

THURSDAY, MARCH 27, 2014

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 Dick Kammerzell with the Church of God Holiness 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 Cliff Combs
City Councilor Rich Pardy
City Councilor Robert Catherwood
City Councilor Shelli Spencer
City Councilor Earl Shamblin
City Councilor Mark Poling

COUNCIL MEMBERS ABSENT:

ALSO PRESENT:

Carol Weir, Deputy Recorder
John Krawczyk, City Engineer
Bonnie Honea, City Planner

PRESS PRESENT:

Brad Smith, Rogue River Press

A quorum was present and due notice had been published.

COMMITTEE REPORTS:

Personel Commission: City Councilor Cliff Combs reported that Records Clerks would be working four 10-hour days leaving Fridays with no one in the office but allowing business to be conducted after 5:00 p.m.

Policel Committee: City Councilor Cliff Combs reported that Officer Buren had been released to full duty putting the department back to full staff.

Finance Committee: City Councilor Earl Shamblin reported that February 14, 2014 they reviewed and signed 36-checks in the amount of \$19,000 and on February 28, 2014 they signed 27 checks in the amount of \$58,579.98, totaling 63-checks for a grand total of \$77,679.78 for the month.

Planning Commission Liaison: City Councilor Mark Poling reported that they discussed fees for outside dining requiring a conditional use permit at the cost of \$600 but staff found that a business can use up to 10% of their footage for outside use only requiring a \$150 site plan. The plans for the Lil' Pantry had been submitted and being reviewed by staff and they anticipate breaking ground at any time. Lil' Pantry owners were expected to file for a zone change for the back portion of their property from residential to commercial.

Community Relations: City Councilor Shelli Spencer reported that the Rogue River Community Center was doing really good, they had recently received donations to the store so the shelves were stocked up. The Rogue River Chamber of Commerce had elected new officers and Bryan Dorsey was elected the new President and they are preparing for some new changes and they were preparing for Rooster Crow. The Rogue River Greenway had just voted Shelli Spencer as their secretary and they were preparing for Ride the Rogue event in September.

Rogue Valley Council or Governments: Mayor Pam VanArsdale reported that met and they heard from Representative Wally Hicks and Senator Allan Bates with an update on the short legislative session but noting new that the City was not already aware of. The main thing that came out of the discussion was the challenges that they are facing with the short sessions and the amount of legislation coming down and not having enough time to spend that they should be spending. On some of the issues causing frustration in both the House and the Senate.

PUBLIC INPUT:

Dana Armstrong, owner of the Homestead Lounge at 119 East Main Street asked for clarification regarding the outside dining and if he would be charged a fee to do so?

City Councilor Mark Poling stated that a site plan review would be required to file a site plan review costing \$150 fee if the request was for less than 10% of the building footage. The site plan review was to assure that the health, safety, and fire requirements were being met and that the seating area did not impede on pedestrian traffic or unsafe to the public or the patrons.

Dana Armstrong said that he had been talking with other business owners about how they could generate foot traffic in the downtown area and they came up with an art walk and craft fair. He said he had been directed to contact the Saturday Market but they had discontinued the event. They had also approached the Chamber of Commerce Board and it was suggested that an event once a month in the downtown area but before they proceeded forward they wanted a consensus from the City Council that it was something that the City would support.

Mayor Pam VanArsdale said she thought it was a great idea and suggested he contact the City Planner and the City Administrator regarding the city ordinance's and how they could make it work for both them and the City. She suggested maybe opening the streets up on Sunday afternoons after Church let out. She could see it being a nice walking downtown event.

Dana Armstrong said he they would get a plan drawn up and present it to the City and Chamber of Commerce.

Mayor Pam VanArsdale said there could be an issue with closing streets and alcohol beverages would probably not be allowed.

City Planner Bonnie Honea told Dana Armstrong regarding his property for outside dining the 10% wold have to be located on his property, on an impervious surface, along with a letter of intent and as long as the plan falls withing the requirements there would be no charge.

Lance Waldron, owner of The Old Rogue Pottery Mercantile at 122 East Main Street said he was in the process of opening an art gallery for Southern Oregon artist. It's a gallery where people can come in and see local potters', jeweler's and artist's work in process.

Bob Smith of Magerle Drive said he'd recently been in the paper for the sign posted on his property saying "Rogue River Meth Dealer Oasis", that had been getting attention. He said there was drug dealing taking place on Magerle Drive that has been going on for sometime, the contacted the Police Chief about a Task Force on drugs, they are aware of it and it had been going on for some time. He said he was a retired forensic psychologist, none a sculpture and when he see's drug dealing going on right next door to him or hear of kids then he intervenes. He said he had done this several times before and had been successful but it takes other people, he can't do it by himself. The first thing is raising the issue, here it is, what can we do about it. He asked the City Council if they had any questions?

City Councilor Robert Catherwood asked Mr. Smith if he had a neighborhood watch program in his area with a sign designating it?

Mr. Smith there was a sign but he had not seen that. He said he had asked the Police Chief if he wanted him to provide license plate numbers and descriptions of people that appeared to be buying or dealing drugs there, but he was told no so he didn't where to go with the issue.

Mayor Pam VanArsdale said there was a fine line between giving you the right to put a sign up and the police going and knocking on someone's door and arresting

them. She said the police have to follow certain laws. Just because he see's cars going by and he feels that their dealing drugs, there's no proof that's what their doing. The police have to have proof.

Mr. Smith said that place had been identified as a probably drug dealing was occurring and one of the other officers of the Rogue River police force told him that another house on that street was where a mid-level meth dealer operated.

City Councilor Earl Shamblin said he took exception to what the Mayor was saying, regarding Chief turning down viable information that could maybe be used. It had been his experience as a former law enforcement officer that sources as Mr. Smith was how you got your resources and information to build you case. You don't turn the information away. He felt it would be good to sit down and talk with the Police Chief but keep it quiet to what he was doing.

Mr. Smith said he had already done that but it didn't pan out.

City Councilor Earl Shamblin said if that didn't work then contact the City Administrator and then suggest the County Drug Task Force.

Mayor Pam VanArsdale said that the City did not want drug dealers in our City but the Police are bound by laws that prevent them from reacting without investigating and obtaining the proper evidence and build your information.

City Councilor Earl Shamblin agreed with the Mayor but he told Mr. Smith that he had done this in other communities so he knew how the process worked but he didn't like reading in the paper the negative comments that the police department didn't need information that someone was willing to provide.

Mayor Pam VanArsdale said she was ending the conversation, the Chief was not in attendance to take part in the discussion and suggested Mr. Smith spend more time the Chief and the City Administrator.

City Councilor Cliff Combs recalled that at one of the Police Commission meetings the Chief reported that a complaint would help him pursue the issue and suggested he talk again with the Chief.

Mr. Smith said he had never targeted the houses in public or in the press but in one of the articles stated that the Chief had turned the issue over to the area task force and any evidence needed to go to the task force. It was his believe that was not effective in this case, this had been going on for quit some time and it hadn't helped. Whether it be budget cuts or were down on the bottom of the list he feels that the City needed to get actively involved. Sometimes the attitude of the Chief or the

Administrator is critical to solve the problem.

City Councilor Mark Poling agreed with the Mayor that the Chief needed to be present to continue the conversation and suggested that it be placed on a workshop agenda.

City Councilor Earl Shamblin stated that 90% of the time the local department did all the work, then in comes the county and state to help with the problem.

Craig Armstrong of Fourth Street said he attended the previous meeting when the City Council voted out mobile businesses. He had attended that meeting to discuss a mobile coffee shop which was determined no allowed but then during the holidays a trailer was allowed at the shopping center to sell candy.

Mayor Pam VanArsdale stated that the ordinance excludes non-profit organizations, holiday fund raisers and temporary uses.

Mr. Armstrong said he lived on a gravel road, he pays city taxes and felt that the road should be paved. He said there was a pot hole by the school that had been poorly filled that damaged a motorcycle that he was attempting to sell.

Mayor Pam VanArsdale said that the City was starting a street improvement project in the near future and without knowing where that street would be on the list it would eventually be repaired if it was in the city right of way. She directed the Public Works Director to comment.

Public Works Director John Krawczyk told Mr. Armstrong to report potholes to his department to give them an opportunity to take care of them. They are always repairing potholes whenever asphalt was available and they would try a cold patch. After further discussion it was determined that Mr. Armstrong's property on the portion of Fourth Street connected to Magerle Drive which was not a city street, it was an easement for the multiple property owner's on Magerle Drive. Mr. Krawczyk said if the property owners were willing to bring the street up to city standards the city could possibly take over the street maintenance.

Mayor Pam VanArsdale told Mr. Armstrong to contact the public works department so they are aware of any street issues.

Mr. Armstrong asked if the City would be doing anything about foreclosed house on the corner of Fourth and Berglund Streets?

Mayor Pam VanArsdale said that the City had cleaned the property up once before and put a lien on the property for the cost but it was now in the hands of a bank who

are now responsible for the building and anything inside of the building. The Mayor directed the Public Works Director to check on the property to see if there was something the city could do.

NEW BUSINESS:

AGENDA ITEM 1 **Council Bill No. 14-2268; Ordinance No 14-384-0:** An Ordinance declaring a moratorium on Medical Marijuana Facilities in the City of Rogue River, Oregon, and declaring an emergency.

MOVED (SPENCER), SECONDED (CATHERWOOD).

Mayor Pam VanArsdale stated that the moratorium would allow the City the time to wait and see what other municipalities were doing. There were going to be referendums coming to the voters and if could be a mute point so this would give the city a year to see what others were doing. She also expressed that the location requirements of a facility needed to be 1,000 feet from a school and each other that it may not be an issue for the City.

City Councilor Rich Pardy said he thought that the City had already voted to ban medical marijuana facilities in Rogue River.

City Councilor Mark Poling said the City Council had recently amended the business ordinance to allow the City the right to deny any business that would break any state, federal or national laws. He said therefore he would be voting no on the moratorium because he feels that they had existing ordinances already gives the City the right to refuse licensing of medical marijuana dispensaries inside the City of Rogue River.

Mayor Pam VanArsdale said that the reason why the moratorium was created was because attorneys would be challenging those types of ordinances. By declaring the moratorium the City can wait and see what happens to those challenges to the type of ordinances we have now.

City Councilor Mark Poling said he didn't think they would challenge us anyway, but whether you want to believe it or not, it's not coming to town, it's here. Why put a moratorium now, where are we going to be a year from now? It's been discussed this for years, it's been kicked around the legislature and too many laws start scaring him. He felt it would take care of itself.

City Councilor Earl Shamblin said he agreed with Councilor Poling but this gave them time to wait and see how Ashland, Medford and Phoenix were going to deal with it.

Mayor Pam VanArsdale said this would give the City time to discuss locations and regulations when it comes.

City Councilor Robert Catherwood called for the vote.

MOTION CARRIED TO ADOPT COUNCIL BILL NO. 14-2268. Councilor PARDY and POLING cast nay votes.

AGENDA ITEM 2 **Council Bill No. 14-2269**: An Ordinance amending Ordinance No. 99-289-0, granting to Pacificorp, an Oregon corporation, doing business as Pacific Power & Light Company, and to its successors and assigns, a nonexclusive right and franchise for a period of ten (10) years to construct, maintain and operate, in, on, and under the present and future streets, alleys, bridges and public places in the City of Rogue River, Jackson County, Oregon, electric light and power lines and appurtenances and communication facilities for the purpose of supplying electricity and electric service to the City of Rogue River, the inhabitants thereof and others. Subject to the terms and conditions and to the making of payments specified in the Ordinance, and repealing Ordinance No. 04-320-O.

MOVED (SPENCER), SECONDED (SHAMBLIN) AND CARRIED TO ADOPT COUNCIL BILL NO. 14-2269.

AGENDA ITEM 3 **Council Bill no. 14-2270**: An Ordinance amending Ordinance No. 84-398-O also known as Rogue River Municipal Code, Chapter 2.05 for the City of Rogue River, Oregon.

MOVED (SPENCER), SECONDED (COMBS) AND CARRIED TO ADOPT COUNCIL BILL NO. 14-2270.

AGENDA ITEM 4 **Capital Plan**: Adopt the 2014-2015 5-year Capital Improvement Program Plan.

Public Works Director John Krawczyk noted a change under sewer projects the \$20,000 for Coyote Evans Lift Station improvement in the year 2014-2015 needed to be moved to the year 2015-2016.

MOVED (PARDY), SECONDED (CATHERWOOD) AND CARRIED TO ADOPT THE AMENDED 5-YEAR CAPITAL PLAN FOR THE 2014-2015 BUDGET YEAR.

AGENDA ITEM 5 **Agreement**: Authorize the Mayor to sign an agreement between the City of Rogue River, Oregon, the Rogue River Chamber of Commerce and Rogue River Kiwanis.

MOVED (SPENCER), SECONDED (SHAMBLIN) AND CARRIED TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF ROGUE

RIVER, OREGON, THE ROGUE RIVER CHAMBER OF COMMERCE AND ROGUE RIVER KIWANIS.

AGENDA ITEM 6 **Sponsorship:** Authorize allocations for the 2014 National Rooster Crow Sponsorship and Rooster Crow Program Booklet.

MOVED (PARDY), SECONDED (POLING) AND CARRIED TO AUTHORIZE TO BE A PREMIER FULL-WEEKEND SPONSOR FOR \$350.00 AND TO PURCHASE A FULL PAGE AND ROOSTER CROW PROGRAM BOOKLET FOR \$285.00.

AGENDA ITEM 7 **Surplus Property:** Declare a Parker Sweeper Company, Leaf Vacuum as surplus property and sell to the City of Gold Hill, Oregon.

MOVED (SPENCER), SECONDED (POLING) AND CARRIED TO DECLARE THE PARKER SWEEPER COMPANY, LEAF VACUUM AS SURPLUS PROPERTY AND SELL IT TO THE CITY OF GOLD HILL, OREGON, FOR \$150.00.

OTHER BUSINESS:

Mayor Pam VanArsdale announced that she nominated Wanda Nesbitt for the Elder Volunteer Category of the Governor's Volunteer Award for her volunteer efforts in Rogue River. The Mayor and City Administrator will be taking Wanda and her guests on April 24, 2014 to the luncheon being held at the Salem Convention Center where she will be presented with the award and extended the invitation to anyone else that would like to attend.

COUNCIL ITEMS:

ADJOURN

There being no further business to come before the City Council and upon motion duly made (PARDY), seconded (SPENCER) and carried, the meeting adjourned at 8:05 p.m.

ATTEST:

APPROVED: 24 Apr 2014

Carol J. Weir, MMC
Deputy Recorder