committee would reconvene sometime in October.

Councilor Rehwalt noted that the Council Administrative Committee met August 27 at 10:30 a.m. Present were Rayetta Clark, Committee Chair, Dan Rehwalt, Committee Member, Gordon Zimmerman, City Administrator and Committee Staff, Louis Gomez, Police Chief, Don Hampton, Mayor, and two members of the public who observed the meeting.

The meeting was for the single issue of reviewing and, if necessary, revising that portion of the nuisance ordinance that applies to noise disturbance and make a recommendation to the Council. The following are the recommendations developed by the committee:

1. Sound volume will be monitored, not continually but occasionally, with a decibel meter. The volume would not exceed 80 decibels at a distance of 500 feet from the source of the sound or the amplification of the sound.
2. The permit application process will be revised to advise the event promoter of all the rules governing the event for which the permit application is made. This permit application will be made available to the City Council in a timely manner.
3. An operating procedure for the enforcement of the noise disturbance ordinance will be presented to the City Council for approval.

As we were adjourning the meeting, Councilor Rehwalt asked the members of the public what they thought of the meeting. They responded that it was the first committee meeting they had seen that worked.

Councilor Dreiling asked Councilor Rehwalt what the "timely manner" considered for the revision of the ordinance.

Councilor Rehwalt answered that 30 days was a possibility, but both Gordon and the Mayor responded that 45 days may be more appropriate in order to insure adequate time for the Council to consider the request.

## **10.0 MAYOR AND COUNCIL COMMENTS**

Councilor Rehwalt asked about the petition presented by Bob Yoder and whether that would be assigned to the Community Services Committee.

Mayor Hampton responded that it was and encouraged that committee to meet and discuss that issue.

Councilor Dreiling indicated that he will withdraw from that discussion because he has an event in the park that does have an alcohol permit, and he will be replaced on the committee by Councilor Fortune.

**11.0 EXECUTIVE SESSION: ORS 192.660 (2) (e) Property Negotiations**

The Council convened into executive session under ORS 192.660 (2) (e) Property Negotiations at 7:40 p.m.

Executive session ended and Council reconvened in open session at 7:48 p.m.

Mayor Hampton mentioned that the Library Board meets every other month with a board meeting coming up next Monday. He asked if that fell under the Community Services Committee.

Councilor Rehwalt indicated that he was the Council Representative to the Library Board.

**ADJOURN**

Mayor Hampton adjourned the meeting at 7:50 p.m.

Respectfully submitted before the City Council September 20, 2007.

Signed: \_\_\_\_\_  
Donald E. Hampton, Mayor Date

Attest: \_\_\_\_\_  
Gordon Zimmerman, Interim City Recorder Date