



December 18, 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  
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

Sandra Edds PO Box 520, Oakridge Or 97463 – She was in Salem this weekend meeting with track owners for racing. She wanted to show the council the toy carriers and money involved. The big money is in the Go Carts. The Go Cart racers want to race in Oakridge, she is learning as she goes, she apologizes. In order for Go Cart racers to get into the nationals they have to go to every race track, it is mandatory. There will be more races out there than originally thought. They have over 2200 yards of dirt on the track. She went ahead and got insurance on the property, she was just cancelled by her insurance because she doesn't have a lease, this is now December, she talked to Louis, he said there was a problem with DEQ that is not her problem, it is the Industrial Parks problem. That Culvert is going to leak some oil. As a business owner the first thing she did was had that property surveyed. She doesn't know what is stopping the contract or if they think she is playing a game but, she is at the point now that they have paid for this, they have \$54,000 worth of clay on the track, labor wise they have \$39,000. She is serious about this and she is getting angry, she wants that contract, she wants the lease. They agreed on this in April and she deserves the lease.

Patrick Frare, Oakridge Fire Dept. – Patrick is a new paramedic at the fire department. Chief Alcalde introduced him to the Council and citizens.

Robin Keever McFarland Road, Oakridge Or 97463 - She is interested in some land that is behind her nursery. She tried to buy it when she purchased the land that she has now, Gordon Zimmerman told her

it was not for sale because it was going to be the hub for the Industrial Park. Robin found out through Sandy that it is for sale. She got a hold of Louis and he said somebody else is already interested in it and he has been dealing with them since May. She told Louis that she had already talked to Zimmerman and he said he would put it on file that she was interested in the land. She assumed it was already in the file. He cannot tell her who it was and she said he told her he would let her know by Friday. She said you have really been dealing with them since May and she put it an offer a couple of years ago and you are have been doing this since May, it should be an open and shut case, either they want to buy it or they don't. She called Louis on Friday and he said the people have not got back to him and that it is a bigger company and it takes time. She came right out and asked him if her money is just as good as theirs. He said he is working on economic development on all levels. Robin said she is part of economic development and this whole time she has been wanting to get that back piece of land. She said she felt like Louis belittled her, she felt like what she has to offer is nothing close to what is coming in. She thinks local businesses get put on the back burner and new businesses get the priority. She has been here for over 30 years, this is her home. She doesn't feel like that anymore. She doesn't feel like she is getting the respect that small businesses should get, there is too much going into big businesses that might come here. She is providing a service to the community.

### **3.0 MAYOR AND COUNCIL COMMENTS**

Councilor Biggerstaff asked Louis what is really going on, when this whole thing started with the sidewalk and all this stuff he went to Robin before we even started anything and she told him when he started running for council that she put in an offer to buy that land and Gordon wouldn't sell it to her. It's a pile of rock that nobody is ever going to want. Sell her the damn land, we will all vote for it, the Planning Commission will vote for it just sell her the damn land and if Sandy needs a lease give her a damn lease, at some point or another s\*\*\* or get off the pot.

Louis said in regards to the lease he was ready to sign it but, as he was going through it he saw some things that popped out that looked like red flags and he even showed it to the Mayor, he had some questions on some of the items on there. Louis shot an email to Sandy to let her know he sent it to the city attorney for final review.

Councilor Biggerstaff said this is nine months later.

Louis said it is with the city attorney, some things popped up, he had questions about some items and like he said, he spoke with the Mayor and he even spoke with Mayor Elect Coey about this.

Councilor Biggerstaff said at some point you need to quit trying to dot all the I's and cross all the T's and get on with it.

Councilor Coey said we have to cross all the T's and dot all the I's, we don't have any choice. As far as the lease goes, our attorney has looked at it and her attorney has looked at it and its back to our attorney again, unfortunately this stuff takes time. Regarding the piece of property he didn't think it was this piece of property, he thought it was something else.

Louis said we are going to discuss land during executive session and he will give the status on that at that time. Mr. Zimmerman has been gone for three years and as far as anything official coming to this administration over the last three years, nothing has come to him about this piece of land until now. Yes it does take time to discuss these items with bigger companies sometimes and yes a community members

money is just as good as theirs, I having nothing against the nursery, he uses the nursery and so does his wife. This is over three years ago when this initial offer was discussed, he looked all over his office and he doesn't have a copy and he didn't know anything about this until recently.

Councilor Coey said for many years we weren't allowed to sell the property, it's not until recently that we were actually able to sell it and all that money goes back to the Feds to pay off the debt that we have with them. This is something we can discuss in executive session.

Robin Keever asked if it is up to the citizens to back pedal when they file proper papers with the city and there is a change in administration. She didn't know the land was for sale until Sandy told her so she dug her copies out.

Councilor Coey said compared to where we are now and where we were three years ago and what we have gone through, the change in administration, the lack of city staff and the financial disaster that we avoided, these people have done an amazing job just to get us where we are today. When you have a transition in administration there are going to be bumps and things that get missed. Like I said, with a shorthanded staff that we have had coming to where we are today is pretty frickin amazing. He apologizes that she was bumped over or passed over, it was not intentional on anyone's part, and I guarantee that.

Councilor Clark said we now know that she made this offer over three years ago, she has copies, why wouldn't her offer take precedence since she made the offer first.

Louis said that would be up to the council and once we get out of executive session that is something they can discuss. He needs to update the council on where he is at on that parcel and you could take action on this and say yes we will take it or you can say we are going to leave it on hold for now but, he needs to talk to you in executive session first.

Councilor Coey said on a lighter note he'd like to thank Mayor Shorey for his diligence over the last few years, especially over this transition we have went through. For the last two years with the new councilors it has been comforting to know that he has been here and helped guide them through this and he wants to thank him for his service and for his service with the fire department.

Mayor Shorey said he was here during that whole ugly episode with the land when Robin bought the first two parcels, the offer for the third parcel never got to the council. He talked to Robin last week about this and he said he'd try to find something out for her and it is like trying to wade your way through taffy up there at city hall. Susan tried to get things sorted out for two years. An offer that is not acted upon is not an offer, however, if you put in an offer in writing you should get a rejection in writing.

Mayor Shorey said offer is dated December 19, 2014. Is this a new offer?

Robin said it is a new offer but, she put her paperwork from the old offer with it.

Mayor Shorey said the way he reads this is this is an offer to purchase real estate and it is dated the 19<sup>th</sup> which is tomorrow.

Susan asked if her offer to purchase real estate is a copy of the old one?

Robin said no, she didn't have the old one, she gave that one to Zimmerman and he said the land was not for sale. She asked him if she could be the first person to buy it. He said you can't buy something that is not for sale. She said she did that for all three and she gave him a single offer.

Susan said she found a lot of paper work concerning the sale when she purchased the other two properties, a lot of emails and stuff that Gordon had kept, and she didn't find anything about that other property.

Robin said that is because it went through a realtor, those two parcels were in Ralph Lucky's name. The property was going on the auction block. Mr. Hadley told her that is was the city's land and she said no it belonged to Ralph Lucky. She went to Zimmerman and talked to him about those two parcels and he was angrier than a little wet hen, he was angry. She asked if this was the city's land. That is when they started talking and he said the third parcel was not for sale, the third part was the hub for the industrial park.

Councilor Biggerstaff said when all this came up about the sidewalk and the concern was we would be cutting off the front of her building, he went and talked to Robin and told her this is what is going on and we are going to have to take some of this property out front. She talked to him then about this piece of property. He told her then he knew she wanted to buy that and now would be a perfect time to go to Louis and tell him you want to buy this land, we want something from you and you want something from us, this is a good way to go about doing this. That was on a Friday, he took off work and then after he talked to Robin he went to the office and talked to Louis and showed him on his map and told Louis she wanted to buy this land and asked if there a problem with that and Louis said no I don't think so. He let it go at that and never went any further. He apologizes for that, he should have got a hold of Robin and told her to talk to Louis.

Robin said she apologizes, she didn't know she had to check in when a new administrator comes in, she thought this would still be on file.

Mayor Shorey said apparently there isn't any paperwork on this and the way he views this right now is she submitted a new offer dated for tomorrow, there is the offer and there is the date, December 19<sup>th</sup>, is that correct.

Sandy Edds said she actually did that, she was working from the copies from 2012.

Mayor Shorey said if you make an offer now and it is the only offer on the table then that throws something different in the mix but, at the same time if there is another party that is interested in it too then they should be given the opportunity to make an offer as well. If they don't make an offer then hers should be considered first.

Robin asked if it makes a difference if the land is traded or if it is sold?

Mayor Shorey said we aren't trading the lot, it is not in the mix, if you are thinking about card lock that is not the one they are talking about.

Robin asked if they have been talking to Louis since May how long does a person have to wait? She feels if it was a local person, and she doesn't mean to be disrespectful, but she feels local people get second compared to other people coming in. She doesn't think it's right. If the offer she has that is dated for tomorrow, if it's better to not even have that and go by the previous one then she will do that.

Mayor Shorey said we can't go by he said she said, we have to go by documented stuff and if we don't have documented stuff then you really need to get it.

Robin said she would have to look, she found her notes today.

Mayor Shorey said she didn't get a response, which she should have, a verbal rejection made by a city administrator is meaningless. The city administrator doesn't control the sale of real estate that is in the charter as something that the council does. If you are going to make another offer make one in writing, it should be a business like deal, if she gets a rejection get it in writing. He was here when she bought the other two lots and they did come to the council, the third one never did.

Louis said all real estate negotiations start with him, he packages them up and gets it to the council, he is their representative for all real estate negotiations.

Councilor Coey said he'd like to thank Councilor Clark for her service as well.

Councilor Clark said it has been an honor to serve as a City Councilor for the last 13+ years, she loves this community and truly cares about it. Councilor Clark had some advice for the future councilors.

Mayor Shorey wanted to thank the citizens and the council for their support, we went through some pretty rough times a couple years ago and things looked pretty bleak. With the support of the community and council we were able to plow our way out. He has been in public service for almost 50 years in one form or another and he does that because he enjoys the people he works with. He thanked the council for all the hours they put in and they have continued to be friends. He also thanked the City Administrator, he knows what he came in to. He also thanked the city staff, they don't get a lot of thanks.

Councilor Coey said this is one of the best councils they have had in years, he hears horror stories from other cities, it is a nightmare, and this goes back to our leadership.

Councilor Coey asked if go carts need special approval?

Sandy said it is the same as far as insurance goes.

Councilor Coey asked if it is the same as far as zoning goes.

Sandy said there are lots of kids that do that go cart races. It is wonderful, there are kids everywhere.

Louis said he thinks it is a great idea but, it would be a good idea to check under the land use ORS 227 and double check on racing. Lawn mowers and go carts are different.

Louis said this is an additional use to the lease, he can add this to the lease but, he needs consensus from the council.

The Council agreed to go ahead and add it.

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

Executive session ORS 192.690 (d)

## **5.0 CONSENT AGENDA**

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

R. Clark (Aye), L. Biggerstaff (Aye), J. Coey (Aye), Mayor Shorey (Aye). Motion carried 4-0

**Motion:** Councilor Clark moved to approve the December 4, 2014 minutes. Councilor Coey seconded the motion.

L. Biggerstaff (Aye), R. Clark (Aye), J. Coey (Aye), Mayor Shorey (Aye). Motion carried 4-0

## **6.0 ADMINISTRATIVE SERVICES**

### **6.1 City Administrators Report**

No report

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

Susan gave the Financial Report to the Council.

Susan presented Gary Carl with his Certificate of Election.

**Motion:** Councilor Clark moved to approve the Financial Report as presented. Councilor Coey seconded the motion.

Mayor Shorey (Aye), J. Coey (Aye), R. Clark (Aye), L. Biggerstaff (Aye). Motion carried 4-0

### **6.3 Fill Planning Commission Vacancies**

**Motion:** Councilor Coey moved that we appoint James Affa to serve in the vacant Planning Commission position. Councilor Clark seconded the motion.

Councilor Clark said it was agreed a long time ago that people applying for vacancies needed to be present at the meeting when they are appointing the positions.

L. Biggerstaff (Aye), Mayor Shorey (Aye), R. Clark (Aye), J. Coey (Aye). Motion carried 4-0

### **6.4 Text changes for Ordinance 874 Medical marijuana/Recreational marijuana (Discussion)**

Louis said as you all know there has been talk back and forth in regards to medical marijuana and recreational marijuana that we will be dealing with in the very near future.

What the legislature said in regards to medical marijuana they gave specific guidance on what the council could or could not do as far as regulations. They could regulate location, time of day, that it not be within

1000 ft of schools and they could add to that, day cares, that kind of thing. The City Attorney has already done the review for this.

What has to happen in regards to recreational sales of marijuana, because we are wanting to restrict the sale of marijuana in residential areas, is that we are going to have to notice out the city and advise them of that. We are considering that with a conditional use permit that it be allowed in light industrial, heavy industrial and possibly in commercial districts. With a conditional use permit they have to come in front of the Planning Commission and ask to place either recreational sales or medical marijuana sales, unless it is within 1000 ft of a school that is the caveat that would not allow that to occur. This is new language for the new councilors that are going to be on board next year, councilors going out, he would still like your feedback. If there is anything in this that we need to change let Louis know, this is the first run.

Judy Rowland asked if she is to understand that medical marijuana cannot be grown near a day care or school.

Councilor Coey said it cannot be dispensed, they can grow.

Mayor Shorey said the definitions on page 23 are pretty clear, it defines marijuana processor, marijuana producer, marijuana retailer, marijuana wholesaler and medical marijuana facility.

#### **6.5 Text changes for R-1 and PRO for Recreation Parks and Campgrounds (Discussion)**

Louis said what he did was restart the rezone under the city, it is our property so we are going to rezone it. We do not have any language in our zoning ordinance that had to do with campgrounds, RV Parks or Recreation Parks in our Parks and Open Space. The Department of Land Conservation has said that if you want to put an RV park in a flood plain you can because it is mobile.

We have a gentleman who wants to put in an RV Park in a flood plain in lieu of a planned unit development because of all of the issues that have come up with flood insurance.

There is also a request to increase the side yard setbacks from 5' to 7' wide and insure they are unimpeded in any way. We had an issue come up where a house was built with a 5' set back and then there was a heat pump and tank put in there that impedes people from going through there, fire fighters couldn't get through there if they needed to.

Councilor Biggerstaff said he said never heard of anyone getting away with putting a heat pump on the side of their house in the 5' area. Why don't we keep it 5' and tell them not to impede that area. Part of problem in this country is we are trying to get our houses farther and farther apart and we are taking up too much land on city property. We need to have a smarter use of our land.

Mayor Shorey said we had a citizen come in and complain about his neighbor who put in a heat pump in the 5' setback, the house was 5' from the property line but, his roof almost ran right into the guy's house. There should be something about that in there.

#### **7.0 COMMUNITY SERVICES**

None

## **8.0 POLICE SERVICES**

### **8.1 Surplus of Police Equipment**

Chief Martin said it is customary when a police officer retires that they are able to purchase their duty firearm. We are requesting that we trade the firearm in to the Glock dealer and purchase a new one and Officer Ball can go in and purchase his back.

**Motion:** Councilor Biggerstaff moved that the glock 23 pistol be surplus and then traded to Keith's Guns for a new glock. Then Officer Ball can purchase it from them. Councilor Clark seconded the motion. Mayor Shorey (Aye), J. Coey (Aye), L. Biggerstaff (Aye), R. Clark (Aye). Motion carried 4-0

## **9.0 EMERGENCY SERVICES**

Chief Alcalde said about a month ago he talked about a press release with Senator Merkley and Senator Wyden talking about crude oil transportation, how that affects us is that a large part of the railway comes through Oakridge. On top of that he went to a meeting in Portland on Ethanol which is even more common, with Ethanol you have to have a different kind of foam than you have to have with crude oil.

Councilor Clark asked if we have any kind of foam right now.

Chief said we have very little right now.

Judy Rowland asked if the trains carry any foam.

Chief said they have talked about loading one of the rail cars with foam but, then what if that is one that is in the accident or if it is up front. This is something they are working on.

Another thing Chief is working on is a MCI Plan, a multi casualty Incident Plan, he has talked to a few people and they don't have a plan like that, Portland has a good plan.

Mayor Shorey said we need to concentrate heavily on our evacuation plans, most of these incidents will require that anyway.

Chief Martin announced that we have one of the burned houses taken down now on Laurel Street. There are issues with the bank on the other house on Laurel St.

## **10.0 REPORTS FROM BOARDS AND COMMITTEES**

Councilor Coey and Louis had a meeting this morning with Commissioner Stewart and Alex, their Governmental Affairs guy, the County has expressed interest in adopting at least part of our Amtrak Station. They go in February to lobby for projects in Lane County. Alex was going to contact the State about getting some funding for the conceptual drawing, that is the first step for the process.

**Five minute recess then Executive session 8:45 P.M.**

**9:50 Executive Session ORS 192.690 (2) to conduct deliberations with person designated by the governing body to negotiate real property transactions and ORS 192.690 (d) Labor negotiations.**



**Executive Session adjourned at 9:30 P.M.**

**ADJOURNMENT: Meeting adjourned 9:31 P.M.**

Respectfully submitted before the City Council January 8, 2015

Signed: \_\_\_\_\_  
James Coey, Mayor

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