

CITY OF ROGUE RIVER

City Council Minutes

THURSDAY, MAY 26, 2016

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

CALL TO ORDER The Regular Council meeting was called to order by Mayor Pam VanArsdale at 7:00 p.m.

INVOCATION Pastor Matt Steve Keaton with the Calvary Church delivered the Invocation

PLEDGE OF ALLEGIANCE Mayor Pam VanArsdale led the Council and audience in the Pledge of Allegiance

QUORUM **COUNCIL MEMBERS PRESENT:**

Mayor Pam VanArsdale
City Councilor Bill Jones
City Councilor Fred England
City Councilor Robert Catherwood
City Councilor Shelli Spencer
City Councilor Don Daugherty
City Councilor Mark Poling

ALSO PRESENT:

Mark Reagles, City Administrator
Carol Weir, City Recorder
John Krawczyk, City Engineer
Molley Bradley, City Planner/Public Works Assistant
Bonnie Honea, Finance Officer

LEGAL COUNSEL PRESENT:

City Attorney Steve Rich attended via Phone Conference

NEWS MEDIA PRESENT:

Alex Madison, Grants Pass Daily Courier

A quorum was present and due notice had been published.

APPROVAL OF MINUTES:

MOVED (SPENCER), SECONDED (ENGLAND) AND CARRIED TO APPROVE THE MINUTES OF FEBRUARY 25, 2016.

COMMITTEE REPORTS:

Community Relations: City Councilor Shelli Spencer reported that the Community Center was doing well, their dinners were being well attended, they were still working for their new food pantry, they need volunteers, they need a cook for the kitchen and they are ready for Rooster Crow Dinner. The Chamber of Commerce

was about finished with the new Rooster Crow trailer.

Finance Committee: City Councilor Bob Catherwood reported that had met twice during the month of April, 2016 and signed 92-checks totaling \$70,996.32.

Personnel Committee: City Councilor Mark Poling reported that they discussed the resignation of Police Chief Ken Lewis and discussed the perimeters of the public hearing being held later in the meeting.

Planning Commission Liaison: City Councilor Mark Poling reported that they were continuing with the land use code update with discussion of fence heights.

Police Commission: City Councilor Bill Jones reported that they had met with the Police Chief and discussed the recent issues with car break-ins' and how to educate the citizens to be preventive.

Rogue Valley Council or Governments: Mayor Pam VanArsdale reported that they adopted the 2016-2017 budget as proposed and had a presentation from Alan DeBoer regarding the Rogue Valley Heritage District.

Rogue Valley Area Transportation Commission: Mayor Pam VanArsdale reported that they had met and sent off their five recommendations to the Super Act that would be meeting on June 8, 2016.

NEW BUSINESS:

AGENDA ITEM 1 **Public Hearing:** Holding a public hearing to consider amending the Land Use Code to include regulation of Marijuana related businesses. Planning File No. OA 2016-01.

Mayor Pam VanArsdale declared the Public Hearing opened at 7:13 p.m. and read the official procedures for the public hearing being held before the City Council for a Zoning Ordinance Amendment. The applicable substantive criteria was contained in Article 17 of the Rogue River Zoning Ordinance No. 373 which established the process for amending the Zoning Ordinance text. Section 17.125.010 stated that a legislative amendment to the text may be initiated from either the Rogue River Planning Commission or City Council whenever the public necessity and convenience and general welfare requires such an amendment. The criteria was limited to the need to find that the proposed amendments were consistent with the public necessity, convenience, and general welfare and that the audience addressed their comments to the criteria or criteria they believed to apply to their decision. A copy of the Order of Procedure will be a permanent part of the Land Use File No. OA 2016.01.

Mayor Pam VanArsdale asked the audience for objections to jurisdiction and if it was

proper for the City Council to hold the public hearing: No comments were heard from the audience.

Mayor Pam VanArsdale asked the City Council if there was anyone who wished to declare ex-parte contact, site visit, or feel they may have had a conflict of interest, bias or other reason to be disqualified from participation in the hearing? No comments were heard from the City Councilors.

Mayor Pam VanArsdale asked audience if there was anyone who wished to challenge any of the City Councilor's qualifications to participate in the public hearing? No comments were heard from the audience.

City Planner/Public Works Assistant Molley Bradley reported that the proposed adoption of text amendments to the City municipal code to include provisions and regulations for marijuana-related businesses on conditional uses within the City limits. Regulations for marijuana-related businesses; growing facilities, wholesale business, processing facilities, laboratories, medical marijuana dispensaries, and retail marijuana sales. She concluded that the changes be made for the general welfare of the City.

Mayor Pam VanArsdale asked for any Public Testimony from the audience both. Those signed up or not? No comments were heard.

Mayor Pam VanArsdale announced that failure to raise an issue with sufficient specificity to afford the decision making body and the parties involved an opportunity to respond to the issue precluded an appeal based on that issue.

Mayor Pam VanArsdale declared the Public Hearing closed at 7:18 p.m. after hearing no comments from the City Councilor or the audience.

AGENDA ITEM 2 **Council Bill 16-2320; Ordinance No. 16-397-O:** An Ordinance amending the Rogue River Municipal Code, Chapters 17.30 and 17.50, Zoning regulations for the City of Rogue River, Oregon., and declaring an emergency.

MOVE (JONES), SECONDED (ENGLAND) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2320.

AGENDA ITEM 3 **Council Bill 6-2321; Resolution No. 16-1296-R:** A Resolution certifying the municipal services provided by the City of Rogue River, Oregon, for the 2016-2017 budget year.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2321.

AGENDA ITEM 4 **Council Bill 16-2322; Resolution No. 16-1297-R:** A Resolution authorizing funds

to be used in the financial management of the City of Rogue River, Oregon, for the 2016-2017 budget year.

MOVE (ENGLAND), SECONDED (DAUGHERTY) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2322.

AGENDA ITEM 5 **Council Bill 16-2323; Resolution No. 16-1298-R:** A Resolution extending Workers' Compensation coverage to volunteers of the City of Rogue River, Oregon, for the 2016-2017 budget year.

MOVE (CATHERWOOD), SECONDED (ENGLAND) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2323.

AGENDA ITEM 6 **Public Hearing:** Hold a public hearing to hear public comment regarding the City's election to receive State Revenue Sharing for the 2016-2017 budget year.

Mayor Pam VanArsdale declared the Public Hearing opened at 7:23 p.m. read the Public Notice into the record which is a permanent part of the record and asked the Audience for any comments on the City receiving State Revenue Sharing during the 2016-2017 budget year. No comments were heard from the audience.

Mayor Pam VanArsdale declared the Public Hearing closed at 7:24 p.m.

AGENDA ITEM 7 **Council Bill 16-2324; Resolution No. 16-1299-R:** A Resolution declaring the City's election to receive State Revenue Sharing for the City of Rogue River, Oregon, for the 2016-2017 budget year.

MOVE (SPENCER), SECONDED (JONES) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2324.

AGENDA ITEM 8 **Council Bill 16-2325; Resolution No.16-1300-R:** A Resolution adopting the budget, making appropriations, and levying taxes for the City of Rogue River, Oregon, for the 2016-2017 budget year.

MOVE (ENGLAND), SECONDED (SPENCER) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2325, APPROVE THE TAXES AT A RATE OF \$3.1492 PER \$1,000 OF ASSESSED VALUE FOR OPERATIONS AND IN THE AMOUNT OF \$95,000 FOR PAYMENT OF BONDS PRINCIPAL AND INTEREST AND THAT THESE TAXES ARE HEREBY IMPOSED AND CATEGORIZED FOR THE TAX YEAR 2016-2017 UPON THE ASSESSMENT VALUE OF ALL TAXABLE PROPERTY WITHIN THE CITY.

MOVED (CATHERWOOD), SECONDED (ENGLAND) AND CARRIED TO APPROVE THE 2016-2017 BUDGET AS PROPOSED.

AGENDA ITEM 9 **Council Bill 16-2326; Resolution No. 16-1301-R:** A Resolution approving a Jackson County Order to Initiate Formation of the Rogue Valley Heritage Special District and Consenting to the Inclusion of City Territory within the Boundary of the Districts for the City of Rogue River, Oregon.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO ADOPT COUNCIL BILL NO. 16-2326.

AGENDA ITEM 10 **Public Hearing:** Hold a public hearing to hear public testimony regarding a request for extension of water and sewer service to property located in the Urban Growth Boundary.

Mayor Pam VanArsdale declared the Public Hearing opened at 7:35 p.m. and read the Order of Procedure into the record accept public comment regarding a request for water and sewer services for property located outside the City limits and in the Urban Growth Boundary for property described as T36S, R4W, Section 10CB, Tax Lot 1200, located at 1715 East Evans Creek Road, Rogue River, Oregon. Applicants: Charles & Pamela Nester. The City Council could consider laws and Ordinances without having the established as evidence in the hearing record.

Mayor Pam VanArsdale called for abstentions. She asked the audience for objections to jurisdiction, If it was proper for the City Council to hold the hearing. No comments were heard from the audience.

Mayor Pam VanArsdale asked the City Councilor's who wished to declare ex-parte contact, site visit, or feel they may have a conflict of interest, bias, or other reason to be disqualified from participation in the hearing? No comments were heard from the City Councilor's.

Mayor Pam VanArsdale asked the audience who wished to challenge any of the City Councilor's qualifications to participate in the hearing? No comments were heard from the audience.

City Administrator Mark Reagles stated in his staff report that it was required by code to hold the Public Hearing and that the applicant met the criteria. He informed the City Council that he recommended that the property be provided with water and sewer services.

Mayor Pam VanArsdale asked the audience for public comment? No comments were heard from the audience.

Mayor Pam VanArsdale declared the Public Hearing closed at 7:37 p.m.

AGENDA ITEM 11 **Request:** To hook up to City water and sewer services for property located within the Urban Growth Boundary described as T36S, R4W, Section 10CB, Tax Lot 1200,

located at 1715 East Evans Creek Road. Applicant: Charles & Pamela Nester.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO APPROVE THE HOOK UP TO THE CITY WATER AND SEWER SERVICES FOR PROPERTY LOCATED WITHIN THE URBAN GROWTH BOUNDARY DESCRIBED AS T36S,R4W, SECTION 10CB, TAX LOT 1200, LOCATED AT 1715 EAST EVANS CREEK ROAD. APPLICANTS: CHARLES & PAMELA NESTER.

AGENDA ITEM 12 Consent to Annex: Authorize the Mayor to sign the Conditions of Contract of Annexation, Annexation Agreement and Memorandum of Annexation Agreement for property described as T36S, R4W, Section 10CB, Tax Lot 1200, located at 1715 East Evans Creek Road. Applicant: Charles & Pamela Nester.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND TO AUTHORIZE THE MAYOR TO SIGN THE CONDITIONS OF CONTRACT OF ANNEXATION, ANNEXATION AGREEMENT AND MEMORANDUM OF ANNEXATION AGREEMENT FOR PROPERTY DESCRIBED AS T36S, R4W, SECTION 10CB, TAX LOT 1200, LOCATED AT 1715 EAST EVANS CREEK ROAD. APPLICANT: CHARLES & PAMELA NESTER.

AGENDA ITEM 13 Grant: Authorize the Mayor to sign the Allocation Certification Agreement Maintenance Assistance Program (MAP) Grant for fiscal year 2016-2017.

MOVE (CATHERWOOD), SECONDED (JONES) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN THE ALLOCATION CERTIFICATION AGREEMENT MAINTENANCE ASSISTANCE PROGRAM (MAP) GRANT FOR FISCAL YEAR 2016-2017.

AGENDA ITEM 14 Liquor License: Authorize the Mayor to sign an Oregon Liquor Control Commission Change of Ownership application for the Rogue River Liquor & Smoke Store located at 502 East Main Street, Suite 4. Applicant: Lorrie Klipa-Ahrens.

MOVE (ENGLAND), SECONDED (CATHERWOOD) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN AN OREGON LIQUOR CONTROL COMMISSION CHANGE OF OWNERSHIP APPLICATION FOR THE ROGUE RIVER LIQUOR & SMOKE STORE LOCATED AT 502 EAST MAIN STREET, SUITE 4. APPLICANT: LORRIE KLIPA-AHRENS.

AGENDA ITEM 15 Liquor License: Authorize the Mayor to sign an Oregon Liquor Control Commission New Outlet application for the Homestead Pub and Whetstone Grill located at 117-119 East Main Street. Applicant: Rkya Investments, LLC and Michael Jewett,

MOVE (ENGLAND), SECONDED (CATHERWOOD) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN AN OREGON LIQUOR CONTROL

COMMISSION NEW OUTLET APPLICATION FOR THE HOMESTEAD PUB AND WHETSTONE GRILL LOCATED AT 117-119 EAST MAIN STREET. APPLICANT: RKYA INVESTMENTS, LLC AND MICHAEL JEWETT.

AGENDA ITEM 16 **Request:** To waive the City's Liquor License Application Fee for a fund raising event being held on June 24 and 25, 2016 at the Cattlemen's Saloon for medical treatment of a local boy, Klyde Gunn.

MOVE (SPENCER), SECONDED (DAUGHERTY) AND CARRIED TO WAIVE THE CITY'S LIQUOR LICENSE APPLICATION FEE FOR A FUND RAISING EVENT BEING HELD ON JUNE 24 AND 25, 2016 AT THE CATTLEMEN'S SALOON FOR MEDICAL TREATMENT OF A LOCAL BOY, KLYDE GUNN.

AGENDA ITEM 17 **Liquor License:** Authorize the Mayor to sign an Oregon Liquor Control Commission Temporary Use of an Annual License application for the Cattlemen's Saloon located at 108 Depot Street on June 24-25, 2016. Applicant: William Neiswanger.

MOVE (SPENCER), SECONDED (CATHERWOOD) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN AN OREGON LIQUOR CONTROL COMMISSION TEMPORARY USE OF AN ANNUAL LICENSE APPLICATION FOR THE CATTLEMEN'S SALOON LOCATED AT 108 DEPOT STREET ON JUNE 24-25, 2016. APPLICANT: WILLIAM NEISWANGER.

AGENDA ITEM 18 **Request:** To host a Hospitality Room at the League of Oregon Cities Conference being held on September 29 to October 1, 2016 at the Salem Convention Center.

MOVE (JONES), SECONDED (ENGLAND) AND CARRIED TO HOST A HOSPITALITY ROOM AT THE LEAGUE OF OREGON CITIES CONFERENCE BEING HELD ON SEPTEMBER 29 TO OCTOBER 1, 2016 AT THE SALEM CONVENTION CENTER FOR ONE NIGHT.

AGENDA ITEM 19 **Surplus Property:** Declare a 1997 Ford Ranger #019 as surplus property and direct staff on disposal.

MOVE (DAUGHERTY), SECONDED (JONES) AND CARRIED TO DECLARE A 1997 FORD RANGER #019 AS SURPLUS PROPERTY AND FIND AN AS IS BUYER.

AGENDA ITEM 20 **Executive Session:** Hold an Executive Session pursuant to ORS 192.660(2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation to be filed.

Mayor Pam VanArsdale read into the record that the City Council would meet in Executive Session for the purpose of meeting with certain persons for deliberations of certain matters. The Executive Session was held pursuant to ORS 192.660(2)(h)

to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. Any member of the news media must exclude any member of the news media if the member of the news media was a party to the litigation to be discussed or was an employee, agent or contractor of a news media organization that was a party of the litigation. Representatives of the news media were specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision could be made in executive session and at the end of the executive session they would return to open session and welcome the audience back into the room.

Mayor Pam VanArsdale announced at 7:54 p.m. that the City Council would be taking a 10-minute recess in order to contact the City Attorney via telephone.

Mayor Pam VanArsdale declared the Executive Session opened at 8:04 p.m.

An official tape of the Executive Session is sealed and has been placed in the City Administrator's Office.

Mayor Pam VanArsdale declared the Executive Session closed at 9:26 p.m.

Mayor Pam VanArsdale declared the Regular Council meeting reconvened at 9:27 p.m.

COUNCIL ITEMS:

Mayor Pam VanArsdale announced that Rogue Community College, Table Rock Campus had invited the City Council to the 10 Anniversary Celebration on Thursday, June 2, 2016 from 4:00 to 6:00 p.m. Avenue C Entrance in White City.

Mayor Pam VanArsdale showed the City Council a plaque the City received from Mike Ivan, coordinator of the Elk Mountain Highland Games in appreciation of the City's support of their event.

City Administrator Mark Reagles said he had a couple of items that did not make it on the agenda, a letter of resignation from City Planner/Public Works Assistant Molly Bradley effective June 8, 2016 and Chief Ken Lewis effective August 31, 2016.

City Administrator Mark Reagles said he had just received input back from Jackson County Emergency Management regarding their Cascadia Emergency training event and would be working with the local agencies to put the information together before their next event. He will keep them informed.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (CATHERWOOD), seconded (SPENCER) and carried, the meeting

adjourned at 9:30 p.m.

ATTEST:

Carol J. Weir, MMC
City Recorder