



October 2, 2014  
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  
Les Biggerstaff  
Christine Slaven

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

Floyd Staley Oakridge - Beautification; next to the hardware store there is a vacant lot, there was a toilet out there at one time. He is concerned about the beautification of Oakridge. There are a few burned out homes in town also that he would like addressed.

Mayor Shorey said we can address that during Mayor and Council comments.

Sandy Price Oakridge - Next chamber meeting is on October 20 at 6:00 pm at Greenwaters Park. They are having pizza and it is \$5.00 and they have a drawing, half goes to the Chamber and the other half goes to a lucky recipient. It is that time of year for new board members to run, they have three already who want to run, if you know of anyone get a hold of Sandy.

## 3.0 MAYOR AND COUNCIL COMMENTS

Councilor Coey said the Southern Willamette Forest Collaborative which Sarah Altemus is heading up, sent out an email today saying that on Tuesday October 7 from 6-8 pm at the High School Auditorium, there will be a meeting by the Forest Service on the roads, they are evaluating all of the forest roads and determining which roads to shut down within the Willamette National Forest. This is one of three meetings. You will have a chance to ask the Forest Service questions.

Councilor Biggerstaff asked Chief Martin what is going on with the burned houses.

Chief Martin said he will check on them, he knows at least one of them they have been working on with code enforcement.

Mayor Shorey saw Oliver, one of the partners of the Orchid Health Clinic today and he asked him how it was going. Oliver said they are making great progress and they are up to 400 patients at this time.

Councilor Biggerstaff asked Louis what is going on with the lot next to the hardware store.

Louis said legal issues and one of the reasons we haven't done anything about the pile is because it is \$500-\$600 to do an assessment for asbestos. The current owner, the son, has been contacted but, he has no money and he has been trying to sell the property.

Mayor Shorey asked when the City Council retreat is going to be held.

Louis said it is going to be held on October 18, 2014.

Tammy and Luke Hubbard presented a plaque to the City. It is for the Be the Match program, for bone marrow donors, they had a bone marrow swab at the Tree Planting Festival this year and 19 people showed up to be swabbed. Eugene held an event and had 38 people show up so for the size of our town that was a good turn out. They wanted to thank the citizens for their support.

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

Pull 6.5

Executive session 192.660 (2) (e) to conduct deliberations with persons designated to negotiate real estate.

#### **5.0 CONSENT AGENDA**

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

C. Slaven (Aye), R. Clark (Aye), L. Biggerstaff (Aye), G. Fortune (Aye), J. Coey (Aye), Mayor Shorey (Aye).  
Motion carried 6-0

#### **6.0 ADMINISTRATIVE SERVICES**

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

Louis is still working on a meeting for the empty lot on Hwy 58; he will meet with the owners next week. Our goal is to use the property for a visitor's center.

Economic Development - Still talking to different people and contacts.

Amtrak - He got some additional contacts to talk to as far as the initial design piece.

Teller Road project – Got some preliminary plans that he will present to the Council at the retreat.

LTD- They want to be at one of our November meetings to discuss the Diamond Express.

Louis sent the Council a Link and they probably saw in the paper about the Lane County Registration fee, County representatives hope to be up here at the first meeting of November or December to discuss with Council and the public.

Gene Hilleman asked how they can legally do this?

Louis said back in 2009 the legislature did make it possible that they could enact that type of fee on DMV registrations. They can either enact with or without a vote. Everything he has heard is that they want to bring it to the public for a vote.

Councilor Clark asked Louis about contacting the DMV regarding drivers testing in Oakridge.

Louis said he has the letter drafted but, he has not sent it out yet.

## **6.2 Finance Report by City Recorder**

Susan gave the financial report, since it is the 2<sup>nd</sup> of the month she didn't have time to email all of this out so she printed them out.

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

L. Biggerstaff (Aye), Mayor Shorey (Aye), C. Slaven (Aye), G. Fortune (Aye), R. Clark (Aye), J. Coey (Aye).  
Motion carried 6-0

Susan said the auditors will be here on the 21<sup>st</sup>. An Audit meeting has been scheduled on the 23<sup>rd</sup> at 11:00 am.

## **6.3 Supplemental Budget Public Hearing**

Public Hearing –

Open 7:28 pm

Staff Report –

No changes, Louis read statement from the City.

Statements in Favor –

Loren Hogue, yes, increase the budget, he has been in the exact situation and he went to court and he got his money.

Statements in Opposition –

None

Statements in General –

James Affa said as a member of the budget committee he hopes we have taken steps to insure that this doesn't happen again. How did this happen? Is there anybody else that is going to be involved in this type of thing?

Louis said not that we know of and we are taking steps to ensure it doesn't happen again.

Susan said we took the City Attorneys recommendation several months ago to try to make sure this doesn't happen again.

Judy Rowland asked how long of a period was it that he didn't get paid?

Susan said it was over a two year period and it wasn't that we didn't pay him, he didn't tell us he had these hours accruing.

Ms. Rowland said that is what she was wondering, why he wasn't turning it in.

Susan said prior administration had made a verbal agreement which is against our policies with him that we didn't know about and it didn't come to our attention until he filed the suit and we weren't given the opportunity to address this prior to the tort being filed.

Mayor Shorey said a lot of this spins around the time that he volunteered to do things and as the City Administrator said, the wage and hours laws are very strict and they don't care whether you knew about it or not. What happened is we had a duty officer position that was on duty during the week when the Chief wasn't here to respond to calls. His situation was he worked Friday, Saturday, Sunday and Monday that was his shift as detention and recruitment officer. What was not recognized was that his normal hours were 8:00 am until 5:00 pm during the day but the duty officer job goes until 8:00 am the following morning; so he put in for those hours and some other hours.

Sarah Altemus said from what she has heard tonight it would be best for the City to settle the claim.

Mayor Shorey this has been scrutinized to make sure it doesn't happen again, volunteers now are becoming affected. The Chief has implemented a different process all together concerning volunteers. It's sad but, volunteerism is going down the toilet, all over the country, for whatever reason people just don't volunteer and the back bone of our Fire and Police Departments are volunteers.

Closed public hearing – 7:35 p.m.

Council Discussion and Action

No discussion; they have discussed this enough and they are not happy about this.

#### **6.4 Resolution 09-2014 Transfer of FY 14-15 Budget Appropriations for Wage and Hour Litigation Settlement Approval**

Louis said they had \$65,796 in the Fire Department Reserves, we are now having to take that out of reserves and put it into the current year budget, the original budget for the year was \$987,700 with the addition of the \$65,796 that takes the fire department budget up to \$1,053,496. The additional amount that is going to be needed to total \$97,614 which is what the settlement amount is, it's going to have to come out of the fire department budget.

Councilor Coey wants the issue read so we know the fiscal impact, he wants this out there.

Louis read Agenda bill 6.4.

**Motion:** Councilor Coey moved that we approve Resolution 9-2014 FY 14-15 Supplemental Budget, making appropriations and authorize the Mayor to finalize the payment of the settlement agreement with Mr. James McKee. Councilor Biggerstaff seconded the motion.

Councilor Slaven asked if some of the facts of the settlement will be shared with the public.

Louis said we have shared what we are going to share but, after seven days it is public information so the public can request to see this.

Councilor Coey said we have been beating this horse to death since March; we have had many executive sessions. No one is happy about this but, do we spend \$100,000 or \$300,000, and we don't need to lay people off. We had to make this choice and we don't like it but, it's something they had to do.

Councilor Biggerstaff said the shame of it is this is going to affect how we look at volunteerism from now on.

Councilor Fortune said at the end of the motion it should have read Mr. James McKee, not Mr. McKee.

Councilor Coey made a friendly amendment to change Mr. McKee to Mr. James McKee.

Gene Hilleman asked if they tried to negotiate with Mr. McKee at all and he wouldn't negotiate?

Councilor Biggerstaff said this is the product of the negotiations, it could have been worse.

Mayor Shorey said this all came about when Mr. McKee was asked to change shifts and he took offense to that. The Chief and City Administrator did offer proposals and before that could happen he filed a tort claim.

Mayor Shorey (Aye), C. Slaven (Aye), J. Coey (Aye), L. Biggerstaff (Aye), R. Clark (Aye), G. Fortune (Aye).  
Motion carried 6-0

#### **6.5 Pulled from Agenda**

#### **6.6 Fill Library Board Vacancy**

Mayor Shorey said at the last meeting he felt that he kind of beat up on Susan a bit because he was running amok on a board position being held by a staff member. He wants to publicly apologize for the way he addressed her and the situation. After researching this he found that there are several people on committees. This is not a unique or new thing; it is just a different thing.

**Motion:** Councilor Coey moved that we appoint Susan LaDuke to serve in the vacant library board position. Councilor Fortune seconded the motion.

Councilor Clark said she had a talk with Susan and let her know that her feelings were not personal; it is just how she feels.

Councilor Biggerstaff asked Susan if she read the letter from Sue Bond.

Susan said she did and she asked her to give her an example of how it could be an actual conflict and she couldn't give her one. The issue is that there are seven people on the board, Susan would be one of seven people, Shari is the staff person who does the minutes and collects the votes and Shari would bring recommendations to Louis, not Susan. We have an open door policy with the City Administrator. There is no conflict because there is nothing that the board does that she would have any control over nor does she wish to take on that type of position. She was going to pull her application after Sue posted a nasty remark on Facebook but, Susan was asked not to by Tina and a couple of the board members so she is leaving it up to the Council.

Mayor Shorey said a couple of the concerns he had were that she is a department head and she also is the finance director and has control of the money. In researching that she doesn't have control of the money, the City Council controls the money.

Rusty Ackland said she has seen this in other community organizations, when somebody via Facebook publicly insults another person, she would like to see that they are removed from their position on the board.

Councilor Slaven said she is the liaison between the library board and the City Council and she has a file that she will be addressing with the board and she has spoken with the Mayor and City Administrator on how they will handle these sorts of issues.

Mayor Shorey (Aye), J. Coey (Aye), R. Clark (Aye), L. Biggerstaff (Aye), G. Fortune (Aye), C. Slaven (Aye).  
Motion carried 6-0

## **6.7 Review and Adoption of an Ordinance establishing a tax on the sale of marijuana and marijuana infused products in the City of Oakridge**

This is Measure 91, the recreational sale of marijuana, Louis said what the Councils and Cities across the State are doing is trying to pass their own local tax prior to Election Day. The attorneys aren't sure if you have to pass it before Election Day or the effective date on December 3, 2014.

Councilor Coey said he and the Mayor attended a meeting at the League of Oregon Cities and there was a representative from the League of Washington Cities and a Councilor from Kirkland Washington explaining the headache and the cluster that they have going on up there right now since they legalized it a year ago. They didn't have any regulations; medical marijuana has been available up there for many

years without any regulation or tax. The recreational marijuana was passed and the state put a 75% excise tax on it; the cities get nothing, the state keeps it all. They have a lot of cities in an uproar, Kirkland is a city of 84,000 and they are having major zoning issues trying to figure out where to put dispensaries and they have this major battle now between medical and recreational use. We need to have this in place before December 3, 2014. This is where we need to be ahead of the curve, Colorado is a pretty good example and they seem to be making pretty good money.

Mayor Shorey said what our proposal tonight is that we are trying to get ahead of the game; we want to be sure that the state cannot exercise the preemption rule which they have done in other areas; we have had medical marijuana since 1997. This doesn't get into the medical marijuana laws, it primarily addresses the tax. There is a difference in dispensaries and a place that produces marijuana infused products. If the council wishes to pass this tonight we can read the ordinance in full and if that passes we can come back and read it by title only.

**Motion:** Councilor Fortune moved that we read Ordinance 906 an Ordinance establishing a tax on the sale of marijuana and marijuana infused products in the City of Oakridge in full. Councilor Coey seconded the motion.

Councilor Biggerstaff said this is a crock, we were talking earlier about the county wanting to impose a fee on the roads and this is nothing different, it is just something that we don't like, we are no different from the county.

Councilor Slaven said this is different, we are taxing a recreational item; we are not taxing people's food, shelter, vehicles; we are taxing something you can do for fun.

J. Coey (Aye), G. Fortune (Aye), R. Clark (Aye), Mayor Shorey (Aye), C. Slaven (Aye), L. Biggerstaff (Nay).  
Motion carried 5-1

Susan and Louis read ordinance 906 in full.

**Motion:** Councilor Slaven moved that we read Ordinance 906 an Ordinance establishing a tax on the sale of marijuana and marijuana infused products in the City of Oakridge by title only. Councilor Coey seconded the motion.

Councilor Clark asked about section 6 F; it says the city administrator is going to establish an accounting format.

Louis said he will be using our finance director and CPA to format an accounting system for this.

Councilor Clark asked about section 10; refunds, it says that they will have 20 calendar days, is 20 days going to be enough?

Susan said the 20 days should be pretty easy; it is not as complicated as payroll taxes. We can change it to 30 calendar days if we want.

L. Biggerstaff (Aye), R. Clark (Aye), C. Slaven (Aye), J. Coey (Aye), G. Fortune (Aye), Mayor Shorey (Aye).  
Motion carried 6-0

Councilor Clark read ordinance 906 by title only.

**Motion:** Councilor Fortune moved that we adopt Ordinance 906 an Ordinance establishing a tax on the sale of marijuana and marijuana infused products in the City of Oakridge. Councilor Coey seconded the motion.

G. Fortune (Aye), R. Clark (Aye), Mayor Shorey (Aye), J. Coey (Aye), L. Biggerstaff (Nay), C. Slaven (Aye).  
Motion failed 5-1

Councilor Biggerstaff asked if he could change his vote.

Mayor Shorey said the only way he can do that is to make another motion.

**Motion:** Councilor Slaven moved for reconsideration and that we adopt Ordinance 906 an Ordinance establishing a tax on the sale of marijuana and marijuana infused products in the City of Oakridge. Councilor Clark seconded the motion.

C. Slaven (Aye), R. Clark (Aye), Mayor Shorey (Aye), G. Fortune (Aye), J. Coey (Aye), L. Biggerstaff (Aye).  
Motion carried 6-0

## **7.0 COMMUNITY SERVICES**

None

## **8.0 POLICE SERVICES**

Chief Martin reported that they had 66 cites and warnings for traffic. They had 163 calls for service with 48 that resulted in case reports.

The new hire is still in process; he passed the doctors physical this week, he still needs to take the mental portion and then will be sent to the academy.

They had one major call this week; a pedestrian was hit by an Amtrak train near N. Diamond Street. He was hurt pretty bad but, is still alive. Doesn't look like it was a suicide attempt, he was carrying his bike across the tracks, we don't know why or how he continued to cross the tracks with the train coming.

## **9.0 EMERGENCY SERVICES**

Chief Alcalde reported that they have had 475 calls so far this year; they had 10 individuals respond to the train accident. They had five volunteers and five paid staff show up. The patient was transported by Life Flight and everything moved quickly and smoothly. Life Flight is now stationed in Cottage Grove, things won't change much for us probably but, those agencies like in Junction City or to the West may get a different helicopter and so those with paid fire med subscriptions may not be covered.

Chief is looking into ways to help the short falls in fire department; they received a grant four years ago for \$597,000, we haven't spent a lot of that grant so he is going to look hard at how we can spend that money, we still have \$318,000 left so they are making some adjustments to that grant and hopefully make up for some of the losses in the fire department.



## 10.0 REPORTS FROM BOARDS AND COMMITTEES

Community Services Committee – Met tonight at 5:30, they are working on the park facilities permit review, it went to the PT and T Board last month and they made some recommendations that they have taken under advisement. They should have something for the first meeting in November.

Administration Committee – They met but, everything they talked about has already been discussed tonight.

Library Board – Next meeting is October 13, 2014

LCOG – Had a board meeting, just a lot of reports from the executive director.

Rural Tourism Alliance – Met yesterday, established that the first Wednesday of each month at 6:00 pm at the Uptown Meeting Room will be their meeting times. They are continuing to pursue grant funding for the We Speak Program. They are also looking for grants to help fund the Signage and Way Finding program.

**ADJOURNMENT:** The Council adjourned at 8:49 p.m. for Executive Session

Five minute recess

Executive Session 9:00 P.M.

**Executive Session, 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. Executive session 192.660 (2) (e) to conduct deliberations with persons designated to negotiate real estate.**

Adjourned Executive Session 9:08 P.M.

Resume open meeting 9:08 P.M.

Meeting adjourned at 9:10 P.M.

Respectfully submitted before the City Council October 16, 2014

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

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