



September 18, 2014
City Council Regular Session
Willamette Activity Center- Room 8
47674 School Street
7:00 p.m.



MINUTES

1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

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

Staff Present: Louis Gomez, City Administrator
Albert Alcalde, Fire Chief
Jackie Taylor, Assistant Planner / Public Works Secretary
Susie LaDuke, Finance Director/City Recorder
Kevin Martin, Acting Police Chief

2.0 PUBLIC COMMENT

Karon Tiller 47591 Riverview Street, Oakridge – The neighborhood is looking better except for one house. The house is really bad, wants to know if anything can be done about it?

Chief Martin said they have been working with Adult Protective Services on that.

3.0 MAYOR AND COUNCIL COMMENTS

Mayor Shorey read the resignation letter from Councilor Baszler.

Councilor Baszler has been struggling the last year trying to make it to the meetings.

Mayor Shorey thanked Councilor Baszler for his service now and his previous service.

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA

Addition 6.7 Action on sale of Real Estate

5.0 CONSENT AGENDA

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

R. Clark (Aye), L. Biggerstaff (Aye), G. Fortune (Aye), J. Coey (Aye), Mayor Shorey (Aye). Motion carried 5-0

6.0 ADMINISTRATIVE SERVICES

6.1 City Administrators Report

Log Ponds – We have been dealing with contamination in the log ponds for years, through testing DEQ said there are PCB's in the water. One thing DEQ wanted us to do was to put up signs but, now they are looking to help us get the ponds cleaned up.

Empty lot on Hwy 58 – Louis has a meeting on October 8th to talk to the owners of the property.

Economic Development – Louis, George Custer and John Milandin will be presenting in front of the Lane Council of Governments on Monday. This has to do with jobs and economic sustainment of our current businesses.

LTD – LTD will be here on November 20th, we have been in discussion with them to get a bigger bus to carry bicycles and bigger items. They recently did a Ridership Survey and will present to Council their findings.

6.2 Finance Report by City Recorder

Susan gave the financial report to the Council.

This is a mid month report.

Motion: Councilor Clark moved to accept the Financial Reports as presented. Councilor Coey seconded the motion.

Mayor Shorey asked Susie about the Safer Grant, it shows as money in the bank, so we have an account that we can go write a check on?

Susie said it is money in the bank. This is a reimbursement grant, we have to spend money and then we get reimbursed for it. If you look at the balance sheet it shows where the money goes.

Mayor Shorey asked how much is remaining in the grant.

Susie said it depends on what we decide to do with this, there is still money still sitting in there for some of the programs we have going on.

Chief Alcalde said he thinks about \$150,000, what happened is they didn't spend the money earlier in the year and you are supposed to use the money within the year.

Councilor Biggerstaff asked Louis about the schedule for Teller Road.

Louis said this fiscal year they will have the water, sewer and stormwater done. The goal is to have all of this done during this fiscal year.

L. Biggerstaff (Aye), Mayor Shorey (Aye), G. Fortune (Aye), R. Clark (Aye), J. Coey (Aye). Motion carried 5-0

6.3 Marijuana Tax Discussion for Medical Marijuana Dispensaries and retail sales

Louis said Measure 91 is a valid measure that is going to be on the ballot, it is for the recreational sale of marijuana. What the League of Oregon Cities is asking us to do is if the city wishes to place a tax on the sale of marijuana you will have to do it before the ballot measure becomes effective, you cannot do it after it becomes effective.

Motion: Councilor Coey moved that the City Administrator draft an Ordinance establishing a tax on the sale of marijuana and marijuana infused products in the City of Oakridge. Councilor Fortune seconded the motion.

Mayor Shorey said the Ordinance from the City of Ashland looked pretty good to him.

Louis said Ashland is the first city to do this and for them to do something like this first is very unusual, so this is obviously an issue.

Mayor Shorey asked if we can impose taxes without the vote of the people?

Louis said in this case yes we can.

Mayor Shorey (Aye), J. Coey (Aye), L. Biggerstaff (Nay), R. Clark (Aye), G. Fortune (Aye). Motion carried 4-1

6.4 Fee Waiver for WAC Gymnasium for Mat Club and Junior High Wrestlers

Louis said one of the things during the Strategic Planning Process was the City wanted to help the youth of the community, this is something that we struggle with in this town. What we have in front of us is the opportunity to collaborate with the Mat Club and the School with young wrestlers from the ages of 4-10 on the Mat Club side and many of those kids move on to the Junior High team.

Motion: Councilor Clark moved that we approve the fee waiver for the Oakridge Mat Club and the Oakridge Junior High School Wrestling team. Councilor Coey seconded the motion.

Councilor Coey said he would like to take this a little bit further; he and Dan talked a while back about this as an outreach to the community, St. Vinnie's was going to step up with scholarship money to help pay the fees for some of the kids who can't afford it. He would like to see the City do a matching grant to help pay some of these fees.

Louis said this is something that needs to go to the Administration Committee.

Councilor Fortune asked if the Mat Club is an official organization.

Dan Nibblett said yes they are, they are affiliated through USA Wrestling and they have six certified coaches.

Councilor Fortune asked if they provide them with liability insurance.

Dan Nibblett stated that they do and they provide individual health insurance for any club related activities for each child.

Councilor Fortune asked if they have agreed to add us as additional insured on their policies.

Louis said he doesn't have that but, if it is a condition he can add that.

Councilor Clark made a friendly amendment to add the insurance.

Dan Nibblett said they have went through an outreach program to bump up their attendance and they have been successful, they moved 14 kids on to Junior High this last year. What they are not looking to do is take kids away from other sports, they want to go in to areas where kids are doing nothing or no good and have something for them to put their energy into and teach them concepts like integrity, honor, courage and sportsmanship.

Amended Motion: Councilor Clark moved that we approve the fee waiver for the Oakridge Mat Club and the Oakridge Junior High School Wrestling Team and they include the City of Oakridge on the Mat Clubs Insurance and the School District Insurance. Councilor Fortune seconded the amendment.

L. Biggerstaff (Aye), R. Clark (Aye), J. Coey (Aye), G. Fortune (Aye), Mayor Shorey (Aye). Motion carried 5-0

Original Motion: Councilor Clark moved that we approve the fee waiver for the Oakridge Mat Club and the Oakridge Junior High School Wrestling team. Councilor Coey seconded the motion.

J. Coey (Aye), G. Fortune (Nay), R. Clark (Aye), Mayor Shorey (Aye), L. Biggerstaff (Aye). Motion carried 4-1

6.5 Discussion of Fiber Consortium Grant Process for Orchid Health and other entities

Louis said Orchid Health is asking the City to request a grant so that fiber can be taken to the North side of the Highway. To get fiber to that side of the Highway would cost about \$17,500 that is if you go directly to Orchid Health. What it would cost to do a point of present so that any of the businesses in that area can hook up to it would be roughly \$20,000. Louis is proposing that we request the money but, if a business would like us to request a bid on their behalf that there be some kind of a grant match from them, something nominal like 10%, not something that will kill them, just something to where they are participating in the process.

Motion: Councilor Coey moved that we allow the City Administrator to request \$40,000 in Fiber Consortium Grant funds with a 10% grant match from the recipient. Councilor Fortune seconded the motion.

Councilor Clark asked since we are the ones asking for the grant will we have a match?

Louis said no we won't.

Mayor Shorey asked what conflicts from ODOT we expect going above the highway.

Louis said he does not think they are going to go above the Highway.

Councilor Biggerstaff said if you want to protect your fiber it's not a good idea to have it over head. Most of the stuff that is over head right now, when it goes out and gets replaced will go underground. Putting it over head is a bad idea.

Louis has been talking to Milo Mecham from LCOG, he is the primary person that works with the fiber and he told him it would be underground.

Councilor Biggerstaff asked if the \$40,000 will cover what we need to do. We are asking for a 10% match, if the \$40,000 covers the cost we shouldn't need to ask for a 10% match.

Councilor Coey said the 10% covers administrative costs and the cost to bring it to the Council asking, them to pay 10% is not being unreasonable.

Councilor Biggerstaff said he knows the City needs money to run but, it just seems like more and more we are looking at how we can make money.

Councilor Coey said we need to cover our costs.

Mayor Shorey (Aye), J. Coey (Aye), R. Clark (Aye), L. Biggerstaff (Aye), G. Fortune (Aye). Motion carried 5-0

6.6 Fill Library Board Vacancies

Louis said we have three vacant seats open but, we only received two applications. It is a Council Committee and it is up to the Council to fill these seats. We have Linda Knight and Susan LaDuke as applicants for the Library Board. The City Attorney said it is ok for staff members to be on city committees.

Motion: Councilor Clark moved to appoint Linda Knight to the vacant Library Board position. Councilor Biggerstaff seconded the motion.

L. Biggerstaff (Aye), R. Clark (Aye), J. Coey (Aye), G. Fortune (Aye), Mayor Shorey (Aye). Motion carried 5-0.

Motion: Councilor Coey moved to appoint Susan LaDuke to fill the vacant Library Board position. Councilor Fortune seconded the motion.

Councilor Clark said she knows Louis and Susan checked with the City Attorney on this but, to her knowledge in the history of the City of Oakridge we have never had an employee on any of our advisory committees. Isn't Susan the person in charge at the library?

Louis said she is the staff person.

Councilor Clark said that is a conflict of interest, she is also the Finance Director and the one who writes the checks.

Louis said he would disagree with that, you as a council approves the budget.

Councilor Clark said that is her opinion and she is entitled to her opinion, those are her reasons and she wants them out there.

Mayor Shorey said he personally is uncomfortable with a staff person being on a board. The Attorney said it was ok with a committee, not on a board. Mayor Shorey said he is uncomfortable with a staff person being on a board or committee. This is not necessarily a conflict of interest but, more taking on other peoples work.

Councilor Biggerstaff asked Susie what her additional duties would be if she were on this board.

Susan said she would attend the meetings every other month. This is something that she believes in and wants a way to give back to the community.

Councilor Biggerstaff asked Louis if there is a difference in her being on a board or a committee.

Louis said on one of the committees that we do have a voting staff member is the TRT; the Mayor has a valid question to ask the City Attorney if there is a difference on serving on a board or a committee. As far as serving on committees the City Attorney felt there was no conflict. Even as an employee you are serving as a volunteer.

Motion: Councilor Coey withdrew his original motion and moved to postpone this to the next meeting and give Louis a chance to talk to the City Attorney about boards and committees. Councilor Fortune seconded the motion.

R. Clark (Nay), Mayor Shorey (Aye), G. Fortune (Aye), J. Coey (Aye), L. Biggerstaff (Aye). Motion carried 4-1.

7.0 COMMUNITY SERVICES

7.1 Zoning Language for Medical Marijuana Dispensaries

Louis said one of the points when house bill 3460, which established the Medical Marijuana Dispensaries coming out, was that you could not put medical marijuana dispensaries in residential areas. That wasn't specifically clarified but, that was the intent. That is one of the fixes that the League of Oregon Cities would like to see the legislature take care of. Another area that the League has a concern with is established licensing and safety regulations for the manufacturer of marijuana or marijuana tinctures utilizing flammable or explosive materials. What they are talking about is hash oils and other added extracts from these materials. They want employees to pass the same background check as the owners do.

One of the reasons we wanted the moratorium is so that we could have some discussion on where we would want these types of places and the hours of operation. Then we need to decide on the hours of operation for these businesses. What is the thought of the Council?

Councilor Coey said they should coincide with the hours of the liquor store and even the location would be good since it is mostly Hwy Commercial.

Chief Martin said he came from Washington and Washington is a complete mess because no body was forward thinking and did stuff like this. Some of these businesses don't even want to have stores, they just want to have a factory per say, so what hours would be set for them if they were in the OIP 24 hours a day where they can load and unload and do all their testing and stuff that they have to do would not be the same compared to a place that will be open for retail sales.

Mayor Shorey said what isn't in there is parks, what is in there is a 1,000 ft from a school, what needs to be in there is any place that children congregate.

Councilor Biggerstaff asked if the city regulates the hours of the liquor store?

Louis said no but, the State does, the State gave the city the right to regulate the hours of the Medical Marijuana Dispensaries.

Louis said the Mayor hit a good point, any place that children congregate.

Councilor Coey said if we are going to do that it shouldn't be specific to a park, children congregate here.

Louis said he could put that in the draft, any where that children congregate, we can say that we want them in the Industrial zone.

**** OLD BUSINESS**

None

8.0 POLICE SERVICES

Chief Martin said they had some testing on Monday and should be hiring someone soon and sending them to the academy.

Loren Olsen said he appreciates the new officers, they are very respectful, and it's a nice change.

9.0 EMERGENCY SERVICES

Chief Alcalde said they got the door repaired down at the Fire Station.

He went to a grant presentation; we can apply for three grants. Hazeldell would like to apply for a grant to buy a tender.

Chief Alcalde said he went to a presentation about if the dam fails. There is a one in 10,000 chance that that will happen.

10.0 REPORTS FROM BOARDS AND COMMITTEES

Parks, Trails and Trees Committee will meet Monday at 6:30, they will be discussing the new parks rental application revision.

Community Services Committee will meet on October 2nd at 5:30.

ADJOURNMENT: The Council adjourned at 8:21 p.m. for Executive Session

Five minute recess

Executive Session 8:27 P.M.

Executive Session per ORS 192.660 (2) (e) to conduct deliberations with persons designated by the governing body to negotiate real estate transactions, ORS 192.660 (2) (d) to conduct deliberations with governing body on Labor Negotiations, ORS 192.660 (2) (e) to conduct deliberations with person designated by the governing body to negotiate real property transactions. ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Adjourned Executive Session 9:05 P.M.

Resume open meeting 9:05 P.M.

6.7 Action on Real Estate Offer

Motion: Councilor Coey moved to reject the purchase offer made by Mr. Eisman for 76452 Sanford Street. Seconded by Councilor Fortune.

R. Clark (Aye), Mayor Shorey (Aye), J. Coey (Aye), G. Fortune (Aye), L. Biggerstaff (Aye). Motion carried 5-0

Meeting adjourned at 9:06 P.M.

Respectfully submitted before the City Council October 2, 2014

Signed: _____
Jerry Shorey, Mayor

Signed: _____
Susan LaDuke, City Recorder