

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION MARCH 2, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS

PRESENT:

Mayor Linda McCollum

Councilors Rich Patten, Frank Barth, Diane Essig and Debby Turner, (Councilor Leslee Collier was sworn in during the meeting) (Councilor DeeDee Murphey was absent)

City Manager, Jonathan Wright

City Attorney, Steve Miller

OTHERS PRESENT:

Vera Koch, Deanna Schafer, John Stokes, Chief Duane Wisehart, Christopher Damitio, Joann Patten, Elizabeth Nelson, Dahlia Grossman, Gene Friel, Pat Friel, Dave Nelson, Ed O'Carroll, Debra Yates, Lee Bridge, Debbie McKinney, Randy Osburn, Sally Osburn

CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. CITIZEN COMMENTS

This time is reserved for citizens to comment on items that are not on the Agenda. Maximum of five minutes per item, please.

Mr. Christopher Damitio came to the Council to ask if they would consider granting a free city-wide garage sale weekend October 3rd and 4th. He was informed that the City exempts garage sale permits for Memorial Day Weekend at the end of May. Some restrictions do apply to Commercial ventures. He wasn't aware of that and thought that he might be able to make that work. He was directed to talk to the City Manager about his options.

2. PRESENTATIONS, PROCLAMATIONS, AWARDS

- a. Oath of Office for Council Member.

Ms. Leslee Collier was sworn into the City Council with the Oath of Office by City Attorney Steve Miller.

- ~~b. Parametrix, consultant for the Levee Loop Trail project, presentation the project.~~

This item was moved to Work Session.

3. APPROVAL OF THE AGENDA

It was noted that the agenda was amended to remove a presentation from Paramentrix.

Councilor Diane Essig motioned to approve the Agenda as amended.

Councilor Frank Barth seconded the motion.

MOTION:

that the City Council approve the Agenda as amended.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Collier and Turner voted in favor of the motion.)

Mayor Linda McCollum declared the motion passed unanimously.

4. PUBLIC HEARINGS

5. CONSENT AGENDA

Routine items of business that require a vote but are not expected to require discussion by the Council are placed on the Consent Calendar and voted upon as one item. In the event that a Councilor or citizen requests that an item be discussed, it will be removed from the Consent Calendar and placed under General Business.

A. Approve minutes of the work session of February 2, 2015.

B. Approve minutes of the regular session of February 2, 2015.

C. Motion to approve the Consent Calendar.

Councilor Leslee Collier motioned to approve the Agenda.

Councilor Rich Patten seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Collier and Turner voted in favor of the motion.)

Mayor Linda McCollum declared the motion passed unanimously.

6. GENERAL BUSINESS

- A. Shall the City Council adopt a Resolution referring Ordinance 2014-1136 as a question to the electors, establishing a tax on the sale of Marijuana and Marijuana-infused products and assign 2015-004 as the title?

City Manager Jonathan Wright said that Measure 91, an initiative to legalize recreational Marijuana, was passed by Oregon voters on November 4, 2014. The Measure contains language that has been interpreted to read that, after the effective date of the measure, no City of the State shall impose a tax or fee on the sale of Marijuana. This includes both recreational and medical sales unless this language is later modified by the Legislature. Because the language of Measure 91 does not specifically repeal a local Marijuana tax in effect at the time of the measure's passage, it was argued that this language would not pre-empt this taxation Ordinance if it is adopted by the Council.

Noting that there was nothing in current Oregon law that prohibits a local government from taxing Marijuana, Council adopted Ordinance 2014-1036 on October 6, 2014 that effectively places a tax on sale of Marijuana and Marijuana-infused products in the City of Reedsport. However, do to the City of Reedsport Charter of 2006, as amended in 2010, the tax can only go into effect after ratification by the voters where at least 50 percent of the registered voters cast a ballot.

The City cannot present to Council on what the financial impact is as there is no way of reliably determining what the potential number of customers for either medical marijuana or recreational marijuana might be.

Councilor Leslee Collier abstained from voting due to a conflict of interest.

Councilor Frank Barth motioned to adopt a Resolution referring Ordinance 2014-1136 as a question to the electors, establishing a tax on the sale of Marijuana and Marijuana-infused products and assign 2015-004 as the title.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council adopt a Resolution referring Ordinance 2014-1136 as a question to the electors, establishing a tax on the sale of Marijuana and Marijuana-infused products and assign 2015-004 as the title.

VOTE:

AYES 5 NAYES 0 ABSTAIN 1

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, and Turner voted in favor of the motion.)(Councilor Collier abstained from voting.)

Mayor Linda McCollum declared the motion passed unanimously.

B. Shall the City Council appoint persons to fill the vacant Budget Committee and Planning Commission Positions?

On December 31st of each year, various positions on the Reedsport citizen participation boards, commissions and committees expire. Occasionally there are positions that remain vacant. The following Commissions and Committees have openings that need to be appointed by the City Council:

Planning Commission

Position #2- partial term with an expiration date of December 31, 2016.

Applicant- Bud Gilmore

Budget Committee

Position #7- partial term with an expiration date of December 31, 2016.

Applicant-Christopher (Vago) Damitio

Councilor Diane Essig motioned to make an appointment fill the vacant position on the City of Reedsport Budget Committee and the Planning Commission, both expiring on December 31, 2016.

Councilor Frank Barth seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Collier and Turner voted in favor of the motion.)

Mayor Linda McCollum declared the motion passed unanimously.

- C. Shall the City Council adopt a Resolution of support for the State's application for CDBG HUD funds for Reedsport Levee improvements and assign 2015-005 as the title?

City Manager Jonathan Wright said that the State of Oregon, through the Office of Business Development Department, is submitting an application for the U.S. Department of Housing and Urban Development's National Disaster Resilience Competition (NDRC). This two part competition provides funding for eligible communities and counties that have experienced Presidential-declared disasters from 2011-2013, with the goal of recovery and resiliency for the future. The competition will award \$1 billion, with \$181 million earmarked to counties recovering from Hurricane Sandy. The minimum award is \$500,000 and the maximum is \$500 million. The Phase One Application was due March 16, 2015 originally but the deadline has been extended to March 23, 2015. If invited, the State of Oregon will submit a Phase Two Application which will include proposals for specific projects to be funded using HUD NDR funding. The amount of assistance requested will be determined in the Phase 2 submission, however, the current estimate for Oregon is in the range of \$10-20 million.

Public comments are due March 13, 2015 and a public hearing will be held on March 16th. The City will join the hearing via telephone conference at 10:00am in the City Hall conference room. More information can be found on the City website.

The States target communities are the coastal towns of Reedsport and Brookings (including the Port of Brookings and community of Harbor). The goal is to build resiliency by improving infrastructure along the coast in ways to substantially diminish or eliminate possible risk caused by future tidal surges, hurricane-like Pacific storms, and flooding. These improvements will be designed to protect life, housing, commercial buildings, and other assets, as well as the services provided by the towns to its citizens and businesses.

There is no fiscal impact to the City to support the states application on behalf of the City.

Councilor Diane Essig motioned to adopt a Resolution of support for the State's application for CDBG HUD funds for Reedsport Levee improvements and assign 2015-005 as the title.

Councilor Frank Barth seconded the motion.

MOTION:

that the City Council adopt a Resolution of support for the State's application for CDBG HUD funds for Reedsport Levee improvements and assign 2015-005 as the title.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Collier and Turner voted in favor of the motion.)

Mayor Linda McCollum declared the motion passed unanimously.

- D. Shall the City Council adopt Resolution 2015-006 revising Section 42 of the City of Reedsport Personnel Rules and Regulations for Employee Health Insurance Plan?

Finance Director Vera Koch said that the health insurance program for exempt and confidential employees has been carried by City County Insurance Services (CIS) as part of the Employee Benefits Services (EBS) Trust since August 1, 1976.

At the June 13, 2011 Council meeting, Resolution 2011-011 was approved which in part, allowed \$50 cash to be paid monthly to exempt employees who wished to opt out of the EBS Trust insurance plan.

Staff is proposing that the Personnel Rules and Regulations Section 42 be revised again to remove the specific amount of cash to be paid in lieu of benefits and adopt in its place "cash in lieu of benefits for the maximum amount that is allowed by City County Insurance Services."

This will allow the City to comply with City County Insurance Services policy without revisiting the issue each time CIS changes the maximum allowed. At least 75% of exempt employees must carry the EBS Trust plan through CIS in order to qualify for the insurance plans.

Councilor Debby Turner motioned to adopt a Resolution revising Section 42 of the City of Reedsport Personnel Rules and Regulations and assign Resolution number 2015-006 as the title.

Councilor Frank Barth seconded the motion.

MOTION:

that the City Council adopt a Resolution revising Section 42 of the City of Reedsport Personnel Rules and Regulations and assign Resolution number 2015-006 as the title.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Barth, Essig, Patten, Collier and Turner voted in favor of the motion.)

Mayor Linda McCollum declared the motion passed unanimously.

7. MISCELLANEOUS ITEMS

City Manager Jonathan Wright announced that the yearly Pub Crawl event will be held on March 14, 2015 from 5:00pm – 7:00pm. He said that the proceeds from the event will benefit the City's Main Street Program.

He presented a summary of HB 2436. This is legislation that would allow the State of Oregon through its Infrastructure Finance Authority to loan or grant money for levee projects that contribute to improvement, expansion or repair of infrastructure systems.

EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL DECEMBER 1, 2014
CITY HALL CONFERENCE ROOM

PRESENT: Mayor Linda McCollum, Councilors Frank Barth, Diane Essig, Leslee Collier, Rich Patten and Debby Turner

City Manager Jonathan Wright

OTHERS PRESENT: Deanna Schafer, Chief Duane Wisehart

EXECUTIVE SESSION

- A. Pursuant to 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.

ADJOURN

Linda McCollum, Mayor

ATTEST:

Deanna Schafer, City Recorder