

February 21, 2008
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
Dan Rehwalt
Glenn Fortune
Randy Dreiling
Carina Schorer

Council Absent: Carina Schorer

Staff Present: City Administrator Gordon Zimmerman
Pamela Hart, Finance Director/City Recorder
Police Chief Louis Gomez
Fire Chief Tim Demers
Kevin Urban

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

2.0 PUBLIC COMMENT

Dean Phillips 47699 W 2nd: He began his remarks by saying, “the council is not the city. You were elected to manage the affairs of the city in a prudent, economical and humane manner. I believe procedures and rules should be precipitated by the council which would allow you to prepare for any situation. I have five examples which are used to assist and help in understanding how a situation should be handled.” He continued with several examples of how he feels the Council is violating the City Charter.

The City Administrator should not be signing the checks. They should be signed by the Mayor and the Finance Director. The City Administrator should not run the council. Mr. Phillips complained about the lack of City Administrator’s response to his yearly evaluation. Council does not work for administrator. He works for you. City Administrator should not be allowed to write his own labor contract.

The City needs to develop procedures and rules for incompetent and/or ineffective City Councilors. If they only have time to look through packets at council meeting, it is not appropriate. Preparation should be taken.

It would be beneficial if the Council adopted rules to govern the City Council. It would also be beneficial to enact a procedure that requires a City Councilor to know and understand the requirements and burden of a Councilor, the magnitude of that responsibility, and understanding of how to enhance the quality of life of area residents.

Karen Tiller 47596 Riverview St.: They call her the bag lady because she goes around town and picks up trash. She and her husband are celebrating their 50th wedding anniversary on April 12. She would like to use the Greenwaters Park Community Building and have the fee waived because of her service.

Mayor Hampton told her to put it in writing and the Council will deal with this issue at the next meeting.

Marvin True 76414 Cherry St.: I can't help but wonder when a business comes to Oakridge, what prompted them come to here. Is it because of the low cost? Is it just because the city is willing to give away the financial benefits of the city? The current trend in this community for commercial property in the last year has gone. When I came to Oakridge, most of the businesses in town were for sale. This is poor business because we are bending to these companies. These companies should be looking at our requirements as a community, not us looking at their requirements. We have a lot of areas in the community that need attention. The streets, water, and sewer all need attention.

3.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

We added 5.3 Excessive Force Policy and moved 5.2 and 5.3 to Administration Items 6.6 and 6.7.

No executive session is necessary.

4.0 TREE PLANTING PRINCESS PRESENTATIONS

This year's Tree Planting Princesses are Alicia Aguilar, Sierra Schorer, Mandy Shields and Allie Roberts. They gave their speeches to the council and then the Council and other attendees had the chance to vote for the Queen based on their presentations. The ballots were picked up by Alicia Davidson and Darci Roat at the end of the presentation.

5.0 CONSENT AGENDA

5.1 Minutes of Regular Session of February 7, 2008

Councilor Clark moved to approve the consent agenda. Seconded by Councilor Rehwalt. R. Dreiling (Aye), G. Fortune (Aye), C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Clark (Aye). Motion carried 6-0.

Mayor Hampton stated that he received a couple of emails from councilors who felt they were being publicly humiliated. He did not mention any names and he was trying to address a problem namely if they are going to address goals, the more councilors they have the better job they could do.

Another thing he was trying to do was to improve communication. He would like to know by either email or a phone call if a councilor is not going to be here. He did receive an email from Councilor Kordosky letting him know she was not going to be here tonight.

6.0 ADMINISTRATIVE SERVICES

6.1 IMBA Ride Center MOU

Nothing has changed from the previous draft.

Councilor Dreiling moved to approve the memorandum of understanding with IMBA and several partners for establishing a mountain bike ride center in Oakridge. Councilor Schorer seconded the motion. C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye). Motion carried 6-0.

6.2 Resolution 4-2008 to Correct Scrivener Errors in Charter.

Councilor Clark moved to approve Resolution 4-2008 to correct Scrivener errors in the charter. Seconded by Councilor Dreiling. D. Rehwalt (Aye), R. Dreiling (Aye), R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), G. Fortune (Aye). Motion carried 6-0.

6.3 Middle Fork of the Willamette Watershed Council Fiscal Agent Request.

Gordon stated the Eve Montanaro is asking that we continue the relationship for this one program because they don't have their letter of determination for the 501(c)3.

Mayor Hampton stated that they have made applications for the 501(c)3, but they have not got the letter back stating that yes you are officially a 501(c)3. They need us to be the fiscal agent so they can either apply for or accept.

Councilor Schorer moved to approve the request from the Watershed council to act as its fiscal agent to propose education program. Seconded by Councilor Clark. R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), C. Schorer (Aye). Motion carried 6-0.

6.4 Prioritization of Issues

We had a question on two issues as to how to categorize them:

Establishing community emergency response teams: This one had two short term votes, one long term vote, two administrative votes, and one not an issue vote.

Tim Demers stated that Jerry is currently in the process of putting together the entire plan for the City. That is a small portion that would be easy to adopt. He would say short term.

Gordon said that since Jerry is already working on this part of the plan it would be Administrative. The Emergency Plan is what the council would adopt as policy

Council put the item in the administrative category.

Review City Administrator Evaluation Process: There were three short term votes, one long term vote, and three not an issue votes.

Mayor Hampton said that in his State of the City Speech, he said they do the City Administrator's evaluation and they don't hear anything back from him. It has been a while since the council has looked at what instrument is used to evaluate the City Administrator or how thorough the process is. For example the last two times the LCOG director was evaluated the LCOG board used what was called a 360 evaluation process, meaning the people on the Board evaluated the administrator. The administrator evaluated himself. The people who he supervised evaluated him. That way, you have a well rounded picture of how everyone feels. This is a variety of standpoints. Right now we do it from one standpoint.

Councilor Rehwalt said that if this is something that we want to do, there is no sense to go on long term. It wouldn't take that long to do a review and rewrite it. It is not a time consuming task.

Mayor Hampton asked how often they evaluate.

Gordon stated that they do this annually.

Councilor Schorer asked Gordon how often was the City Administrator evaluated before he took the position.

Gordon said they were evaluated annually.

Councilor Fortune stated that he would like to see an evaluation that was done.

Mayor Hampton said that staff seems to know more. On the 360 form that he mentioned, they would only comment on the items that they knew anything about. The staff would only comment on what they knew, even though they would see all of the questions.

Councilor Fortune said that he liked the sound of the process because it gives them a better view on how he is doing in particular areas that they don't get to see.

Mayor Hampton asked where we are going to place this.

It is decided that this will be short term.

Councilor Clark asked about #12 on short term issues it says enforce dangerous and abandoned building codes. She does not understand that. Don't they already have the codes in place?

Gordon stated that we have the code. This is a funding issue.

6.5 Economic Development Guidelines

Gordon stated that at our Planning work session, the Council and the members of the Oakridge Economic Development Advisory Committee (OEDAC) worked on guidelines for the sale of industrial park property. The issues were compiled and sent it to OEDAC members. He only got one comment back and that was from Councilor Rehwalt stating that instead of Council members "may" be invited to the OEDAC meeting, it should say "shall" be invited. Gordon said that by saying "shall", it could limit his ability to work with potential recruitments.

Mayor Hampton said to look at this from a legal stand point. This has to be advertised and it has to be a public meeting so we can't exclude anyone.

Gordon said they are welcome to come to any of the meetings but, he is hesitant to make the change to require him to invite them to come. He would like to work with potential new companies either way that is comfortable for them.

Councilor Rehwalt said that it is time that we got back to where the elected officials were privy to this information and this is not happening.

Councilor Dreiling said that they are in loop on most of the stuff. He knows it is good to come down on the City Administrator and Kevin but really, we need to be able to have a fair competitive advantage. If the company wants to talk to you and they don't want to announce it to the public, this happens every day everywhere in this country.

Councilor Rehwalt withdrew his request and is ready to vote on the motion.

Councilor Fortune stated that this is an advisory committee. This is not a secret committee. It is an open meeting committee that anyone can attend. He does not see where some are seeing this as a secret committee.

Councilor Rehwalt said that the reason he is seeing it this way is because it was indicated that way.

Mayor Hampton said that the OEDAC people do other things than what Councilor Rehwalt suggested. If he is hearing him correctly, he wants to be one of the first people in on these things that are happening.

Councilor Rehwalt said that is not what he wants. "What I want to change is 'council members may be invited' and to 'shall be invited'." He again stated that he withdrew the request.

Councilor Clark asked if we do have a council member on the OEDAC committee.

Gordon said that yes we do and that OEDAC does not have any authority to make any decisions. Everything that OEDAC does is advisory to the Council and the City Administrator. The Council gets it when it is matured enough to get approval.

Councilor Rehwalt said for the third time he withdraws his request.

Councilor Dreiling stated that the City does not want to be the financier.

Councilor Clark moved to approve the Economic Development policies for the sale of property in the Oakridge Industrial Park. Councilor Rehwalt seconded the motion. Mayor Hampton (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), D. Rehwalt (Aye). Motion carried 6-0.

6.6 Res. 6-2008 Fair Housing Resolution and Excessive Force Policy

Gordon is going to do 6.6 and 6.7 together.

Gordon said the City was awarded a \$300,000 Housing Rehabilitation grant from the Oregon Economic Community Development Department (OECDD). This is administered by St. Vincent De Paul. With the new grant we have to adopt a Fair Housing Policy and we have to adopt an Excessive Force Policy. We last adopted these in 2006 with our previous grant. We also adopted them in 2001. They are exactly the same and it has been the policy with the City of Oakridge for a long time.

Councilor Fortune moved to adopt the Res. 6-2008 Fair Housing Resolution. Seconded by Councilor Dreiling. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), Mayor Hampton (Aye). Resolution passes 6-0.

Councilor Fortune moved to adopt the Excessive Force Policy. Seconded by Councilor Clark. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), R. Dreiling (Aye), D. Rehwalt (Aye), Mayor Hampton (Aye). Excessive force policy approved 6-0.

7.0 COMMUNITY SERVICES

7.1 Planning Commission Appointment

Councilor Fortune moved to remove from the table the motion to appoint John Martin to the planning commission. Seconded by Councilor Schorer. C. Schorer (Aye), Mayor Hampton (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), G. Fortune (Aye), R. Clark (Aye). Motion carried.

Councilor Dreiling moved to appoint John Martin to the Planning Commission.

Councilor Fortune stated that this motion is already on the table.

Mayor Hampton wanted this to be clear on the minutes.

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

7.2 Res. 5-2008 Adopting Asbestos Policy

Councilor Dreiling moved to approve Res. 5-2008 Adopting Asbestos Policy. Seconded by Councilor Schorer. R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), R. Dreiling (Aye), G. Fortune (Aye), D. Rehwalt (Aye). Motion carried 6-0.

Gordon stated that there is an addendum to this. They have had several complaints filed with DEQ on asbestos located in the industrial park and Gordon got an email today from LRAPA and he would like to read it.

They got lab test results back from a piece of felt paper that was found just over the bank from the Armstrong Wood Products property. The lab test results found no asbestos detected. LRAPA has reviewed the findings pertaining to the recent complaints of asbestos contamination in the Hogrefe site and has determined that no further action will be required. LRAPA has reviewed the findings pertaining to the allegations of asbestos contamination of the chipped material and has determined that no further action will be required. Asbestos abatement pertaining to that material was performed in the spring of 2007. LRAPA has reviewed the findings pertaining to the allegations of asbestos contamination in the embankment/floodplain and it is determined that LRAPA will require no further action. So all of the actions of LRAPA and asbestos material have been cleared and the city has been cleared.

7.3 Greenwaters Park Tree Discussion

Two of the trees have Osprey nests in them. Because of this, we can't remove any trees from March 1st through September 15th. If you want us to make this happen, we need to identify the money, get the bids and get it done by the end of next week.

Mayor Hampton stated that Gordon is looking to the council on how quickly you want us to move.

Gordon said it would be under \$5,000.00 to remove the trees. We don't have the money in the Parks Fund.

Councilor Schorer asked if the trees were marked because she wants to be able to look at the ones that are to come down.

Kevin Urban indicated that the trees are marked. The ones slated for removal are trees numbered 1, 2, 3, and 11.

Councilor Dreiling wanted to thank the Oregon Department of Forestry for coming down and looking at the trees.

Mayor Hampton is concerned with planting trees at Tree Planting and getting smashed by the trees coming down.

Councilor Clark agreed that the dead trees do need to come down before they fall on a child or someone having a picnic at the park. They are a danger.

Kevin thinks they shouldn't come down until September.

Mayor Hampton is still concerned about them falling on the new trees unless we strategically plant them and then perhaps plant more the next year.

Kevin said that that is probably what we would want to do. We could plant some smaller trees that will enhance the beauty of the park and not plant them in areas where there will be limbs coming down from the other trees or a tree coming down.

Mayor Hampton asked if we want to get them done right away or wait until September.

Councilor Schorer said she would like to wait.

Councilors Clark and Dreiling are concerned about this summer and not wanting them to fall on children or adults.

Councilor Clark is concerned that the lady from the Oregon Department of Forestry who knows what she is doing considers these trees dangerous that we should heed that.

Councilor Schorer wants to get a second opinion on the removal of the trees.

Councilor Rehwalt stated that he is not against cutting down the dead trees. They are not going to grow any more and they could fall and kill somebody, so cut them down.

Councilor Fortune agrees to take them down.

Mayor Hampton goes with the liability point of view and he thinks quick action is appropriate.

8.0 POLICE SERVICES

There is nothing to report.

9.0 EMERGENCY SERVICES

There is nothing to report.

Councilor Clark reminded everyone to RSVP for the Banquet on March 1st.

9.1 Second Reading: Ord. 893 Adoption of Fire Code

Councilor Clark moved to approve the second reading and adopt Ordinance 893 read by title only. Councilor Dreiling seconded the motion.

Mayor Hampton stated that he and the City Administrator don't agree on verbiage here. Mayor Hampton thinks these are two separate motions reading an ordinance by title only and approving an ordinance.

Councilor Clark asked if he'd like her to amend her motion.

Mayor Hampton said that would satisfy him.

Councilor Clark withdrew her motion to approve the second reading and adopt Ordinance 893 read by title only.

Councilor Clark moved to approve the second reading of Ordinance 893 read by title only. Seconded by Councilor Schorer. G. Fortune (Aye), R. Clark (Aye), C. Schorer (Aye), D. Rehwalt (Aye), R. Dreiling (Aye), Mayor Hampton (Aye). Motion carried 6-0.

Councilor Clark read Ordinance 893 by title only. Ordinance 893. Ordinance for Adoption of the Oregon Fire Code as the Fire Code of the City of Oakridge.

Councilor Clark moved to approve and adopt Ordinance 893. Councilor Schorer seconded the motion. D. Rehwalt (Aye), R. Dreiling (Aye), R. Clark (Aye), C. Schorer (Aye), Mayor Hampton (Aye), G. Fortune (Aye). Motion carried 6-0.

10.0 REPORTS FROM BOARDS AND COMMITTEES

LCOG board will be meeting in Junction City a week from today.

Chamber of Commerce will have their annual awards dinner on February 29th at 7:00 p.m. at the WAC. They will have the Citizen and Business of the Year and they are going to reveal one of the businesses that are coming to town. The tickets are being sold for \$40.00 a couple and \$25.00 per person.

The Watershed Council met last week with its attorney about becoming a 501(c)3.

Administration committee will meet on Monday the 25th at 10:30.

The Public Safety Committee met and they discussed the use of tasers. They agreed that the policy that was adopted by the Eugene Police Department was a good policy and they might sometime down the road adopt the same policy.

They also discussed the purchasing of new Police cars. They want to get away from the process that they have used in the past. They were getting surplus cars and they are getting worn out and falling apart. Chief Gomez will be coming up with a plan and the question came up about funding.

They discussed the social host ordinance that is being drafted. Chief Gomez is working on the draft ordinance for that to bring before the City Council.

They discussed applying for federal grant money for the Dead Mountain radio site. It is in need of an upgrade. They have to have it upgraded by 2013. This is an expensive upgrade that will cost up to \$250,000.

11.0 MAYOR AND COUNCIL COMMENTS

Councilor Rehwalt gave his resignation for the Council effective February 21, 2008.

Councilor Dreiling said even though they did not always agree, he will miss his debates with Dan.

Councilor Dreiling wanted to address Dean Phillips statements. He would like for Dean to meet with the Administrative Committee on how they are violating the Charter. Councilor Dreiling stated that he does read his packets before meetings. He is insulted that he would say that Gordon tells him what to do.

Councilor Dreiling addressed what Mr. True said about us bank rolling ourselves. The new businesses that are coming in are bank rolling themselves. We are not bank rolling them. It is going around town that we are paying for these businesses to come here. We have done loans in the past, but we are no longer going to do that. The big company that is coming is bank rolling themselves. He would like everyone to be clear on that. The reason the businesses are coming here is because Gordon and our staff and OEDAC are working very hard to make this a better city so that companies and people want to move here. We are not selling the city off. We are trying to make this a better place for people to live. He realizes that this may be hard for some people to believe but that is a fact. That is why this town is booming is because we have a good Administrator like Gordon. It is because we have an OEDAC committee and we have a dedicated council and that is why this town is booming. It has nothing to do with giving away anything. The property was sold at what it was valued at by an assessor. He would like to get past this and he looks forward to everyone attending the Chamber dinner on Friday night and finding out who one of the businesses is that is coming to town.

Councilor Fortune stated that he and councilor Rehwalt attended a class today on Public Development for small cities presented by an architect from the Bend area. They will have some thoughts to share down the road regarding this whole process when it comes to public development. One of the discussions brought up was about the new library. He was informed by more than one person that building costs are coming down because there are a number of contractors out there that are looking for work. So bids are coming down too.

Commissioner Faye Stewart sent a letter inviting us to be a participant in the 150th birthday celebration of the State of Oregon. The intent of this celebration is to celebrate local history. He is encouraging us to cooperate with the experts of local history at the museum to have some special events to celebrate some special events that have happened in the history of this area. He would like to form a commission for this event. He said he would like the City of Oakridge to participate in this. The Mayor will let them know that, yes, we can participate in this effort. This will be a celebration of local history. It will be more meaningful for the citizens here to learn more about the history of this area.

Councilor Schorer wanted to say that Councilor Rehwalt has been a great asset to the Council. He brought a whole new aspect to the council and he will be greatly missed.

Councilor Schorer stated that she has notice that there are a lot of people who come to these meetings with a lot of negative things to say about the council. She would like to remind them that in November there will be three seats available and you can put your money where your mouth is and run for those seats. She would love to see some of those people come up here and do this job and still go home and have the same opinions that they have now. This is a lot of work and it really takes a toll on you.

Councilor Clark stated that Councilor Rehwalt has been such an asset to the Council. He has added to the dynamics. She is sorry to see him go.

Mayor Hampton announced that at the next meeting the Council must declare a vacancy and advertise.

Gordon stated that with Councilor Rehwalt's resignation, there will be four seats open.

12.0 Executive Session ORS 192.660 (2) (e) Property Negotiations

Executive Session was cancelled.

ADJOURNED at 8:30