



November 7, 2013  
City Council Regular Session  
Willamette Activity Center- Room 8  
47674 School Street  
7:00 p.m.



## MINUTES

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### 1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Council Present: Gerald Shorey, Mayor  
Rayetta Clark, Council President  
Glenn Fortune  
Jim Coey  
Ernest Baszler  
Les Biggerstaff  
Christine Slaven

Staff Present: Louis Gomez, City Administrator  
Dale Scobert, Chief of Police  
Tim Whittaker, Interim Fire Chief  
Jackie Taylor, Assistant Planner / Public Works Secretary  
Susie LaDuke, Finance Director/City Recorder

### 2.0 PUBLIC COMMENT

Sue Bond, 47591 Union St Oakridge Or – A couple of weeks ago the Library Board had a person that had been serving on the board for about a year and a half, she replaced someone that had quit. The term was up and it was time to fill the position. Instead of appointing the person that had been serving on the board the City Council replaced her with someone else. The library is working on a lot of stuff right now to get the library out in the public view. Nobody consulted the board or after reading the documentation, nothing was said about the woman that they replaced. She has donated hours of her time just in research; this had made the rest of the boards lives pretty miserable. She is pretty upset. She is asking that the Council reconsider that appointment and possibly increasing the number of board members. She has talked to Maggie and she does have some great ideas for the library.

Jess Henrys, Oakridge Or – He has been paying his water bill online for years; now there is a new fee for using the on line service. He asked Louis about this charge and he was told that this was to recoup the processing fees.

Louis said the City was paying the company that does this service for us \$3,300 a year. What we did is shifted the cost to the consumer and as a convenience fee instead of the city paying for it. Louis said the issue at hand is that we didn't do very good job getting this out to the community.

Susie said we have about 100 people that pay on line that way.

### 3.0 MAYOR AND COUNCIL COMMENTS

Councilor Clark said she has had numerous phone calls and people coming to her work very upset about the library appointment. There was a letter to the editor in the paper, Councilor Clark read this aloud.

Mayor Shorey said he'd like to look in to increasing the number of board members.

Councilor Clark said she agrees with Ms. Bond that Maggie is a wonderful person. But, we had a choice between someone who had never done anything with the library and someone who in a year and a half worked very hard for it and she feels we should put both of them on the board.

Councilor Slaven said the library board voted at their last board meeting to recommend to the Council to change the number of board members from five to seven. They did not vote on a recommendation that Maggie should be removed and replaced by Georgeanne. In terms of how they proceed they should change the number of board members. She strongly disagrees with the letter in the paper about ageism; she does not believe it is ageism to encourage new voices.

Councilor Biggerstaff said to be honest; a lot of them voted for Maggie because they know her. He thinks in the future, if someone is running for any position they should have to attend the meeting. Neither one of them were at the meeting and neither one of them had any say on what was going on.

Sue Bond says she agrees with some of what was said. She read both letters and if she had been sitting up there she would not have made the same decision. She is in favor of increasing the number of board members. They have a lot of things they are working on and they have a lot of hurt feelings, they have some members who may or may not stay because their feelings are so hurt.

Councilor Biggerstaff said the whole idea of volunteerism is to do something to benefit the library or whatever you are volunteering for. If you have to have a title to volunteer then he wouldn't even call that volunteerism.

Councilor Fortune said this didn't have anything to do with age, talking about volunteering; the thing he has a problem with is that if you can't be a board member then you aren't going to volunteer anymore. Why does her time and effort that she has put in have to end because she isn't on the board? What is stopping her from still participating?

Ms. Bond said it was the way it happened, they were all kind of blind sided.

Councilor Fortune said they should get rid of their feelings and just get on with the job.

Ms. Bond said she thinks they need to reconsider their decision.

Mayor Shorey said this is Mayor and Council comments, not a time to debate. He agrees with Ms. Bond and he also agrees with Councilor Biggerstaff that if they really wanted the job they should have been at the meeting.

Louis said the Council can very well by vote increase the number of board members; however their process is normally by resolution. In this case, since we don't have an actual ordinance that governs the library board at this time, this might be an appropriate time to make that change.

Mayor Shorey wants Louis to work on a resolution for this to look at at the next meeting.

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

**6.5 Thank you for Secret Millionaire from the Community**

**9.1 Donation of Ambulance to Mercy and Care International**

#### **5.0 CONSENT AGENDA**

**Motion:** Councilor Clark moved to approve the consent agenda. Councilor Biggerstaff seconded the motion.

L. Biggerstaff (Aye), E. Baszler (Aye), J. Coey (Aye), G. Fortune (Aye), R. Clark (Aye), Mayor Shorey (Aye), C. Slaven (Aye). Motion carried 7-0

#### **6.0 ADMINISTRATIVE SERVICES**

##### **6.1 City Administrators Report**

Louis said regarding the Atherton foreclosure; he just got an email from the City Attorney in regards to that process, it was supposed to have been completed by the month of October. Mr. Combis' attorney went before the judge and said Mr. Combis had been ill and was unable to comply. The Judge gave Mr. Combis an additional two weeks. This should not be a mess, but it is a mess.

No changes in the Salt Creek Canal Feasibility study Grant; IFA has said we should be getting the Grant.

The Community Education Garden handbook, the Community Services Committee approved the handbook.

The vacant lot on Highway 58; Louis is still in communication with the owner of the property.

He is still working with Union Pacific regarding the trail along Commercial Street.

Our new Fire Chief should be here starting his job on December 1<sup>st</sup>.

John Milandin went to Economic Development Training in Hood River in October; he brought back a lot of good information for us. The information he brought back has allowed us to change our focus and views on a lot of stuff.

Louis is trying to get the surface water management plan to the Council by the first meeting in December.

Well six rehab; Casey Jones looked at it today. They should have it pulled apart tomorrow.

There were some minor questions on the loan agreement for Orchid Health Care, our attorney and their attorneys have resolved this and they should receive their check tomorrow.

## 6.2 City Recorder-Finance Report

Susan gave the Financial Report to the Council.

## 6.3 Review of settlement on Zimmerman Bond from CNA Surety

Louis we have been dealing with this since March/April of 2012, we have been back and forth with CNA Surety Company since then. Bob DeLong started this process with the initial concerns that the City had in regards to the money that was spent. Louis has an offer in front of the Council tonight from CNA Surety in the amount of \$16,675.65 to close this matter. Louis would like direction from the Council.

Councilor Slaven asked if this was a low ball amount or is this the best that we are going to get? This seems really low.

Louis said the issue at hand is how much more time does the Council want to put into this and their options are we can go back with a counter and say we looked at some other documents and it should be say \$25,000 and they can come back and say no, we are sticking with \$16,675.65. The next is if they don't want to continue with just them, would be litigation.

Councilor Biggerstaff asked how many people did we lay off because of this?

Louis said ten people were laid off.

**Motion:** Councilor Biggerstaff moved that we do not accept the \$16,675.65 from CNA Surety and release and discharge them from any further liability.

No second

**Motion:** Councilor Coey moved that we do accept the \$16,675.65 from CNA Surety and release and discharge them from any further liability. Councilor Baszler seconded the motion.

Councilor Baszler said this has went on for a long time and he'd like to just settle it, we should have got a lot more than that but this has been going on for two years now.

Councilor Clark asked if this is the first offer we have received?

Louis said yes that is correct.

Mayor Shorey said where he is coming from is that we paid several thousand dollars more than this for the Forensic Auditor; at the very least we should get our money back for this. Mayor Shorey asked Louis if he found out how much we actually did pay the Forensic Auditor.

Louis said he found the invoice but it didn't break down any much more than what they had down here.

Mayor Shorey said anything from November 2011 through June 2012 is forensic auditing. Anything beyond that was assistance to other stuff.

Susie said part of what the forensic auditor did was not just forensics; she did a lot to help get us ready for our audit. We would have had to pay someone to do that anyway.

G. Fortune (Aye), R. Clark (Nay), Mayor Shorey (Nay), J. Coey (Aye), L. Biggerstaff (Nay), E. Baszler (Aye), C. Slaven (Nay). Motion failed 3-4

Louis asked for direction from the Council.

Councilor Biggerstaff we should argue the paragraph where it says we cannot make a determination of how many individuals were laid off, the Acuity Group audit would have been necessary whether Mr. Zimmerman would have been here or not, that is not true, the fact is we hadn't had an audit in three years and he was the one responsible for that.

Mayor Shorey said we should go back to the counter off of actual money laid out for the forensic auditor. It is true that she did work on other stuff but, there is also a period of time even in the initial outlay. In November we hired her for \$7,000 and that was bumped about two different occasions. At the very least the City should recover the money we wouldn't have had to spend for the Forensic Auditor had this not come up.

Councilor Clark said to make sure they add in the interest on the loan that we had to take out.

So, the wish of the Council is for Louis to respond with a counter offer and they will dig through the invoices and get as accurate of a picture as they can and we will respond back.

Councilor Biggerstaff said as a starting point they should figure out what we paid out in unemployment insurance for those 10 people.

Louis said that was already added in.

Mayor Shorey said we need to start looking at our performance bonds and who we are doing our business with; at this point it has taken 16 months just to get a bad answer, that is not acceptable.

Councilor Biggerstaff said this is their first offer; any insurance company he has worked with would come back with a counter offer. Councilor Biggerstaff asked Councilor Fortune if he agreed with that.

Councilor Fortune said he doesn't know that they would counter offer, mainly because they have taken the figures that they have gotten and came back and said that this is what they believe, this is not insurance, this is a bond. They will go after Mr. Zimmerman for the amount that they paid out, if this was insurance they wouldn't go after Mr. Zimmerman.

Louis said the claim he sent in was for about \$275,000-\$300,000, that included our payouts for unemployment, actual payments that hit us abruptly.

Susie said she can see how they came up with their figure. They are saying this was an actual loss because of things that happened, Mr. Zimmerman wasn't keeping on top of things, and he spent that

money to get that loan to tide us over. We sent them copies of the forensic auditor invoices; they are saying that \$11,000 would be the forensic auditor portion. The argument that Susie had was that a lot of this would not have happened if Mr. Zimmerman would have been on top of things. We would not have had to hire a forensic auditor anything, let alone her fees to do a normal audit, had he been on top of things. They did not like that argument. The argument we had that it was his responsibility to be on top of what was going on in his finance department, it was his responsibility to make sure the audits were completed on time and it was his responsibility to make sure that the accounting system was functioning.

Councilor Slaven said our argument should be that any accounting fees that we paid over the amount of a normal audit, they should repay us for that.

Louis said what he will do is go through the invoices that he has and he will key in on what our normal accounting costs are and then figure out how much over that it was and we will go by that.

#### **6.4 Fill Vacancy on Parks, Trees and Trail Board**

Louis spoke with John Lucachick, the Parks, Trees and Trail Chair and he was in favor of this person to be on the board.

**Motion:** Councilor Clark moved that we appoint Shari Cameron to serve in the vacant Parks, Trees and Trails Board position for a term of three years. Councilor Coey seconded the motion.

Councilor Coey said we need to start having applicants show up to the meetings. If they don't show up they don't get appointed.

It is the consensus of the Council that from now on applicants must show up to the meeting in order to be appointed so the Council can talk to them.

R. Clark (Aye), Mayor Shorey (Aye), J. Coey (Aye), E. Baszler (Aye), L. Biggerstaff (Aye), C. Slaven (Aye), G. Fortune (Aye). Motion carried 7-0.

#### **6.5 Thank you to Secret Millionaire Donors**

Louis said that Sayre Custer made a suggestion that if we could get a large thank you note from the community to the donors of the money.

Councilor Coey read the letter from Sayre Custer.

**Motion:** Councilor Coey moved that the Oakridge City Council support the Thank you note project for the Secret Millionaire. Councilor Fortune seconded the motion.

E. Baszler (Aye), C. Slaven (Aye), L. Biggerstaff (Aye), R. Clark (Aye), J. Coey (Aye), G. Fortune (Aye), Mayor Shorey (Aye). Motion carried 7-0

### **7.0 COMMUNITY SERVICES**

#### **7.1 Purchase of a Vacuum Leaf Loader**

Louis said the City has been dealing with leaves for many years; the public works superintendant was looking around at different companies for vacuum leaf loaders. They would like to use this in the same way that we do the chipper program. This will keep our catch basins and our drains clear; this will minimize the amount of burning in October during backyard burn season.

Louis went over the air quality reports from October; one thing that was discussed was respiratory issues that we have. It would benefit the community if we could get some of this out of air. Does \$29,758 sound like a lot of money? It is, however this equipment has a shelf life of 15-20 years. It should last us a long time.

Councilor Coey doesn't find the particulate that strong of an argument, he understands what Louis is saying, but with all the forest service slash burning going on that has been a strong contributor to these levels as well.

Councilor Slaven asked where the money would come from for this and where would we put the leaves that we collect.

Louis said he would take the money from the contingency fund and we would set up an area the same way we do with the chipping program. Louis explained a couple different ways that we could do this.

Councilor Biggerstaff asked what we do right now to get rid of the leaves.

Louis said it is a lot of manual labor; they use rakes and the dump truck to clean out the right of ways and catch basins.

Councilor Coey requested that Louis come back with some labor costs of what we actually spend to rake up and clean leaves in comparison to what the cost of this is, that is a better argument that particulate matters.

Louis said the box can be used for the chipper also.

## **7.2 Street Closure for Oakridge Tree Lighting**

**Motion:** Councilor Clark moved that we close East 1<sup>st</sup> Street from Oak Street to Beech Street on 12/6/2013 from 5:00 to 6:30 PM. Councilor Slaven seconded the motion.

J. Coey (Aye), G. Fortune (Aye), R. Clark (Aye), Mayor Shorey (Aye), E. Baszler (Aye), C. Slaven (Aye), L. Biggerstaff (Aye). Motion carried 7-0.

## **8.0 POLICE SERVICES**

Chief Scobert said they have chosen a gentleman from Long Beach, Washington to go through the process for the police officer position; they completed the background portion they will be making a conditional offer to him so they can continue with the psychological test and physical test. He'd like to have him on board by December 1<sup>st</sup>.

They started on the background check for the Fire Chief today.

## 9.0 EMERGENCY SERVICES

Interim Fire Chief Whitaker said they have had normal call volume this month; they had a couple of motor vehicle crashes and a fire in Westfir. The calls have been coming in clumps for some reason this month.

They have Toys for Tots, Christmas Food Baskets and the Light Parade coming up. Tim will let everyone know the dates of the events when he knows.

### 9.1 Donation of Ambulance to Mercy and Care International

Interim Fire Chief Tim Whittaker introduced Dr. Ellen Heinitz and her husband John. About four months ago he requested to surplus some vehicles, one was an ambulance. Dr. Heinitz bid on the ambulance and talked to Chief Whittaker so he invited them to come here and share their story.

Dr. Heinitz and John Heinitz gave their presentation.

**Motion:** Councilor Fortune moved that we donate the 1998 E-350 Ambulance to Dr. Ellen Heinitz for shipment to Dr. Ysu Umbalo, Mercy Care International Democratic Republic of the Congo. Councilor Clark seconded the motion.

L. Biggerstaff (Aye), R. Clark (Aye), C. Slaven (Aye), J. Coey (Aye), G. Fortune (Aye), Mayor Shorey (Aye), E. Baszler (Aye). Motion carried 7-0

## 10.0 Reports from Boards and Committees

Administrative Committee - They discussed the settlement for the bond. The City received \$10,000 on their SAIF dividend. This is a good thing for the City, it's an indication that our safety programs within the departments are working. They discussed water out at the Industrial Park. The City Engineer is working on a cost analysis to put the 100,000 water tank into operation and install a dry hydrant for the pond.

Another key issue that came up is that we need to be looking at future growth, including the million gallon tank and a well in the future; we need to be looking at future growth. In the summer time this community uses 1.5 million gallons a day.

Community Services – They met this evening; they finalized the handbook for the Community Garden. They received a letter from Union Pacific regarding the train stop, they came back and they made a couple of strong suggestions of things we would have to do before this could take place. It came with a price tag that was fairly steep. They didn't say no. They recommended that we have a meeting with our elected officials from Mr. DeFazio to Mr. Stuart and that we get them strongly behind us.

Public Safety – The cattery is still a work in progress, the roof is repaired. Lane County offered the Police Department on a new Crown Victoria car. The parking lot is going to have to wait until spring since the company never got back to us.



There was a little remodeling done at the Fire Department. The Fire Department and Police Department are going to start working together for a recruitment program.

LCOG – They are working on changing some by laws in conjunction with the charter.

Councilor Coey announced the GOATS appreciation event is on Saturday evening at Circle Bar Golf Course. Everyone is welcome to attend.

Councilor Slaven said on November 17 at the old public works building at 1:00 PM they will be putting light bulbs in the snowflakes.

**\*\*\*Old Business**

**ADJOURNMENT:** The Council adjourned at 9:03 p.m.

Respectfully submitted before the City Council November 21, 2013

Signed: \_\_\_\_\_  
Jerry Shorey, Mayor

Signed: \_\_\_\_\_  
Susan LaDuke, City Recorder

