

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION JULY 6, 2015
7:00 P.M. CITY HALL COUNCIL CHAMBERS

PRESENT: Mayor Linda McCollum
Councilors Rich Patten, Frank Barth, Diane Essig, Leslee Collier, DeeDee Murphy and Debby Turner
City Manager, Jonathan Wright
City Attorney, Steve Miller

OTHERS PRESENT: Vera Koch, Deanna Schafer, John Stokes, Chief Duane Wisehart, Allen Teitzel, Kathi Wall-Meyer, Steve Godin, Don Laskey, Gary Waggoner, Karin Waggoner, Ron Schafer, Christy Schafer, Nancy Lee, Donna Train, Robert Barlett, Kathleen Bartlett, Ray Maniche, Phyllis Waggoner, Mike Waggoner, Kim Cross, Kirk Collier, Don Laskey Sr., Don Laskey Jr., Patty Laskey, Hazel, Brewster, Matt Rumwalt, Alaynee Dupont, Jon Rausch, Geneva Conger, Dennis Conger, Elizabeth Nelson, Charlene Lohf, Kit Frederickson, Norm Johnson, Gail Adamson, Merv Cloe, Joane Patten, John Stuller, Riley Johnson, Dan Graber, Karen Plagmann

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. 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.

There were none.

3. PRESENTATIONS, PROCLAMATIONS, AWARDS

- A. Mayor McCollum gave the Oath of Office to new officer Jon Rausch.
- B. Charlene Lohf was recognized as the employee of the month for the Police Department.

4. APPROVAL OF THE AGENDA

Councilor Frank Barth motioned to approve the Agenda.

Councilor DeeDee Murphey seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously.

5. PUBLIC HEARINGS

6. 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 June 1, 2015.
- B. Approve minutes of the regular session of June 1, 2015.
- C. Shall the City Council ratify the approval of a liquor license application from Myriam Rodriguez for a new restaurant at the Forest Hills Country Club, Myriam's Bar & Grill?

Per Reedsport Municipal Code 7.28 Liquor Licensing, the City Recorder shall cause any new liquor license applications to be placed in front of the City Council for recommendation to the Oregon Liquor Control Commission (OLCC). The City has no authority to approve or deny applications.

The City has received an application for a liquor license from Ms. Myriam Rodriguez at 1 Country Club Rd. which is located at Forrest Hills Country Club. Because the goal of opening a restaurant at this location was by July 1, 2015 the Council was polled and a recommendation to forward the application to the OLCC was made.

Staff is asking that Council formally ratify the decision to forward the application with a recommendation to OLCC.

There is no fiscal impact of issuing a license to sell alcohol at this location beyond the normal application and renewal fees.

- *1. Ratify the recommendation of granting a liquor license to Myriam Rodriguez at 1 Country Club Drive, Reedsport.

D. Motion to approve the Consent Calendar.

Councilor Leslie Collier motioned to approve the Consent Agenda.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council approve the Consent Agenda.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously.

7. GENERAL BUSINESS

- A. Shall the City Council authorize the City Manager to draft a purchase agreement with McKenzie River Trust for the acquisition of City property?

City Manager Jonathan Wright provided the following information: The McKenzie River Trust is a nonprofit land trust formed in 1989 to protect critical habitat and scenic lands to include the watersheds of the Long Tom, Upper Willamette, Coast and Middle Forks of the Willamette, Umpqua, Siuslaw, and coastal streams and lakes from Reedsport to Yachats. The McKenzie River Trust acquires land through donation, purchase and conservation easements to provide the greatest assurance that sensitive lands are protected in perpetuity. The Trust currently owns and protects over 1,900 acres in western Oregon. These lands are protected and managed by the Trust for clean water, fish and wildlife habitat, and productive natural landscapes.

The Trust is requesting to purchase approximately 90 acres of City owned wetlands and 35 acres of upland buffer area, in conjunction with a land to be purchased from the County and a neighboring timber holding. The City has no current plans for the 125 acre City portion that it purchased from the County on August 1, 1947.

The 90 acre wetland portion is zoned Estuarine Natural. This designation is intended to preserve and protect areas containing significant natural resources in the estuary. Uses

provided by this designation include, “hunting and fishing, passive restoration measures and research and educational observation without permanent structures.” The remaining 35 acres is designated primarily Urban Conservation which is intended to preserve and protect shoreland areas containing major freshwater marshes while allowing for limited development subject to demonstration of compatibility with the objectives and implementation standards of the coastal resources element of the City’s Comprehensive Plan. The shoreland areas proposed for purchase are primarily undevelopable due to steep terrain and extremely limited access; however, Staff does not rule out the potential for limited development in this area.

On May 15, 2015, five members of the City Council visited three sites under the ownership of the Trust to gather additional information about their management and ownership practices on these lands.

McKenzie River Trust is now asking the City Council whether or not they wish to proceed with the drafting of a purchase agreement allowing for the terms of sale to be negotiated and an appraisal completed. The Council will be asked to approve the actual sale of the land at a later date.

There is no fiscal impact to the City.

Mayor Linda McCollum said that several citizens signed up to speak on this issue, she said that in the essence of time it would be helpful if a person felt that another citizen had covered the issue to just say that they agreed with that person. She said that there would be a maximum of 5 minutes each speaker.

Kathi Wall-Meyer, 1026 Fir Ave., Reedsport, spoke against the proposed sale. She said that she is not in favor of losing local control of public land.

Allen Teitzel, 1026 Fir Ave., Reedsport, spoke against the proposed sale. He said that he agrees with Kathi that the citizens don’t want to give up local control. He said that people move here for the beauty of the area. He said that only 19% of property in Oregon is considered pristine and this piece of property is the most pristine in Douglas County.

Steve Godin, 2354 Lutsinger Creek Rd, Scottsburg, spoke in favor of taking one step forward. He said that this decision does not propose to sell the land it is to understand what is being proposed. He mentioned that a plan for a levee loop trail is in the works with kayak/canoeing access to Scholfield Creek built into the project. He said that this is a big sell for Reedsport. He envisions the project to being similar to the South Slough estuary in Coos County.

Don Laskey, Laskey Rd., Reedsport, spoke against the proposed sale. His concern is the lack of privacy from increased traffic in front of his home. He said that the property doesn’t need fixed and is beautiful the way it is.

Gary Waggoner, 1105 Decker Point Rd., Reedsport, spoke against the proposed sale. He said that these type of private groups breach dikes and turn them into wetlands. He said that he owns 5/8 of a mile of diked property directly across the Creek from the proposed sale property.

Nancy Lee, 563 N. 13th, Reedsport, said that it is great that the Trust has received the money to improve wetlands. She said that there are areas that are in dire straits, she suggested that they look for areas that really need restored.

Donna Train, 193 Thorton Oar Lane, Reedsport, said that she is adjacent land owner to the proposed project. She said that she contacted Douglas County Commissioner Susan Morgan and was told that the Trust had contacted surrounding land owners. She said that she has never received any notification of the proposed land action. She said that City Council needs to realize that once this property is turned over to the Trust the City can never get it back. She said that the land is already protected and they won't be able to do anything more to protect it.

Merv Cloe, 2463 Greenbriar, Reedsport, presented to the Council and read a letter against the proposed sale of the property.

Kirk Collier, 100 River Bend Rd, Reedsport, spoke in favor of the sale of the property. He said that the City is in dire need of money to use as match for the levee certification project.

Dennis Conger, Reedsport, said that he felt there could be contamination issues from the landfill site. He said that the City needs to recognize the liability of cleanup of contamination because as the prior owner it would fall back on the City.

Two additional speakers that were not signed up asked to speak.

Patty Laskey, Chinook Lane, Reedsport, said that she is against the proposed sale. She said that if the City needs money we should tax the sale of Marijuana. She said that the common theme of citizens seems to be that the property is in pristine condition, why change what nature has taken care of.

Mayor Linda McCollum asked if a representative from McKenzie River Trust would like to speak. They declined.

Mark Manicke, Scholfield Rd., Reedsport said that the Trust should take their grant money and use it where it is needed.

Councilor Frank Barth said that he is against the sale of the land.

Councilor Murphey said she is not opposed to looking at the next step.

Councilor Turner said that the next step is not an obligation.

Councilor Essig said that she agrees with Frank but thinks that people oppose things because they don't like change.

Councilor Collier said that she understands that there are a lot of passionate people here but her job as a Councilor is to look at both sides. She said that there is a lot of misinformation going around.

Councilor Patten said that he would like to propose that the Trust give a public tour of properties they own or manage.

Mayor Linda McCollum said that she visited sites owned or managed by the Trust. She said that she was very impressed. She said that she does not feel that they have a hidden agenda and that conservancy groups have gotten a bad reputation. She stated that the State of Oregon owns the water.

Councilor Frank Barth said that he would like the matter to be put to a vote of the people.

Councilor Leslie Collier motioned to authorize the City Manager to draft a purchase agreement with McKenzie River Trust for the acquisition of City property.

Councilor Debbie Turner seconded the motion.

MOTION:

that the City Council authorize the City Manager to draft a purchase agreement with McKenzie River Trust for the acquisition of City property.

VOTE:

AYES 4 NAYES 3

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

Mayor Linda McCollum declared the motion passed.

B. Shall the City Council review ordinance 2014-1138 adopted to extend the suspension of utilities system development charges (SDCs)?

City Manager Jonathan Wright said that on December 1, 2015, the City Council adopted Ordinance No. 2011-1111 suspending SDCs for one year (i.e., January-December).

The City Council has since extended the suspension consecutively each year; however, during the last two reauthorization the Council directed staff to add a six month evaluation provision. This provision allows the City Council the option to terminate the suspension, thereby reinstating SDC's, or allow the suspension to continue until the end of the year where an additional extension can be considered.

To continue with the suspension until the end of the calendar year, no action is required by the Council.

The 2015-2016 fiscal budget anticipated no new SDCs due to the suspension. Therefore, if Council extends the suspension, no loss of anticipated revenue from SDCs would occur.

Consensus was to nothing thereby allowing the suspension to continue.

- C. Shall the City Council adopt Resolution 2015-015 revising Section 42 of the City of Reedsport Personnel Rules and Regulations for Employee Health Insurance Plan defining Domestic Partner coverage?

Finance Director Vera Koch said that in the past, City County Insurance Services (CIS) allowed participating entities to make the choice of whether to provide and pay for insurance benefits to a same sex domestic partner of an employee under the domestic partnership rules. In 2011, the City Council passed Resolution 2011-11 which allowed City employees to enroll for health insurance benefits with a qualifying domestic partner. This included opposite sex domestic partners as well as the legally mandated provision for same sex domestic partners.

However, the City has been notified by CIS that beginning July 1, 2015, only the legally mandated domestic partners identified by ORS. 106.340(8) will be eligible for health insurance benefits. Opposite sex domestic partners will not be eligible for health insurance benefits through CIS benefit plans.

Staff is asking Council to amend the current personnel rules to reflect the policy change implemented July 1, 2015 by CIS.

There will be no immediate fiscal impact on the budget, however, it could have a future positive impact by limiting participation in the health benefit plans.

Councilor Diane Essig motioned to adopt a resolution amending personnel rules to exclude the health insurance benefits option for opposite sex domestic partnership and assign 2015-015 as the title.

Councilor Leslie Collier seconded the motion.

MOTION:

that the City Council adopt a resolution amending personnel rules to exclude the health insurance benefits option for opposite sex domestic partnership and assign 2015-015 as the title.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously

D. Shall the City Council adopt Resolution 2015-016 revising the Safety & Health Policy, section titled Alcohol and Drug Policy?

City Manager Jonathan Wright said that his amendment adds language to the Safety & Health Policy in response to the legalization of Marijuana in Oregon and strengthens policy language when it comes to possession, use and distribution of alcohol and all drugs. It should be noted that the legalization of Marijuana in Oregon has not been recognized by the federal government therefore employees with federal freight transport licenses (AKA CDL) are restricted from usage anyway.

There is no financial impact.

Councilor Frank Barth motioned to adopt Resolution No. 2015-016 thereby revising the City's Safety and Health Policy.

Councilor Debbie Turner seconded the motion.

MOTION:

that the City Council adopt Resolution No. 2015-016 thereby revising the City's Safety and Health Policy.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously

- E. Shall the City Council adopt an Ordinance amending the Reedsport Municipal Code, section 7.30 Marijuana Facilities?

City Manager Jonathan Wright said that on May 4, 2015, The City Council passed an ordinance establishing business licensing requirements for medical marijuana Operators and Agents. Since that time there have been a number of applications made for both types of permits. The City has begun to review these applications and has discovered that the provisions adopted last May are inadequate and that additional safeguards are necessary to properly protect the community. Therefore, staff is proposing that the following language be added when evaluating an applicant during the required background check process.

“A permit shall not be issued to anyone who has ever been convicted of a felony; or anyone who has any pending or unresolved criminal charges in any jurisdiction; or surrendered or have had a professional license revoked in lieu of prosecution; or anyone who has a pattern of criminal conduct that would lead a prudent person to question the ability of the applicant to abide by local or state regulations; or anyone who has been convicted of a misdemeanor within the last 5 years relating to fraud or moral turpitude or theft or any law or statute where the elements of such relate to the business activity to be conducted, unless the applicant demonstrates by clear and convincing evidence that the offence has no bearing on the applicant’s fitness to undertake the licensed activity without endangering property or public health, safety or welfare.”

This provision will allow the City additional criteria by which to screen applicants and permit renewals for these positions.

It was also brought to the City’s attention that a provision adopted is redundant since it is already required by the State; therefore, the following shall be removed.

- ~~A. The medical marijuana dispensary shall require each person who delivers, transfers or provides marijuana to the dispensary to sign a written waiver/release stating the person releases all claims to the marijuana and agrees that the dispensary will destroy any marijuana that tests positive for pesticides, mold or mildew. The dispensary will document who the marijuana was received from, how much was received and the date it was destroyed. The dispensary must provide for secure disposal of all marijuana that has tested positive for pesticides, mold, or mildew as well as, all remnants and by-products of all marijuana received, but shall not place such material within the dispensary’s exterior refuse containers.~~

There is no fiscal impact.

Councilor Leslie Collier abstained from voting.

Councilor DeeDee Murphey motioned to adopt an Ordinance, declaring an emergency, amending the Reedsport Municipal Code, section 7.30 Marijuana Facilities and assign 2015-1147 as the title.

Councilor Rich Patten seconded the motion.

MOTION:

that the City Council adopt an Ordinance, declaring an emergency, amending the Reedsport Municipal Code, section 7.30 Marijuana Facilities and assign 2015-1147 as the title.

VOTE:

AYES 6 NAYES 0 ABSTAIN 1

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

Mayor Linda McCollum declared the motion passed unanimously.

F. Shall the City Council reclassify Planning Assistant / Utility Billing Clerk into a new position titled "Utility Billing & Community Development Specialist"?

City Manager Jonathan Wright said that for several years now the individual in the position of Planning Assistant/ Utility Billing Clerk has been gaining experience and has been willing to take on more responsibility. Because of her capacity to take on large projects and balance day to day activities, she effectively performs what was once two separate positions. This new position represents the next step in her evolution towards a supervisor level position by providing administrative oversight of certain front counter activities and an embedded knowledge of upper level planning functions. This new position also recognizes the added complexity and responsibility of the tasks that she is already taken ownership of and is doing proficiently.

This new job description has been developed for the increased responsibilities and a new pay range of 12. This is one step up from the current pay range of Range 11. Per the collective bargaining contract for the IAM Local Lodge W-261, the position is required to be opened for a period of 3 days for interested City employees to bid on the position. Employees who apply for the position will be evaluated based on qualifications and experience. If no employees apply, the position shall be granted to the City's current Planning Assistant / Utility Billing Clerk for which the position has been created.

It should be understood that this job description is an example of how the City has adapted to overcome the financial shortcomings of the past few years and that the

position created is unique. Should this position be vacated, it is not likely that the City will be able to recruit someone into this position with the same unique skillset. Therefore, should this occur the position of Utility Billing Clerk/Receptionist/Planning Secretary will need to be re-established.

As stated above, Council approval of this recommendation would not add staff, but would allow for the advancement of an existing staff member in recognition of the complexity of her position. The wage differential in the top step of Range 11 to Range 12 is \$159.83 per month. This change was anticipated in the FY 15-16 Budget.

Councilor Diane Essig motioned to reclassify the Planning Assistant / Utility Billing Clerk into a new position of Utility Billing and Community Development Specialist.

Councilor Leslie Collier seconded the motion.

MOTION:

that the City Council reclassify the Planning Assistant / Utility Billing Clerk into a new position of Utility Billing and Community Development Specialist.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously.

G. Employee Educational Reimbursement Program.

City Manager Jonathan Wright said that due to financial losses suffered by the City over the past few years, the City has struggled to maintain staffing levels. Morale is a concern for management. Cost of living pay increases have been suspended until such time as revenues recover all the while staff personnel are being asked to do more.

Education is expensive and management has taken note that some staff members have taken it upon themselves to further their education at their own expense in order to advance their career. Management is in support of employee betterment which creates more proficient employees and a potential successor to future management positions; therefore, an employee educational reimbursement program has been draft for Council consideration.

\$5,000 has been set aside in this year's budget to fund this program. Future funding of this program is not guaranteed and will be evaluated each budget cycle.

Councilor Frank Barth motioned to authorize the City to establish an Educational Reimbursement Program.

Councilor DeeDee Murphy seconded the motion.

MOTION:

that the City Council authorize the City to establish an Educational Reimbursement Program.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously.

H. Shall the City Council approve the selection of engineering firms and authorize staff to proceed with requesting cost proposals for services needed by the City?

Public Works Director John Stokes said that in March 14, 2015, the contract for the previous City Engineer, Cascade Professional Group, Inc., expired and the firm expressed a desire to not renew. In early April, 2015, City staff issued a Request for Qualifications (RFQ) which publicly invited qualified individuals and firms, to perform miscellaneous consultation, design services, assessments and project services that are required by the City for multiple ongoing and upcoming capital improvement projects. As a result, 8 Statements of Qualifications (SOQ's) were received by City staff on Friday, May 15, 2015. After evaluation by Staff, a ranking panel was convened which was comprised of a combination of City Councilors and City staff to formally discuss and rank the SOQ's. As a result of this process, the firms of SHN Engineers, Dedekind Engineering and Dyer Partnership were ranked the highest. As all three firms have strengths in varying areas, it is the recommendation that rather than have one firm be responsible for all items, it would be in the City's best interests to diversify the ability to assign work.

If approved by the City Council, Staff will work with the firms to develop Request for Proposals (RFP) to determine the costs associated with the City's ongoing and upcoming needs. Those costs will need to be evaluated for funding and reviewed/approved through City Council prior to issuance of one or more task orders.

There is no fiscal impact. Selecting firms does not financially nor contractually obligate the City. Only the issuance of a task order will financially obligate the City. One or more task orders will not be issued until the Request for Proposal process has been completed, pricing agreed to and the City Council has been thoroughly briefed and is in agreement with the funding and implementation strategy.

Councilor Diane Essig motioned to authorize staff to proceed with the Request for Proposal process with SHN Engineers & Geologists and Dedekind Engineering.

Councilor Leslie Collier seconded the motion.

MOTION:

that the City Council authorize staff to proceed with the Request for Proposal process with SHN Engineers & Geologists and Dedekind Engineering.

VOTE:

AYES 7 NAYES 0

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

Mayor Linda McCollum declared the motion passed unanimously.

8. MISCELLANEOUS ITEMS

Councilor Diane Essig reminded everyone that Christmas in July is on Saturday and there is still time to volunteer. Meet at the Catholic Church at 7:30am.

Councilor DeeDee Murphy said that the library has new hours.

City Manager Jonathan Wright said that the City has been accepted to apply for Phase II of the HUD Disaster Resiliency Grant. He will be traveling to Denver, Co to attend a grant workshop at the Rockefeller Foundation.

He said that the Playground equipment for Lion's Park has arrived and the old equipment will be dismantled and the new equipment installed in the next couple of weeks.

9. ADJOURN

Linda McCollum, Mayor

ATTEST:

Deanna Schafer, City Recorder