

October 18, 2007  
City Council Regular Session  
City Council Room  
48318 E. First Street, Oakridge OR 97463  
7:00 p.m.



## MINUTES



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### Work session on City Fees called to order at 6:10 P.M.

Council Present: Mayor Don Hampton  
Rayetta Clark  
Dan Rehwalt  
Randy Dreiling  
Amy Kordosky  
Glenn Fortune

Staff Present: Gordon Zimmerman  
Kevin Urban  
Tina Rose

Library Board Members: Janet Milandin  
Coral Zimmerman  
Bill Meyers

Discussed options for building the new library.

Work session adjourned at 6:50 P.M.

### 1.0 CALL MEETING TO ORDER

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

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

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

## **2.0 PUBLIC COMMENT**

Larry Phipps, 76587 Westoak Rd, stated that he is a member of the OEDAC Committee and since Gordon Zimmerman has been the City Administrator, they have nothing to do but listen to reports that he gives them and they have basically no input. They feel that they are a non-functioning committee. He thinks that the City Council needs to use the OEDAC Committee or to create a new committee to look at the real estate deals that come in. A committee could get to the final issue so that they can be looked at by a council person or an accountant, or someone of that nature. If the OEDAC Committee is to continue, Larry does not wish to continue his participation. The other members feel the same way. It needs to function in an advisory committee or not exist at all. We need to do away with our agent of record that we have for our real estate deals. That person is not here to represent you and explain the deals to you.

Ron Paddock, Cherry Street, is concerned about enforcement and making sure that the people using the park by permit abide by the rules of the ordinances. He is confused about Mt. Bike Oregon and Cycle Oregon and what each one represents. He has copies of the permits for Mt. Bike Oregon. One of the requirements is that the event must conclude by 10 P.M. to comply with the City Ordinance. He wants to know who the enforcing agency is. It is our Police Department and OLCC staff. In a printed handout from various Internet blogs about Mt. Bike Oregon, there were 30 mentions of the beer garden. He reminded the council of their oaths of office and they are to uphold City ordinances.

Laverne Beasley, 47960 W 1<sup>st</sup> Street, commented regarding the public hearing on the amendment of alcohol use in the park. She wants to clarify to the council that the reason she started this is because she has been an insurance agent since the 1960's and she knows the problems that alcohol can cause. She wants to sustain the law at Greenwaters Park regarding no alcohol for children and families. She knows that there have not been any issues so far with the alcohol in the park, but feels that it is inevitable. She wants the amendment repealed.

Hendrena Dejonge, 47140 Odle Lane, disagrees with the noise ordinance. It was agreed on 500 feet and 80 decibels. There have been a couple of sentences added. If the music is continuous or the noise is continuous for more than ten minutes they will need to turn it down, but if it is not continuous for ten minutes they can leave it where it is. The problem is when they are playing music at the Park they can play a song that lasts four or five minutes and then play another. There is a ten-minute discrepancy that was not discussed at the meetings. The second problem is the alcohol at the Park. There is a subdivision going in across the highway and there are not sidewalks on both sides. She is concerned for the children walking to and from the park.

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

Additions 5.10 Hazardous Materials Survey.

The Executive Session was cancelled.

#### **4.0 CONSENT AGENDA**

City Administrator indicated that the City Attorney wanted to add that the reason Randy Dreiling declared a conflict of interest is because he was the loan applicant under Item 5.2 page 2 of the minutes.

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

#### **5.0 ADMINISTRATIVE SERVICES**

##### **5.1 DEQ and the OIP Loan**

Gordon Zimmerman introduced Max Rosenberg from DEQ who explained the City's options. Councilor Rehwalt thanked Gordon for following through on Council's request. Councilor Rehwalt asked if it was DEQ policy to send out annual statements.

Mr. Rosenberg explained that DEQ does send out monthly service statements but they do not send out statements on loans.

Councilor Rehwalt questioned why from 1996-2003 audits reflected our loan as being interest bearing and the recent audits show them as not being interest bearing. Councilor Rehwalt is concerned about the discrepancies in these reports. Gordon stated that it is the same auditor who did the audits and it is unknown as to why he changed his report.

Councilor Fortune asked if there was a Federal Law for previous owners to do cleanup on the property.

Mr. Rosenberg stated that it was not law, but that it depended on the contract.

Councilor Rehwalt asked if the services for fees be on going.

Mr. Rosenberg stated the each time DEQ staff comes to the city we get charged. He is concerned that this is going on to the loan. The services should be paid for immediately not going on to the end of the loan.

Gordon stated that there are three areas to clean up in the OIP and DEQ will assist the City in cleaning up.

R. Clark moved to accept the DEQ offered compromise agreement of removing the interest charges involved in the 1995 loan agreement, seconded by A. Kordosky. A.

Kordosky (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), G. Fortune (Aye). Motion carried 7-0.

## 5.2 Res.11-2007 Adopting City Fee Schedule

G. Fortune moved to approve the adoption of Resolution 11-2007 setting City fees effective Nov 1, 2007. R. Dreiling seconded the motion.

Mayor Hampton would like an explanation on the difference of planning permits pg. 17 versus what we will be dealing with later with the Building Department on the increase of fees.

City Administrator said we have our City fees and then there are the Building Department fees that we don't have control over.

R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), D. Rehwalt (Aye). Motion Carried 7-0.

## 5.3 Ord. No. 892 Establishing an IGA for Regional Fiber Consortium

Mayor Hampton stated that there used to be two fiber consortia: one called Fiber South and the other Regional Fiber. The two organizations met together often. As it turned out, one organization accrued all of the expenses and the other accrued all the income. Members of both organizations think it would be better to have one group rather than two.

G. Fortune moved to approve the first reading of Ordinance 892 establishing an IGA for a regional fiber consortium, read by title only. R. Clark seconded the motion. A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Clark (Aye). Motion carried 7-0.

## 5.4 Ord. No. 891 Amending Noise Ordinance

Gordon stated that the Administration sub-committee met and talked about clarifications that they would like to see. The changes are in bold print.

Councilor Rehwalt moved to postpone consideration of agenda item 5.4 until the council meets on November 1, 2007 to allow time for the appropriate sub-committees to review the actions requested and to separate the noise issue and the alcohol issue into two actions. Seconded by G. Fortune.

Councilor Fortune wanted to know if this meant that the sub-committees would get together and review this.

Councilor Rehwalt stated that the intent of the motion is to separate the noise and alcohol issues. We need to have a public hearing to get all of the information before we

make a decision. This way the Administrative Committee could look at it again. We can give the people who are not against alcohol in the park a chance to come out and not only the ones who are against it.

Mayor Hampton stated that if he wants a public hearing it would have to occur between now and November 1<sup>st</sup>.

Gordon recommended going ahead with the noise ordinance tonight or on November 1<sup>st</sup> but not to address the permit issue until the alcohol in the park issue is resolved.

The appropriate committees will work on the noise and alcohol issues and report back on November 1<sup>st</sup> to see if they are ready to deal with the issues. If they are not ready, they will deal with the issues after November 1<sup>st</sup>.

Mayor Hampton wanted to add to the Permit (pg 46) under Non-profit that there should be \$20.00 charge for the picnic shelter. He also wants the permit reviewed. On page 47 item 9 it should read at the end of the sentence "at least two weeks before the event". There are concerns on the wording of the noise ordinance.

C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), A. Kordosky (Aye). Motion Carried 7-0.

## 5.5 RTMP 2008 Revenue

Councilor Dreiling said there is a potential conflict of interest for himself on this issue because he is the Chamber Executive Director. Mayor Hampton stated the reason for a potential conflict of interest is that if the council does give money to the Chamber, some of it could serve as his income.

Mayor Hampton stated that \$10,000.00 of the money would go to the Chamber and he wanted to know where the remaining \$1,499.00 would go.

Gordon said it could go to the Parks Fund to be used in any way.

Mayor Hampton stated that we need to be asking if by dividing the money or giving it to one place, is it doing what it should be doing? For example, if we get \$1,499.00 for the parks, does this increase transient room tax revenues? It would improve the attractiveness of our community. However we dedicate the money it should be supporting what is on the Rural Tourism Marketing Program on page 54.

Councilor Schorer asked how many years has this money been distributed in this way?

Gordon stated that he believes it was since 2003.

Mayor Hampton would like to see last year's results before he decides on what to do with this year's money. What activities were promoted by the use of this money and

what are the results on the way the money was divided. We need to contact the Chamber of Commerce and find out what the \$10,000.00 got us last year.

Rusty Ackland, Chamber President and in attendance in the audience, stated that the money is used to pay the director's salary. As far as activities, the Chamber Director has boosted the membership and produced projects like the map project and hiking guides.

Mayor Hampton would like the council to know where the money went before they dedicate another year's worth of the money.

Councilor Schorer moved to approve the RTMT Funds Distribution as follows: \$10,000.00 to the Oakridge/Westfir Area Chamber of Commerce and remainder to the Parks Fund with a report of activities, expenses and results.

Councilor Kordosky seconded the motion.

Rusty Ackland asked for some clarification on what they want from the Chamber. She will meet with Mayor Hampton and they will work on this together.

Councilor Clark stated that the money would be better used for Community Projects than the Parks Fund.

Councilor Fortune wants to know how much of the criteria from page 54 does the Mayor expect someone to meet to qualify for the funds.

Councilor Schorer withdraws her motion.

R. Clark moved to approve the RTMP Funds Distribution as follows: \$10,000.00 to the Oakridge/Westfir Area Chamber of Commerce and \$ 1,499.00 to a Community Services Fund.

C. Schorer seconded the motion. R. Dreiling Abstain, G. Fortune (Aye), R. Clark (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), A. Kordosky (Aye), C. Schorer (Aye). 6-0 motion carried.

Five-minute recess

5.6

Coordinated Population Forecast Public Hearing

5.6.1 Staff Report

Gordon Zimmerman reported that the Coordinated Populated Forecast was developed through the efforts of the City and the LCOG in 2004. The Council passed a resolution

in 2004 that adopted the Forecast. Now one of the cities in the Coordinated Forecast is not satisfied with the number that it was given. There has been considerable public comment in that city.. In 1972 Lane County gave the population coordination responsibilities to LCOG. LCOG had a public hearing. Before they had the public hearing, the individual that is resisting Lowell's increased number went to the County. The County Commission agreed that there had not been enough public comment. The County Commission is requiring all of the cities have to go back out for public comment.

Mayor Hampton wanted to let the council know what difference it makes as to what number we pick.

Gordon stated the number is used when planning projects like sewer and water capacity. The number is reviewed every five years. The next review will be in 2010 after the next census. The State decides how much the county will grow and the County has to divide up the number among the jurisdictions.

#### 5.6.2 Statements in Favor

None

#### 5.6.3 Statements in Opposition

None

#### 5.6.3 Statements in General

None

#### 5.6.4 Council Discussion/Res. 12-2007

Councilor Fortune wants to know what happens when we reach our population.

Gordon stated that if we were going to go for an upgrade on our water and sewer projects, we would have to justify the number that we put in for population. If we are in violation of our Coordinated Population Projection, they may or may not give us any money. Since we are currently doing our water project and the sewer is adequately sized, this has no impact on us or on our urban growth boundary.

Councilor Schorer moved to approve Res. 12-2007 accepting the coordinated population projection of 4,946 people in the City of Oakridge by 2030. Seconded by Councilor Dreiling. Mayor Hampton (Aye), A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), D. Rehwalt (Aye). Motion Carried 7-0.

#### 5.7 New Library Discussion and Direction

Gordon reported on this evening's work session. The Council came up with several suggestions such as process and potential cost cutting. We are working to establish the actual cost versus the engineering estimate and the available funds. We are working with potential funders to close the gap through different opportunities, whether it is grant funding, volunteer labor or library utility fee. It will take approximately six weeks for a re-bid. Councilor Rehwalt asked if there was a timeline by which we have to use the money. Gordon stated that we have two years to make significant progress.

R. Dreiling moved to re-bid the library project with alternatives and volunteer labor possibilities included. G. Fortune seconded the motion. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), R. Dreiling (Aye), A. Kordosky (Aye), D. Rehwalt (Aye), Mayor Hampton (Aye). Motion Carried 7-0.

#### 5.8 Ord. No. 890 Employment Criminal History Check

Gordon said that we have routinely used the law enforcement data system to do background checks. What we did not know was that we required council approval to use that system for background checks on non-law enforcement personnel. He is here tonight to ask for approval and to ask in an emergency clause because we have two Finance Director candidates that we need background checks on. This is simply a process improvement that the audit of our LEDS system came up with. That audit said we didn't have the approval of the council to do other than law enforcement personnel.

Gordon stated that it was his understanding that it is reading the ordinance in full and then by title only and then a motion to approve the ordinance with an emergency clause makes it effective immediately upon passage, according to the Charter.

Mayor Hampton stated that by one viewpoint we would be reading it twice and by another viewpoint it violates the current policy where the Council reads it once and then gives the public some time to look at it and make comments. The Council then reads it a second time and then possibly takes action.

Councilor Rehwalt stated that it is always best to let the public know what we are doing and get some transparency in the City Government. Read it by title now and next time, read it in full and act on it then.

Councilor Clark responded by saying that the problem with that is we need a Finance Director as soon as possible.

Gordon said that we could run it through another agency. Gordon also stated that the Charter allows for passing it at one meeting.

Councilor Dreiling asked if this would hurt our ability to get a new Finance Director.

Gordon stated that he would not be able to do a criminal background check on them right away and that this could potentially delay that process.



Mayor Hampton stated there are two things to consider here: one is that this needs to be done and the other is a fairly long-standing council policy about not enacting an ordinance the first time it is read at a meeting.

Councilor Fortune stated that a few years ago they did make decisions at meetings the first time it was read.

Councilor Rehwalt wants transparency with the public. It's not like the public would have an objection to doing background checks on people we are hiring for the City. Councilor Rehwalt said he was not suggesting that in a matter of policy it might be best to send the right message that the public can weigh in on this if they want to.

Councilor Clark noted that it was on the agenda to talk about at this meeting.

Councilor Rehwalt asked if there was anything to be gained by doing this tonight.

Gordon stated yes, that we could go ahead and do the background checks on the two candidates that they have already interviewed.

Councilor Clark moved to approve the first reading of Ordinance No. 890 in full. Councilor Kordosky seconded the motion. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), D. Rehwalt (Aye), A. Kordosky (Aye), R. Dreiling (Aye), Mayor Hampton (Aye). Motion carried 7-0.

Gordon read the Ordinance No. 890 in full.

Councilor Fortune moved to approve the second reading of Ordinance No. 890 by title only. Councilor Clark seconded the motion. A. Kordosky (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), G. Fortune (Aye). Motion carried 7-0.

Councilor Fortune read Ordinance 890 by title only.

Councilor Clark moved to approve Ordinance No. 890, an ordinance establishing criminal history record policies with regard to applicants for employment, city license applicants and appointed volunteers and hereby declaring an emergency. Motion seconded by Councilor Schorer. R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), D. Rehwalt (Aye). Motion carried 7-0.

## 5.9 20 year Infrastructure Projects

Gordon stated that this project is from the State Legislature. They would like a listing of all of our infrastructure and transportation projects for the next 20 years by November 15, 2007. In the interest of time tonight, Gordon would like the Council to come back in

two weeks. In the mean time staff will put together what they think ought to happen in the next 20 years. In two weeks the staff will provide the council with the list to review. The purpose of this is for the legislature to divide the list into categories immediate (within three years), mid priority (three to six years), and low priority (six to 20 years) so they know how much to allocate for infrastructure and transportation projects (not ODOT or Federal transportation projects).

Kevin Urban stated that he would like permission to start entering his information into the computer because it is very time consuming and if they need to eliminate any later they can. If later on we want something and it is not on the list, we might not be able to get it.

Mayor Hampton stated he has some bad news to add on to this, from the Regional Investment Board standpoint. The Legislature used to allocate \$2 million for this region. It was the goal of the Regional Investment Board to invest this money in projects. We did submit some projects and we did get funding for some of them. Last year the Legislature decided not to allocate that amount of money so our Regional Investment Board received only \$200,000, none for any new investments, but only to monitor the existing investments and to have the board come up with a six-year plan. On November 1, the OECDD Commission meets in Klamath Falls. They want members of the Regional Investment Board to tell them why increased funding is important. The 2008 Legislative session will be a short session. There will be few bills introduced by State Representatives and the State Senators have a limit on the number of bills they can introduce. They are predicting that the Legislature will not be allocating any more money to these infrastructure projects. The previous process was that we compile our list (so did other towns in the County) and then the Lane Economic Committee prioritized the projects for the County, which then were sent to the State. Now everyone is submitting their information directly to the State. Who knows how the State will decide on what is important and what is not?

#### 5.10 Hazardous Materials Survey

Gordon stated that the City sent out requests for quotes for doing the Hazardous materials survey for the Public Works building and property. They received one bid from Environmental Management Services for a total of \$5,625.00. Gordon asked that we approve the bid and have hazardous waste survey done within the next 60 days.

Councilor Dreiling moved to accept the lowest bid on the hazardous materials survey of the Public Works Building property.

Councilor Schorer seconded the motion.

Kevin Urban explained the process to the council. They will check DEQ records and any other agency that they would normally go to in a situation like this.

A. Kordosky (Aye), R. Dreiling (Aye), G. Fortune (Aye), C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Clark (Aye). Motion carried 7-0.

Gordon reported that there were two thank you letters for the City's participation for the Friends of the Theater and Habitat for Humanity.

## **6.0 COMMUNITY SERVICES**

None.

## **7.0 POLICE SERVICES**

None.

## **8.0 EMERGENCY SERVICES**

They are still reporting a lot of walk-ins at the Fire Department. It seems to have peaked. They are seeing a lot of chronic care patients and patients who are out of medication.

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

Councilor Fortune reported that LRAPA met, with nothing new to report.

Councilor Dreiling reported that the Trails Committee would be meeting soon.

Councilor Clark reported on the Lighting Committee meeting. They have 16 snowflakes as of right now and they are starting a new drive to get more snowflakes. Each business in town will receive a letter and there will be letters in the newspapers letting people know that even if they are not a business owner they can purchase a snowflake and dedicate it for any reason they would like. The next meeting will be on October 29, 2007. They are planning a lighting ceremony and are in the early stages of this right now.

Mayor Hampton reported that he was invited to go to a meeting with Senator Wyden and other mayors who were interested in affordable housing. They spent most of the meeting talking with Senator Wyden about Federal Agencies who do not make the process of affordable housing easy. Mayor Hampton asked about his lack of understanding the Forest Service's disposal of its property and why it seems to take so long. We have houses in our community and in Lowell that could be affordable, but for whatever reason, it seems to take so long for the Forest Service to dispose of its property. At some point in the future Mayor Hampton will be invited to sit down with other interested parties who attended the Wyden meeting and with some Forest Service representatives, and they will try to reach an understanding.

Mayor Hampton also reported that the Watershed Council is in the process of completing an education program that has started at Lundy Elementary in Lowell this year. It will soon expand to other elementary schools including Oakridge. There will be couple of sixth grade classes at Oakridge Elementary which are the beneficiaries of a lot of work that the education director of the Watershed Council has done. This will make it easier on the teachers to just have a pre-made, relevant lesson and be able to use it without having to spend a lot of time trying to figure out what to do.

Mayor Hampton and Alicia Davidson will be going to a meeting sponsored by the U.S. Census representatives to educate them on how to make this a smooth process. He believes we suffered from a severe undercount the last time the census happened because the census materials are mailed to street addresses. So the rest of the people who have PO Boxes did not receive census materials. Mayor Hampton has talked to the Postmaster and he seems to be very willing to cooperate with us to make sure that there is a much more accurate census count this time.

## **10.0 MAYOR AND COUNCIL COMMENTS**

Councilor Dreiling wanted to thank Jenifer Hood and Aloha Construction for their time. They painted the Chamber booth at Greenwaters Park for free.

Councilor Dreiling reported regarding the Mt. Bike Oregon handout addressed earlier in the evening that these are blogs and not advertisements for the event. They all stated that they drank beer in the beer garden. That is what is required for the events. Mt. Bike Oregon gives a lot of money to community groups. The OLCC-trained staff are the ones serving the alcohol. The Oakridge Police Department is the security. The age range of the persons attending the Mt. Bike Oregon event is from 40 and up to 76 years old. Councilor Dreiling stated that he would be glad to talk Mr. Ron Paddock about this to clear this up and for his interest in the event. Chief Gomez did say that Mt. Bike Oregon does pay for a couple of reserves to walk the area. There have been a couple of minor violations where people had a beer outside of the beer garden and were asked to keep it in the beer garden. They complied with no problems. Gordon reported that the beer garden did close at 10:00 P.M. each night. The Reserve Officers are there to make sure of that.

Ron Paddock stated that he has concern of liability for the city. He does not think the statements on line are lies and he believes that what they say on the blog is true and they do stay up all night at the beer garden in Oakridge. He says the City should enforce the ordinance and he does not believe that the beer garden closes at 10:00 P.M.

Mayor Hampton stated that if he had to believe something written on a blog or the Police Chief, he would certainly believe the Chief.

Ron said his concern was that the council be concerned about the issue and that is why he is bringing it up.

Councilor Clark encouraged everyone to attend the play this weekend.

**ADJOURN**

Mayor Hampton adjourned the Meeting at 9:15 p.m.

Respectfully submitted before the City Council October 18, 2007

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

Signed: \_\_\_\_\_  
Linda Martin, Interim City Recorder      Date