

CITY OF ROGUE RIVER

City Council Minutes

THURSDAY, DECEMBER 29, 2022

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

CALL TO ORDER The Regular Council meeting was called to order by Mayor Wayne Stuart at 6:00 p.m.

INVOCATION City Councilor Sharie Davis delivered the Invocation

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

QUORUM **COUNCIL MEMBERS PRESENT:**
Mayor Wayne Stuart
City Councilor Sharie Davis
City Councilor Pam VanArsdale
City Councilor Rick Kempa
City Councilor Barb Hilty
City Councilor Sherrie Moss
City Councilor Barb Gregory (via phone)

STAFF PRESENT:
Ryan Nolan, City Administrator
Carol Weir, City Recorder
Mike Bollweg, Public Works Director
Jim Williams, Chief of Police
Stephanie Madtson, Deputy Recorder

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.

Mayor Wayne Stuart commented how nice it was to see Jackson County Commissioner Colleen Roberts and thanked her for attending the meeting.

COMMITTEE REPORTS:

Community Relations; Rogue River Chamber of Commerce: City Councilor Rick Kempa reported that there had been no meeting.

Community Relations; Rogue River Community Center: City Councilor Barb

Hilty reported that there was no meeting but very involved in serving local families through the Christmas Project serving 66-families including approximately 160-children and their next dinner would be held on January 20, 2023.

Emergency Communication of Southern Oregon (EC SO): Mayor Wayne Stuart reported that he had taken City Administrator Ryan Nolan on a tour of the 911-Center in Central Point which was conducted by Jody Hathaway where they were able to observe the dispatcher in action. He said there was no meeting but they were in the process of finding a replacement for Ms. Hathaway and training several trainees.

Finance Committee: City Councilor Pam VanArsdale reported that they had only met once for the month so she would have a report at the next City Council meeting in January.

Middle Rogue Metropolitan Planning Organization (MRMPO): City Councilor Pam VanArsdale reported that no meeting due to the holidays and nothing on their agenda to do.

Personnel Committee: City Councilor Pam VanArsdale reported that they met, City Administrator Ryan Nolan was still working on updating staffs job descriptions and salary schedules; they discussed the Oregon Paid Leave Bill that the City which was on the agenda; and, Brian Dame, a seasonal worker was promoted to a permanent part-time position.

Planning Commission Liaison: Planning Commission Liaison Barb Gregory reported that she was not able to attend the meeting.

City Administrator Ryan Nolan commented that they were still working on the municipal code updates, they had a hearing that had been continued and a planning commission decision that was on the agenda. He said that Planning Commission decisions were not final until they were adopted by the City Council.

Police Commission: City Councilor Rick Kempa reported that due to having the flu he was not able to attend the meeting.

Chief Jim Williams reported that they were still in backgrounds for an entry level police officer; they still in waiting position for patrol vehicles then they would be waiting to get them outfitted; calls for service were going well and next month he would provide a 2022 Statistical Report with calls for service to compare with previous years and hope to forecast what the future might look like as far as trends with actual showing of call for service vs. dispatched calls for service.

Chief Jim Williams shouted out an at-a-boy to Corporal Darr. He had a chance to talk with the US Federal Prosecutor on a case that Corporal Darr started a year prior

which finally made it to the individual being extradited from New York to the Jackson County Jail. The US Federal Prosecutor said that the case package he received from Corporal Darr was beyond exceptional.

Chief Jim Williams commented that they recently received training conducted by Max's Mission who put together lots of training for Narcan and Opioid abuses they had been dealing with. They also provided the department with Naloxone for use on the streets. He said that with talking with his officers they had roughly saved seven to nine lives during the year of individuals in Rogue River that overdosed from of heroin or Fentanyl where officers have applied Naloxone that brought individuals back to life. Societies use of Opioid abuse was out of control and often the officers were the first to respond prior to the fire department arriving on site. He showed the box that would be mounted outside the police department containing two doses of Naloxone. Other locations were the fire department in both Rogue River and Evans Valley and the library and Max's Mission restocks the boxes on a weekly basis in our area but in the Medford area they restock on a daily basis.

Chief Jim Williams commented that as the year ran down he wanted to thank the Mayor for his service that for the two years with the City it had been an honor to work with and for him. He thanked the City Council for their dedication and commitment to Rogue River. He said that the citizens don't realize the gems that they have sitting in this room. He also recognized Michael Bollweg the public works department was out working over the Christmas holiday and without their service this city would be in a really bad place. And, as for the police department he wanted to thank his people for their dedicated service to the citizens of Rogue River, it's a fun job, they're doing a lot and they needed to be supported and he looked forward going into the future being able to get some additional personnel to help. He looks forward to next year.

City Councilor Barb Hilty asked if the public was aware of the availability of the Naloxone dispensers.

Chief Jim Williams said it was word of mouth and the Opioid community knows about it. He hoped that the media would help get the word out, he hoped to also work with public works to get the training needed and have Naloxone available in their vehicles with their jobs of cleaning public bathrooms, working in the parks and on the streets. With the Opioid and other drug overdoses the Naloxone program certainly needed to happen and the public needed to hear about it. He wanted each of the officer's carrying the Naloxone on their person as well as in their vehicles so he was looking into getting a pouch for their vests. Naloxone was also stored in the evidence room so if an officer was exposed it was readily available for them.

Rogue Valley Area Commission on Transportation (RVACT): City Councilor Pam VanArsdale reported that they had no meeting.

Rogue Valley Council of Governments: Mayor Wayne Stuart reported that he and City Administrator Ryan Nolan attended the meeting where they were informed that Peter Townsend was working on providing grants and assistance to smaller cities to obtain grants in our area; new board members would be installed in January 2023; and, he wanted to thank the council members who attended the Small Cities meeting in Glendale to hear the new legislation issues. He also commented that he had received the recent League of Oregon Cities Local Focus where former City Administrator Mark Reagles was recognized for his recent award.

Council Advisory Committee: Chair Francis Gilbert reported that because of illness and vacations he had nothing to report.

OLD BUSINESS:

AGENDA ITEM 1 **Council Bill No. 22-2449; Ordinance No. 22-416-O:** An Ordinance amending Rogue River Municipal Code 17.10.010, 17.130.010 and 17.130.020 for the City of Rogue River, Oregon.

MOVED (HILTY), SECONDED (MOSS) AND CARRIED TO ADOPT COUNCIL BILL NO. 22-2449.

AGENDA ITEM 2 **Council Bill No 22-2450; Ordinance No. 22-417-O:** An Ordinance adopting a Purchasing Policy and repealing Ordinance No. 05-323-O, also known as Rogue River Municipal Code 31.10 for the City of Rogue River, Oregon.

MOVED (VANARSDALE), SECONDED (KEMPA) AND CARRIED TO ADOPT COUNCIL BILL NO. 22-2450.

NEW BUSINESS:

AGENDA ITEM 3 **Council Bill No. 22-2451:** An Ordinance amending Rogue River Municipal Code 17 - Zoning mandated parking requirements for the City of Rogue River, Oregon, and declaring an emergency.

City Administrator Ryan Nolan suggested that they take no action on the Ordinance because it was being drafted due to not being able to obtain an answer from the state in time so he had asked for two specific exemptions which would allow to continue with the City's current parking standards. The state approved one of the requests for 10-years and the other for 2-years. Then at that time the City Council could review and consider the Ordinance.

MOVED (HILTY), SECONDED (VANARSDALE) AND CARRIED TO TABLE COUNCIL BILL NO. 22-2451.

AGENDA ITEM 4 **Council Bill No. 22-2452; Resolution No. 22-1405-R:** A Resolution electing to

cover the new Oregon Paid Leave Program employee contribution as a new benefit to City of Rogue River employees and amend the City's Collective Bargaining Agreement and Resolution No. 21-1381-R, the Personnel Handbook.

MOVED (MOSS), SECONDED (VANARSDALE)

City Councilor Barb Hilty asked about the amount each year and how it would be funded in the future.

City Administrator Ryan Nolan said the current cost would be \$5,695 for the City to pick up the 6% and it was budgeted in the next year for a full staff including positions that were not filled at that time with an estimated cost for all employees added an additional 16% and the budget had room to cover unanticipated expenses related to employees. He felt there were adequate resource to cover that increase in cost from each of the contingency funds in the budget policy. Property tax had increased more than 2% in the City and the population had gone increased over the last two years because of the 2020 Census data had brought our population up almost 9% resulting in a substantial increase and providing a better economic forecast for the City's future. Long the term the cost of employees was something that needed to be looking at each budget cycle but confidently say for the next fiscal year there was resource that would more than adequately cover the expense.

City Councilor Barb Hilty asked if the cost would be included in the labor contract.

City Administrator Ryan Nolan said he had received a letter from Teamsters to start the negotiation process and this would be addressed in the next agreement effective June 1, 2023.

MOTION CARRIED TO ADOPT COUNCIL BILL NO. 22-2452.

AGENDA ITEM 5 **Adopt Findings:** Adoption of Planning Commission Final Order regarding SIT 2022-07 for Fort Knox Mailbox Manufacturing Facility located on North River Road in Rogue River, Oregon.

Mayor Wayne Stuart declared a public hearing opened at 6:30 p.m. and read into the record from a prepared script which is part of the permanent record.

Mayor Wayne Stuart asked if any of the City Councilor's wished to abstain or declare ex-parte contact, or have any conflicts of interest. None were heard.

Mayor Wayne Stuart asked if anyone n the audience wished to challenge any of the City Councilor's qualifications to participate in the hearing. None were heard.

Mayor Wayne Stuart proceeded reading the procedures into the record.

Mayor Wayne Stuart then asked City Administrator Ryan Nolan to give the staff.

City Administrator Ryan Nolan said that the request was to approve the findings from the Planning Commission who held a full public hearing with opportunity with those in favor or opposed and no opposition was provided, the site plan appeared adequate to staff. The Planning Commission found that with conditions it met all the substantive criteria and recommends that the City Council approve the findings.

City Councilor Barb Hilty expressed concern that Condition #10, the applicant shall demonstrate by noise production methods that the industrial operation does not exceed pollution standards if there could be future issues.

City Administrator Ryan Nolan commented that the City Planner did a good job of identifying specifically the state statute involving noise from industrial or commercial use and cited that and the applicant agreed to turn in noise standards that will prevent an unknown statutes of noise. He felt it was a concrete definition of a noise standard and timeline by which the noise production must be tested.

City Councilor Barb Hilty asked if the conditions were solid and would staff be on top of the time frame.

City Administrator Ryan Nolan said that the application was not a conditional use permit, it was an operation allowed in a commercial zone so it would be a zoning violation and the City Attorney would be notifying them that they were outside of their approval and potentially fined.

City Councilor Barb Hilty asked who would be monitoring it.

City Administrator Ryan Nolan responded that it would be himself along with the Public Works Director.

City Councilor Pam VanArsdale asked for explanation of Item C, that the applicant or operator shall be able to obtain a special letter of minimal source and demonstrate no or insignificant discharge.

City Administrator Ryan Nolan said he thought that it was dealing with storm water and suggested that into the storm drain system should be added to the end of sentence of Item C.

City Councilor Pam VanArsdale also commented that Item 11 did not make sense as written.

City Recorder asked if the applicant was hooking up to the City's sewer and storm drains systems or providing their own.

Public Works Director Michael Bollweg said they would be hooking up to the City's sewer system and their storm drain would be a surface discharge into the storm water system. They would be doing retention on the site.

City Administrator Ryan Nolan commented that Item 11 should read that the applicant shall not store hazardous waste within the development site, and convenient and sanitary means for collection and disposal shall be present, striking "collect or."

City Councilor Rick Kempa asked for confirmation that the applicant was producing mail boxes.

City Administrator Ryan Nolan confirmed that they were producing welded, metal mail boxes and that they had outgrown their current production site.

City Councilor Rick Kempa commented that they would also be painting the mail boxes so now there was an air quality issue involved.

City Administrator Ryan Nolan commented that the final plan would be submitted to the building official for approval of a paint booth, to public works for storm drain and sewer connection, they would submit a plan for disposing materials of their production.

Mayor Wayne Stuart asked if there were any proponents who wished to testify in favor of the application. None were heard.

Mayor Wayne Stuart then asked if there were any opponents who wished to testify in opposition to the application. None were heard.

Mayor Wayne Stuart then asked if the applicant would like to respond to any of the questions or comments from the spoken testimonies. None were heard.

Mayor Wayne Stuart asked the City Council if they had any additional question of the applicant or staff. None were heard.

Mayor Wayne Stuart asked for a motion to close the public hearing.

MOVED (VANARSDALE), SECONDED (KEMPA) AND CARRIED TO CLOSE THE PUBLIC HEARING.

Mayor Wayne Stuart declared the public hearing closed at 6:45 p.m.

MOVED (VANARSDALE), SECONDED (KEMPA) AND CARRIED TO APPROVE THE PLANNING COMMISSIONS FINAL ORDER, SIT 2022-07, WITH THE MINOR CORRECTIONS OF ITEM B 10 ADDING STORM WATER TO THE END OF THE SENTENCE AND ITEM C 11 BY ELIMINATING THE WORDS "COLLECT OR".

MOVED (VANARSDALE), SECONDED (KEMPA) AND CARRIED TO ADOPT THE FINDINGS WITH A MINOR CHANGE

- AGENDA ITEM 6** **Canvass Votes:** Canvass the Votes of the November 8, 2022 General Election of Mayor, City Council and Measure 15-207 for the City of Rogue River, Oregon.

MOVED (KEMPA), SECONDED (MOSS) AND CARRIED TO ACCEPT THE COUNTY CLERKS CANVASSING OF THE VOTES OF THE NOVEMBER 8, 2022 GENERAL ELECTION OF MAYOR, CITY COUNCIL AND MEASURE 15-207 FOR THE CITY OF ROGUE RIVER, OREGON.

- AGENDA ITEM 7** **Liquor License Application:** An Oregon Liquor Control Commission Limited On-Premises Liquor License application for the Tailholt Coffee Company, LLC at 207 East Main Street, Rogue River, Oregon. Owner: Jay Chick.

MOVED (MOSS), SECONDED (VANARSDALE)

City Councilor Barb Gregory commented that the application was dated back in May 2022 and asked why it had not come before them until now.

City Recorder Carol Weir commented that it had been held up with OLCC due to lack of staffing because of COVID.

City Councilor Barb Gregory also asked if they would be holding venues out in the back patio area and what type of alcohol were they going to serve.

City Recorder Carol Weir replied that it was a limited permit for beer and wine.

MOTION CARRIED TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE OREGON LIQUOR CONTROL COMMISSION LIMITED ON-PREMISES LIQUOR LICENSE APPLICATION FOR THE TAILHOLT COFFEE COMPANY, LLC AT 207 EAST MAIN STREET, ROGUE RIVER, OREGON. OWNER: JAY CHICK.

- AGENDA ITEM 8** **Request:** The Rogue River Community Center's Rogue River Christmas Partnership Program is requesting a donation to ensure that their project continues to proactively serve the community during the holiday season.

MOVED (HILTY), SECONDED (VANARSDALE) AND CARRIED TO APPROVE THE REQUEST FROM THE ROGUE RIVER COMMUNITY CENTER'S ROGUE RIVER CHRISTMAS PARTNERSHIP PROGRAM WITH A \$300 DONATION TO ENSURE THAT THEIR PROJECT CONTINUES TO PROACTIVELY SERVE THE COMMUNITY DURING THE HOLIDAY SEASON.

- AGENDA ITEM 9** **Request:** The Southern Oregon Runners is requesting to hold their annual Rogue River Half and 5K run at John F. Fleming Park on Saturday, February 25, 2023.

MOVED (VANARSDALE), SECONDED (DAVIS) AND CARRIED TO APPROVE THE SOUTHERN OREGON RUNNERS IS REQUESTING TO HOLD THEIR ANNUAL ROGUE RIVER HALF AND 5K RUN AT JOHN F. FLEMING PARK ON SATURDAY, FEBRUARY 25, 2023.

AGENDA ITEM 10 Appointment: A recommendation to appoint Mark Minegar as an Alternate to the Planning Commission.

MOVED (MOSS), SECONDED (HILTY) AND CARRIED TO APPROVE THE MAYORS RECOMMENDATION AND APPOINT MARK MINEGAR AS AN ALTERNATE TO THE PLANNING COMMISSION.

City Recorder Carol Weir administered the Oath of Office to Planning Commission Alternate Mark Minegar.

Mayor Wayne Stuart read a prepared statement to the audience that the City Council would be recessing the Regular Council meeting to meet in Executive Session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and gave directions to the news media. A recess was called at 6:53 p.m.

AGENDA ITEM 11 Executive Session: The City Council to meet in Executive Session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Wayne Stuart declared the Executive Session open at 7:00 p.m.

Mayor Wayne Stuart declared the Executive Session closed at 7:55 p.m.

The Regular Council meeting was reconvened at 7:55 p.m.

OTHER BUSINESS:

City Councilor Barb Hilty if there would be a workshop on January 5, 2023 and did they need to discuss the COVID Relief funding since there was a lot of money left.

City Administrator Ryan Nolan said that prior to his arrival that the City had submitted and been approved for the appropriate uses so there was another year to spend the funds but there had not been any discussion since his arrival in October 2022.

City Councilor Pam VanArsdale commented that the recording requirement was pretty open, they had identified the things that the money would be used on and at the end of next year they would report how the money was spent.

City Administrator Ryan Nolan commented that at the January 5, 2023 workshop they could discuss where they were with the COVID funds and filling the vacancy of City Council position after the January 26, 2023 Regular Council meeting.

City Councilor Pam VanArsdale commented that she may not be available for the January 19, 2023 workshop.

City Administrator Ryan Nolan commented they should have a Personnel meeting on January 5, 2023 at 9:30 a.m.

City Councilor Rick Kempa asked if anyone know what was happening with the property at 314 East Main Street that had previously been destroyed by a fire.

City Councilor Pam VanArsdale commented that it had been cleared and a sale was pending and believes the realtor was the purchaser.

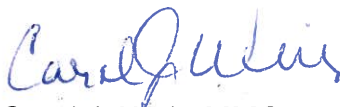
City Councilor Barb Hilty asked about the VFW property at 410 East Main Street.

City Councilor Pam VanArsdale commented that there had been a price reduction from \$750,000 to \$650,000 feels it may still be a little high.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (KEMPA), seconded (MOSS) and carried, the meeting adjourned at 8:02 p.m.

ATTEST:



Carol J. Weir, MMC
City Recorder