

THURSDAY, FEBRUARY 23, 2023

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 6:00 p.m.

INVOCATION City Attorney Michael Franell delivered the Invocation

PLEDGE OF ALLEGIANCE Mayor Wayne Stuart led the Council and audience in the Pledge of Allegiance

QUORUM **COUNCIL MEMBERS PRESENT:**

Mayor Pam VanArsdale
City Councilor Sharie Davis
City Councilor Rick Kempa
City Councilor Barb Hilty
City Councilor Sherrie Moss
City Councilor Barb Gregory

STAFF PRESENT:

Ryan Nolan, City Administrator
Jim Williams, Chief of Police
Stephanie Madtson, Deputy Recorder
Paige Chick, Finance Officer/Planning Assistant

LEGAL COUNSEL PRESENT:

Michael Franell, Attorney at Law

MEDIA PRESENT:

Brian Mortensen, Rogue River Press

A quorum was present and due notice had been published.

COMMITTEE REPORTS:

Community Relations; Rogue River Chamber of Commerce: City Councilor Rick Kempa reported that they were discussing their budget; they had just less than 1,500 Facebook followers and less than 1,000 Instagram followers. They were looking for a secretary and were asked to remind the City about the electrical issues with the Christmas lights at the Downtown Plaza.

Community Relations; Rogue River Community Center: City Councilor Barb Hilty reported that they were continuing to interview for a new Director, the monthly dinner would be on March 17, 2023 featuring Corn Beef and Cabbage.

Emergency Communication of Southern Oregon (ECISO): City Administrator Ryan Nolan reported that they would be returning to in person meetings soon and he would be discussing some upcoming projects with Chief Williams.

Finance Committee: Mayor Pam VanArsdale reported that the newly appointed committee members were not set up with the bank yet so she and City Administrator Nolan handled their duties and things would be good to go and have a report next month.

Middle Rogue Metropolitan Planning Organization (MRMPO): Mayor Pam VanArsdale reported that they held election of officers with Valerie Lovelace as the Chair and Mayor VanArsdale as Vice-Chair. They discussed the upcoming dues that were going up just slightly from \$360 to \$391 based on population. They were preparing for their Regional Transportation Plan update for 2024-2029 with their vision and goals with changes recommended to come up to the times as far as what electric vehicles and charging stations climate friendly requirements, diversified inclusion and equity type of wording that needed to be included. They were preparing to go out to bid for two projects on East Evan Creek Road in the area of Minthorne Road and Martins Corner with hope of completion by the end of 2023.

Personnel Committee: City Councilor Barb Hilty reported that they did not have a meeting in February but she knew that the City Administrator was working on job descriptions.

Planning Commission Liaison: Planning Commission Liaison Barb Gregory reported that she was not able to attend. City Administrator Ryan Nolan commented that the Planning Commission had completed their review of Rogue River's Municipal Code of 691 pages and the next step would be to review those changes and prepare their recommendation to the City Council.

Rogue Valley Area Commission on Transportation (RVACT): Mayor Pam VanArsdale reported that they did not have a meeting.

Rogue Valley Council of Governments: Mayor Pam VanArsdale reported that their round table discussion brought up that the City of Shady Cove had an active full City Council, a full Planning Commission and one short on their Budget Committee and looking forward to working for their community. The Rogue Valley Transportation District was discussing the replacement of buses and whether to go with electric or regular. A representative from Representative's Goodwin's office commented that they were working on a bill to stop the State from taxing any Wildfire settlement money because the money they receive is considered as income.

Mayor Pam VanArsdale asked Jackson County Commissioner Colleen Roberts if she would give the Wildfire presentation she gave at the same meeting.

Jackson County Commissioner Colleen Roberts reported that she had been in Washington, D.C. at the National Association of Counties, a legislative conference where they met with Federal Agencies. Jackson County had put together different Resolutions regarding all the fires since 2018 and the effects of living in the smoke that is caused from those fires. Keeping the fire and smoke out of the county had been a priority for board and in 2019 she brought a Resolution to the National Association of Counties public lands meeting that was unanimous passed that the Federal Agencies needed to coordinate fire policies with local government. That needs to renew ever year and last year she added that they support the active amendment to their 1995 Federal Wild Land Fire Policy that allows prescribing that at anytime for land management no parameters.

Council Advisory Committee: Chair Francis Gilbert reported that discussed they would be having a representative attend a meeting with a group that was working on the blackberries in Wards Creek. They had a representative attend the meeting at the Rogue River School District's regarding the Wellness Center who had concerns regarding traffic flow, changing the facility being built by Beck Field to next to the elementary school that had impacts to both the City and the school.

PUBLIC INPUT:

Dale Wyer who resided on East Evans Creek Road said he donated his time as a security officer at the Woodville Cemetery and worked closely with the Rogue River Police Department who had been extremely helpful but was aware that the City had lost officers to other cities and wanted to know why. From his research he found that Rogue River's salary was below from other cities our size. He felt that if was a continuing policy that the City would not be able to keep good officers. Officers needed to be able to afford to live where they work. He was aware that the City offered a cost of living increases but that still didn't bring them up to no where near the average.

Mr. Wyer also asked what the destiny of the Woodville Cemetery would be. He commented that Pat Rodstrom and Teresa Pearson had done an excellent job for the last eighteen-years but it was a cemetery that did not have a perennial fund to keep going on for eternity. He had donated camera equipment which had helped the police department clean up what he referred to the drug dealers. It was once again a place for people to go to mourn and visit with their loved ones and it needed to be safe to do so. He commented that it was a historical cemetery that had been there for hundreds of years.

Mayor Pam VanArsdale offered to meet with Mr. Wyer to further discuss his issues after she does some research.

Brian Dickerson with the Cal-Ore Racers said they were interested in bringing back the Rooster Crow Race and wanted to have their State Marine Permit signed.

Mayor Pam VanArsdale told Mr. Dickerson that the City Recorder Carol Weir had some paperwork that needed to be submitted but she was on vacation. She said that the City wanted them back for the Rooster Crow Weekend because it was always a good time and sorry that it hadn't been.

City Administrator Ryan Nolan said that it would take action of the City Council and that Ms. Weir would be back in the office on Monday.

Mr. Dickerson commented that they could move to Valley of the Rogue State Park if it was a problem with the City.

Mayor Pam VanArsdale said she saw no problem, it had always been held in the park and Ms. Weir is our person for Rooster Crow festivities.

NEW BUSINESS:

AGENDA ITEM 1 **Public Hearing:** Continuation of Revocation Hearing CUP 2021-03, regarding potential revocation of CUP 2016-03, a conditional use permit approving warehouse, production, and delivery of ice for failure to comply with conditions of approval. Subject property is 499 East Main Street, applicant HRP, LLC.

Mayor Pam VanArsdale reopened the public hearing at 6:29 p.m. by reading a prepared statement which would remain a permanent part of the record.

Mayor Pam VanArsdale asked if there was anyone in the audience who wished to object for the City to hold the public hearing and none were heard. She then asked the City Councilors who wished to declare an ex-parte contact, site visit, or felt they may have reason to be disqualified from participating in the hearing and none were heard. She then asked the audience if anyone had wished to challenge any of the City Councilors qualifications to participate and none were heard.

City Administrator Ryan Nolan provided the City Council with additional information stating that they were holding two public hearings relating to the same applicant and the applicant's attorney had submitted an email requesting an extension partially based on the weather not being able to appear in person and also that the code requires that the packet being available seven-days prior to the meeting but did not deliver until six-days prior to the hearing. The attorney also provided packets which were handed out to the City Council for their review. The email was labeled Exhibit "I" and the new information packet labeled Exhibit "H."

Mayor Pam VanArsdale asked Mr. Hurst, the applicant if it was his intention to continue the public hearing.

Mr. Hurst replied that his attorney was on the phone and asked that he answer that question.

Mayor Pam VanArsdale asked if Mr. Connors was on the phone.

Mr. Mike Connors with Hathaway Larson LLC were representing the owners and operators of the ice warehouse, Dale Hurst and HRP, LLC stated that he was asking for a continuance for a number of reasons but first and foremost was weather related. Portland had received a foot of snow and no flights were going out, the freeways were blocked in with icy roads and were not able to attend in person. He commented that he was not able to hearing everything, reception was very spotty and it was very important for his client and critical for him to be in person and more effective so asking for a continuance for that case. He also commented about the procedural requirements that he could not meet and that the public notices that the City sent out didn't adequately address the approval criteria that would have been applied for the meeting not an explanation of the procedures for the hearing due to the fact he had only received a staff report for his preparation, there were no application and the City's code also provided for a continuance during the first public hearing in the process. He said besides the legal issues he was asking for a continuance on these grounds and was hoping for an opportunity to have a dialogue with the City. The City's Attorney sent a letter on January 9, 2023 providing a copy of the noise study and asking for a response within a two-and-a-half week period but unfortunately the letter was not mail to the right address or email and was not received and on January 26, 2023 the City Attorney reached out and expressed that there had been no response. He responded that they were working with their client but had not received the City Attorney's letter dealing with the City's concerns but would like to work to address the issues and concerns and to allow his client to continue working on the issues to not further any impact on the neighbors.

City Administrator Ryan Nolan asked Mr. Connors if he had any suggestion on the length of time that he needed for the continuation that would be good information for the City Council to consider.

Mr. Connors replied that they were assuming that it would be the next regularly scheduled meeting on March 23, 2023 which he cleared his schedule and would be available then.

He referred to the City's Attorney regarding extending the one-hundred-twenty-day deadline.

Attorney Michael Franell commented that since the City scheduled this evening's public hearing and since Mr. Hurst was requesting the continuance of the public hearing it would be okay to continue.

City Administrator Ryan Nolan asked regarding the site plan review would it still be held to the one-hundred-twenty-day time line would be March 14, 2023.

Attorney Michael Franell replied that it was okay since they were requesting that the public hearing be continued to the next City Council meeting.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO CONTINUE WITH THE REVOCATION PUBLIC HEARING FOR CUP 2021-03 TO MARCH 23, 2023 AT 6:00 P.M.

AGENDA ITEM 2 **Public Hearing:** Appeal of Planning Commission denial of SIT 2022-08, a Site Plan Review for a 12-unit multi-family complex. Subject property is 499 East Main Street, applicant HRP, LLC.

Attorney Michael Franell told the Mayor and City Council that they would not need to open the public hearing due to the fact that the applicant's attorney had requested an extension, they've agreed to a time frame to complete the site plan review and it would appropriate for them to go ahead and consider the continuation of SIT 2022-08 as well.

MOVED (GREGORY), SECONDED (KEMPA) AND CARRIED TO GRANT THE REQUEST FOR A CONTINUATION FOR THE APPEAL OF THE PLANNING COMMISSION DENIAL OF SIT 2022-08, A SITE PLAN REVIEW FOR A 12-UNIT MULTI-FAMILY COMPLEX. SUBJECT PROPERTY IS 499 EAST MAIN STREET, APPLICANT HRP, LLC. TO MARCH 23, 2023 AT 6:00 P.M.

AGENDA ITEM 3 **Budget Goals and Policies:** Adopt 2023-2024 fiscal year budget Goals and Policies.

MOVED (HILTY), SECONDED (MOSS) AND CARRIED TO ADOPT THE 2023-2024 FISCAL YEAR BUDGET GOALS AND POLICIES.

AGENDA ITEM 4 **Budget Officer:** Appoint 2023-2024 budget officer.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO APPOINT CITY ADMINISTRATOR RYAN NOLAN AS THE 2023-2024 BUDGET OFFICER.

AGENDA ITEM 5 **Surplus Property:** Declare certain outdated police equipment as surplus.

MOVED (MOSS), SECONDED (KEMPA) AND CARRIED TO DECLARE A MPH PYTHON MOVING/STATIONARY RADAR GUN AS SURPLUS PROPERTY.

Chief Jim Williams commented that he would be sending the unit to the company that a new unit would be purchased from who would be offering a reduced price and would place the used unit in a display at their business.

Mayor Pam VanArsdale read announced that the City Council would be meeting in Executive Session pursuant to ORS 191.660(2)(h) to consult with counsel concerning the legal rights and duties of regarding current litigation of litigation likely to be filed.

Mayor Pam VanArsdale read a prepared statement to the audience which is a permanent part of the record and recessed the Regular Council meeting at 6:50 p.m.

AGENDA ITEM 6 **Executive Session:** Pursuant of ORS 192.660(2)(h) the City Council will meet in Executive Session to consult with Counsel concerning the legal rights and duties of the public body with regard to current litigation or litigation likely to be filed.

Mayor Pam VanArsdale declared the Executive Session opened at 6:54 p.m.

Mayor Pam VanArsdale closed the Executive Session closed at 7:36 p.m. and reopened the Regular Council meeting.

OTHER BUSINESS:

Mayor Pam VanArsdale commented that the Planning Commission did up a Town Hall Flyer that would be posted around town about changing the term limit requirements in the City Charter.

Mayor Pam VanArsdale commented that she had been attending the League of Oregon Cities legislative updates but really nothing to report yet though there were some bills that did affect the City. She did say that they were doing City Endorsements like when she asked to allow the City's logo for Broadband and since there was not time for her to get the Council's permission was it okay for her to make those decisions.

City Administrator Ryan Nolan commented that since there was no financial impact it would be okay.

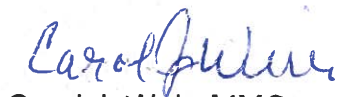
Mayor Pam VanArsdale said the next one of the bills coming up was for Cyber Security.

City Administrator Ryan Nolan commented that there was still an opening on the City Council and the Budget Committee.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (GREGORY), seconded (MOSS) and carried, the meeting adjourned at 7:48 p.m.

ATTEST:



Carol J. Weir, MMC
City Recorder