

MINUTES

CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, July 14, 2008
REGULAR MEETING: 6:30 P.M.

CALLED TO ORDER by MAYOR POPOFF AT 6:30 P.M.

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor Karl Popoff	X	
Council Position #1 Sue Johnson	X	
Council Position #2 Don Flynn	X	
Council Position #3 Peter Peterson	X	
Council Position #4 Vacant		
Council Position #5 David Alexander	X	

****NOTE:** If anyone wishes to address this Governing Body, please present a completed "Business from the Audience" request to the Mayor at this time. Your request will be added under the CITIZEN COMMENTS section of our agenda. Comments and participation from the audience shall be limited to 5 minutes without redundancy.

SPECIAL ORDERS OF BUSINESS:

A. PRESENTATION OF MAYOR-COUNCILOR AWARDS

Drivers of "Meals on Wheels"

POPOFF STATED:-> I would like to individually recognize and present "City of Gold Beach Pins" to the following "Meals on Wheels" volunteers: PEGGY ADAMS, TONI FOSS, DONNA FREITAS, CAROLE PARKER, BILL & DORIS TURNER, DON WOODS AND EARL CLOTHIER. Popoff read Exhibit A into the record and presented the award and City of Gold Beach pins to the volunteers

Frank Roberts-Lead Union Negotiator for the City of Gold Beach for the past several years and a member of the City of Gold Beach Budget Committee since 2002.

POPOFF STATED:-> Thanked Roberts for all of time he has spent volunteering his services over the years to the City of Gold Beach as Lead Negotiator for the Union and budget committee.

B. Mayor's Proclamation: Silver Star Banner Day

POPOFF STATED:-> This proclamation honors our wounded and will be donated to the Stars and Stripes Museum where the original Silver Star Flag is on display. Their goal is to get

a proclamation from 5000 cities. He then read Exhibit B into the record and asked all veterans in the audience to stand and be recognized and allow us to show our appreciation.

CONSENT CALENDAR: (C)

- A. Approval of Council Minutes: Regular meeting 6/9: Executive Session & Special Meeting 6/12: Executive Session 6/19/08.
- B. Review of bills paid in the amount of \$658,844.00.

MOTION--> Alexander moved to approve the Consent Calendar as presented, second by Flynn. Councilors Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES

CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS: (D)

REQUEST BY CHRIS AND BONNIE PAASCH TO ANNEX MAP#36-14-00 TL#2194 (North Bank Road) INTO THE GOLD BEACH/WEDDERBURN RFPD

POPOFF STATED:--> The petition, other necessary documentation, approval of the Forest Protective Association and a detailed letter from Bruce Floyd, Fire Chief has been completed. This request has the preliminary approval for the annexation petition but the final approval by the District Board is dependent on the formal approval by the City of Gold Beach.

MOTION:--> Flynn moved to approve the annexation request by Chris and Bonnie Paasch, Map # 36-14-00 TL#2194 (North Bank Road), into the Gold Beach/Wedderburn Rural Fire Protection District, under the conditions outlined in the September 8, 2007 letter from Chief Floyd, second by Peterson. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES.

PUBLIC SAFETY ISSUES-Police Chief Russ Merkley
Merkley asked to address this later in the meeting.

ORDINANCES AND RESOLUTIONS:

RESOLUTION R0809-1 (E)

A RESOLUTION EXTENDING THE CITY OF GOLD BEACH'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF GOLD BEACH

POPOFF STATED:--> This is a resolution we approve each year that extends workers comp coverage to our volunteers.

MOTION:--> Peterson move to approve Resolution R0809-1, second by Alexander. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES.

ORDINANCE NO. 618 (F)

AN ORDINANCE ADOPTING A CHANGE IN THE CITY OF GOLD BEACH
COMPREHENSIVE PLAN AND ZONING MAP ON A PARCEL IDENTIFIED AS
ASSESSOR MAP 3714-18C TAX LOT 1200

First Reading:

**POPOFF STATED:-> This ordinance pertains to Mill Stream Road
in the Hunter Creek area. The second reading will be 8/11/08.**

**MOTION:-> Johnson moved to approve the first and second
reading of Ordinance No. 618 by title only, second by Flynn.
Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4
AYES**

**MOTION:-> Johnson moved to approve the first reading of
Ordinance # 618, as read by title into the record by Mayor
Popoff, second by Peterson. Johnson, Flynn, Peterson and
Alexander voted "AYE". VOTE 4 AYES**

MAYOR AND COUNCIL COMMENTS:

MAYOR - Karl Popoff: Thanked everyone for coming to the
meeting.

COUNCILORS:

Don Flynn-Read his statement into the record (Exhibit G)-
noting that these are his personal opinions expressed not only
as a city council member, but as a private citizen, resident
of Gold Beach, and someone who has been around law enforcement
and the Criminal Justice system in a number of different
capacities for a period in excess of 30 years. Before any more
hate and discontent is allowed to grow, on either side, we
should seek the assistance of an "Outside, Disinterested
Agency" for the purpose of looking at both sides and
"Evaluating the situation". My strong desire is to put this
behind us and help Gold Beach continue to be a great place to
live, where people can trust each other and their public
servants, and the public servants do, in fact feel
appreciated. He wanted it understood that he is a strong
supporter of law enforcement and the Gold Beach Police
Department.

Peter Peterson-Thanked everyone for being interested in city
business and hoped the input received from the public is
beneficial and positive so we don't rag on a negative side all
night.

David Alexander-Thanked everyone for coming and stated he planned on listening very carefully, with an open mind to what you have to say to this council. I give you my solemn pledge to consider your comments very carefully.

Sue Johnson-I agree with what the other councilors have said. We are here to listen to you. I don't care if it is negative and "ragging on" we're whom you should be talking to. Feel free-I want to know what all of you want.

POPOFF STATED:-I do everything in my power to maintain an element of peace, cooperation and good will as much as possible. That means whoever is speaking will be given the respect that is due them regardless of who they are and what they are speaking about and what side they have chosen to take. There will be no stamping of feet, no booing, no whistling and no applauding. So whether you disagree with a person, you will still them the respect that is inherently theirs that is our form of government. I'm a very firm believer of that. If you don't like it, if you don't think you can maintain and control yourself at this time, I would ask that you leave now. If you do agree with the person speaking, there will still be no clapping. We listen, that's what we are here to do. If someone is demonstrating, I will ask that person one time to control them self. The second time I will ask them to leave. Finger pointing, name calling, doesn't fly up here either. Speak your peace. You do have a 5-minute limit. You can donate your 5 minutes to someone else. I allow that up to a maximum of 15 minutes.

CITIZEN COMMENTS:

Phillip Smith-26669 Sebastian Lane-Gold Beach

I only know what I've read in the paper (referring to the incident at Paul Bunyan's Restaurant) and I want to be sure that that we can clear up rumors and get to the bottom of it tonight. I'm only here to make sure it is brought up this evening.

John Harper-32120 Chantrall Lane

I didn't come with prepared comments but the reason I'm here is I'm really concerned that it appears that the police aren't doing their job of keeping the peace in Gold Beach. I'm concerned that you, as a city council, take your duty very seriously, as an oversight body of the police of Gold Beach. What you said earlier-peace, cooperation and good will-that's probably why I love Gold Beach because that's how it feels 90% of the time. If it's good enough for the council then it's

good enough for the streets of Gold Beach. I'm also worried that lack of an independent investigation is going to open the City of Gold Beach up to enormous liability. Again, just based on what the newspaper said. I'm hoping that someone will tell us soon if there is a legal justification for assault on a female citizen by apparently a small gang of adults. It doesn't compute in my experience of American law.

John Kearney-25224 Pistol River Loop

My wife and I moved here in 1995. We've watched it change over the past 2 years. I would also like to have an independent investigation as Don Flynn suggested. There are 2 sides to every story and I don't think either side has been made clear. This is a beautiful place (I'm a real estate broker). If you drive down our streets it is not as appealing as it used to be. I also know we are tourism based. A lot of people read this paper that are out of the area. I feel, that if we could, establish a commission, a committee, independent, with everything public, witnesses, the whole thing of this one incident. We also need to take a look at where to go and what to do with this town. I realize there is a serious lack of funds, that's true pretty much throughout the country but still there must be a way to do this and again, make it a better place to live.

Margie Roberts-Tutuni Hollow Drive

(K. Freedman gave her 5 minutes to Roberts) Ms. Roberts read a statement (H) into the record asking for an independent investigation into the Paul Bunyan incident. Roberts described the results of the attack and her displeasure in the manner it was handled. Roberts referred to excerpts from the police policy manual and asked if the policies were followed.

Short Break.

Popoff, councilors and audience thanked Milt Walker for running the video camera for the residents that are unable to attend the meetings.

Linda Alexander-94120 Strahn ST # 121

I urge your Honor, Mayor Popoff and the Gold Beach City Council to implement whatever procedures are necessary to have an independent, thorough investigation of the Paul Bunyan incident, either by OSP or the State Attorney General, or both. For the first time in nearly 15 years of living in Gold Beach, I am afraid to travel to local businesses alone or at

night, that is not what should be happening in a small town like Gold Beach. Thank you.

Mark Rasmusen-97137 North Bank Road

I thank everyone for coming. Participatory democracy is our role in this. Thanks for having us. Maybe we can find some truth in this whole matter. Personally I consider this a moral and civic obligation, as a business owner and citizen of greater Gold Beach to ask questions of our Mayor and City Council regarding the incident at Paul Bunyan Burger on June 27th. Mostly I have questions.

I have a question for Mayor Popoff-why you have refused or for some other reason, I won't even say it's a refusal, I don't know the reason you haven't hired a city administrator, who is the liaison as I understand it and the oversight of the police department in these situations between the Mayor, City council and the police of Gold Beach. Please correct me if I'm wrong.

POPOFF-We're meeting Thursday to discuss the applicants that have been interviewed with a starting employment date of August 1st.

Rasmussen-Can you comment at all on the amount of time it has taken? Have any candidates stepped forward that you would consider for that position.

POPOFF-Part of the problem has been that we are not offering a full time position and that has been a handicap. What we've been hoping to get is someone who has considerable experience, perhaps retired but doesn't want to fully retire and still be our city administrator for the 25 hours per week @ \$25 an hour. It is difficult to find a person like that. We also want to make sure that we get the best possible person that we can. It is a highly important position within the city. As you correctly stated-the police chief's direct boss is the city administrator. Without a city administrator, we've been somewhat handicapped in that area. I believe we do have some very qualified candidates that we will be discussing on Thursday.

So this won't revert to a "no hurry in curry" situation? This seems to me to be a really poignant point with this situation coming up that that vacancy be filled. So the liaison and the oversight is in position. That's my opinion and it just seems like it would work better that way.

The other thing is filling city council seats. Why hasn't the vacancy been filled? It has been months and months and months. I am not trying to second-guess you but I would like to know why it hasn't been filled. Talking to people in the community, other business owners and individuals that live here, people have offered to sit on the city council of means. I don't mean that as far as translating into money, but I mean good solid people. I think it is necessary to have a full city council that talks to the city administrator. Where you're not hampered by a lack of opinion. I think it is a good thing. I would urge you to fill that seat as soon as possible.

POPOFF-That vacancy will be filled at the election in November. What you may indeed consider "people of means", I might disagree with you on. Also, one of the reasons for keeping it open, is quite frankly, I wanted the people to decide at this election whom they wanted. Not make it my decision. I appoint and I'm the only one that can appoint. On the other hand, it has to have confirmation by the council. So if we have a disagreement there, it will stay unoccupied. If you think there has been more than just a couple of people showing interest-that is not the case. I would love to have people step up to the plate. At one time the publisher of our newspaper ask me why I just didn't go out and in essence, grab someone off the street. I asked him "is that how you hire people". Each one of these positions is a highly important position and I'm going to do every thing I can to make sure people fill them that I think would do a good job. I urge anyone within the city limits that wants to run for the position to please do so. It's easy to sit back and throw stones but please get involved.

Rasmussen-I urge you to think about the incident at Paul Bunyan Burger, we had an ambulance rolling to the hospital with injured folks, we don't know who was right and who was wrong at that point. We don't know that. But we do know that before the ambulance reached the hospital, the perpetrators, and if you don't want to consider them that, that's fine, were let go. So, did the police, at the scene, diagnosis medically what was the matter with these people? Did they have the expertise to make that decision? And my answer is-I don't think so. I don't think that is the way it works. I think that is a very important consideration when you are looking at it and I urge you all to think about that. No matter who was right and who was wrong, the correlation between the hospital arrival-the time line, which is really really important and

them letting the other folks go, ride right out of Gold Beach without even a citation—that's worth looking at very closely. That is the crux. It's your own investigation, I can pass on and I urge that. I urge the council to take that up. Then there is the question of the truth and the civil rights of our business family at Paul Bunyan's and were they violated or not. I happen to believe that they were violated. WHY? Because of the time line to begin with and secondarily, and this is just a question, I don't expect an answer, can the police department answer questions regarding their contact with the Paul Bunyan family before this incident ever took place? What that contact was. So when they responded to the call, did that contact that happened before the incident, prejudice them at all in the way they responded as law enforcement officers. I'm just putting that out there. It's a question and I think it is an important one.

Lea Sevey-68624 Emerald Drive

I love this community, I've lived here for 8 years. My roots go back in Gold Beach for almost a century. I'm here, not as a director of a non-profit but as a concerned citizen, wife and mother. You know my husband is a police officer for the Gold Beach Police Department. I've watched my husband go to work on his days off, work long hours because he's busy fighting crime and because there are so few officers. I've seen my husband come home injured, I've gone to be with him in the emergency room from injuries due to protecting our community. He has had death threats, he's been spit on, swung on, yelled at. His co-workers have experienced similar daily life. I worry every night about his safety while he protects mine, theirs and yours but he never complains about these things because it's just part of the job. Police work is somewhat of a thankless job. They put themselves on the line every day for our protection and our safety. People don't want a cop traveling behind them when they are driving, people argue when they are stopped for violations. People often fight them. People that are arrested like to complain but unfortunately, it goes with the territory. Agencies have procedures for handling complaints. Complaints are common because those that are arrested either want someone else to blame for their criminal action or want to deflect negative attention away from themselves. This happens everywhere, not just here. If people don't get what they want, they lash out at the police department to gain support for themselves. This council takes what people say as gospel instead of what it really is. This council has been more than willing to jump on the bandwagon for what reasons, I don't know, but to me, it

appears that they have personal negative feelings towards the police department or those who are employed there.

I've attended a number of these council meetings and I'm disappointed to see the members of this council as well as members of the public act as chief, police officer, investigator, DA and jury over the activities of our police department. Instead of defusing rumors, innuendoes and inflammatory remarks, this council, as well as members of the public, inflame rumors innuendoes and inflammatory remarks. City council should be taking every opportunity to support the department that does the front line work of running the city and keeping it safe. The city council should behave respectfully and respectfully towards those who are employed to keep our city secure. The city council and the public that have behaved so poorly is embarrassing. I see this council has lost some objectivity in decision making regarding the police department and I challenge you to create a supportive instead of an adversarial environment for our men and women who put their lives on the line every day and remember that they do it all for us.

Karl, I have a letter for you that goes into more detail of what I'm talking about, may I give it to you? (answer was yes)

John Burns-32830 Cedar Valley Road

I don't live in this town but I consider this my town, I'm part of the community. I do all my business and everything else in Gold Beach. I don't want to be redundant, a lot of stuff has been said and asked already. But I just want to make a point. The time line of when the 9-1-1 call was entered and the time the police officers were on the scene. Did someone call out Paul Bunyan, come out of there with knives or what...I don't know the whole story of all this other than what the article in the newspaper said. What are the witnesses saying? All this is under investigation and we are all anxious to find out what the answers to what a lot of these questions are. Why was the owner and the father threatened to be arrested when his daughter is brutally injured and taken to the hospital. I don't understand these things? Why were the tourists allowed to go so quickly? My concern too, is for the family that was really assaulted and if they are going to be able to have any counseling through all of this. What is the retaliation of all of this?

My true concern about the community and everything is that...First of all, no man has the right to hit a woman. I don't know who started what or if she swung first or what. If a man can't just stick his arm out and hold a girl or a woman off, even though she may be trying to slug him, this is not acceptable to me. I don't understand why this woman was beaten and then someone coming to her aid is beaten also. And there is nothing happening-no arrests were made. This is my question and my concern. As that one lady stated earlier, she feels threatened to walk any place in this town now. This is a real concern. What are our children going to be able to do, if they are walking around town here and someone just steps out the car, a passing tourist, and starts slapping them around and do whatever they want to to these people in this community. I really believe this investigation has to be followed through and find out what's going on so at least people in this town and this community can feel some relief, knowing that the police department is going to protect them and that is my concern.

Sandra Gilkey-94470 Chase Lane

(J Freedman donated his 5 min)

Gilkey read her statement (attached) into the record criticizing and questioning the actions of the police department and asking for an investigation by an outside agency.

DeAnna Craig-95636 Jerry's Flat Road

I want to say to the policeman's wife-I think they do a very dangerous and thankless job. BUT the injuries that were sustained by them-she was saying that her husband has come home injured, well this lady went home injured. This man that was there doing his job went home injured also. I do not understand why they weren't all.....If they were saying "he said, she said", why aren't they all taken into jail. Why didn't they take them all there? I don't understand that. If there is somebody that is guilty, they should take them to the jail and interrogate and make sure they know what is going on. You can't do that out in public when there are a bunch of people hollering and telling you what to do and what not to do. They should have definitely taken them to the jail and.... I know these particular people because (couldn't hear) and I really do believe they weren't the ones responsible for it.

Melinda McVey-94275 Seaview Road

I usually, as you know, talk "off the cuff". But tonight, I am going to talk from my notes. First of all, I'm one of

Sandy's uninformed people that believe in our police department. I'm here this evening because I'm very disturbed the way we residents are reacting to the situation at Paul Bunyan's. I have been friends with the Craigs since they moved here six years ago. The letter two weeks ago from Ken was totally understandable. I too would be very upset if my child was hurt by anyone, whether it was her fault or not. What we did not get was the other side of the story. Every conflict has 2 sides. After reading Ken's letter to the editor, we all jumped on the bandwagon and were upset that this could happen here and our police didn't immediately arrest the out of towners. What one of the policeman said about the jail being full was a stupid and unnecessary remark-granted. Now, let's stop a minute and review the outcome. We're very proud of our police department, we're giving them kudos and pats on the back, we stand behind our police department until something happens. Before we heard both sides of the story, we were ready to lynch the police department and start over.

My complaint is let the wheels of justice roll along and let's not over react until we all know all the facts. The other thing I'd like to say, and I've been to many meetings, I was very impressed Mayor, that you weren't questioning people if they don't live in the City of Gold Beach. I think that is very commendable because I know many times, in order to speak up here, you must be a resident of the city.

I'm very favorable of our police department. I think they do a hell of a job. I know that if I call them, they'll be there for me. I have every trust in the world. I feel safe walking these streets. To be honest with you I'm very rarely out after midnight or 1 o'clock-I'm too old. But I certainly feel safe when I come home from bingo or any other place that I've been. I want our police to know that I feel very safe with them around.

Johnson-It has never been our policy that people had to live inside the city to speak here. Popoff said anyone can speak, we'll listen to everybody, Alexander & Flynn agreed. (McVey said she guess she was thinking about the voting and she apologized).

Sandra Smith-PO Box 56-Wedderburn

I'm here tonight because there is kind of a travesty here, you know. I know rumors get started really fast. I'm sure that everybody has played the game in school where one person says

something and it's got to go all around the room and come back and (couldn't hear). Nobody knows what really happened except the people that were there. My concern is I am fully in support of our Chief Merkley. Since they've been here, him and his wife have done more for this community than a lot of people that have lived here for years. He is a very caring man and if you have a problem he will sit down with you and discuss it and probably tell you which way you should do it or give you choices. But I don't feel everybody should be hanging him for this. He wasn't there when this happened-one of his officers.....It takes awhile to get everything together. I support him and many people that I know support him and his wife. I (couldn't hear) that are talking about what happened at Paul Bunyan saying this shouldn't be done and that should be done, you really can't do that because you weren't there. What you hear and what was said in the paper isn't necessarily what happened. Did anybody stop to think about that? No they don't. But please-my support is for Chief Merkley and for the police department. If they had more people on their staff, they wouldn't have to worry about stuff like this happening, there would be more that could answer to the call.

Patrick Henry-94134 Caughell Street

I want to say that I think we have a great police department. They are definitely an asset to the community. I think Chief Merkley and his officers are doing a great job.

Bob Weichers-30012 Rogue View Lane

One of the primary responsibilities of government, federal, state and local is the safety and welfare of our citizens. Two of the most dedicated groups who ensure that safety and welfare are the police and fire protection personnel. In our case, in respect to the police department, I think we are fortunate to have Chief Russ Merkley as our chief of police. I've known Russ Merkley since the day he came to (couldn't hear) where I used to live. I found Russ to be a dedicated police officer and public servant. An example of his dedicated service surfaced during the heavy storms that occurred last winter. During and after the storm that caused so much damage, Chief Merkley and his wife Luane, were at risk to their own safety and well being, clearing up debris, checking for dangerous situations and looking after the welfare of the people of Gold Beach.

Knowing that we have several large trees around our home, Russ called me to make sure my wife and I were safe and had no

damage. I'm sure he did this to a number of other people also. Russ works long hard hours for far less than he should be paid for his services. His officers, as you know, risk life and limb daily. I found him to be honest, straightforward, dedicated and fair in his approach to problems. Russ is a person who loves his family, loves his community and is proud of what he does. If you need to call him you'll find he responds with a clear mind and thought process. If there is concern that he would cover up evidence, or conspire to do so with the other officers, I don't think you know Chief Merkley. He will defend his officers when they are right and demand that fairness for them when questioned about conduct but not to cover up for them. I believe that everyone wants him and his officers, when they have a threat to their family, their home, or anything else, and those officers respond willingly. But however many of those same people find great fault when a difficult situation is handled, which in their opinion, at least, is less than an ideal manner. There are a few of us, including myself, that would assume the responsibilities that Chief Merkley assumes on a daily basis. I trust him with my life and I do so each day. If anyone feels the events in question were handled improperly by the officers at the scene, which did not include Chief Merkley. There are proper ways to investigate the events but a continuing inquisition against Chief Merkley is not one of those ways.

Gene Trinkler-29501 Daisy Lane - retired LA cop

I'm not here to address the (couldn't hear) that occurred. I'm here to lay out some background of what the police department has to work, how they work, and some of the duress that they have to work with.

First of all Merkley has a lot to deal with. I am going to read you some facts, that are e-mails that went back and forth a couple of months ago and Russ is aware of this. I don't know if any of you are-it was just given to me a couple of weeks ago. This may answer a couple of questions.

POPOFF-If there are any names, or anything like that, I don't want any name-calling or anything like that.

Trinkler-I'm going to read some facts that were e-mails that are detrimental to the composition of the support of the police department. I put in for the budget committee because as most of you know, I spend about 50% of my time volunteering. This is an e-mail that was given to me from a

person who was a very good friend of a city council person. This is dated February 24th. I'm just reading this. I wanted on the budget committee, not to support the police department, I've been here 15 years. I respect volunteers such as yourself. When something like this comes to light I think it should be in public view.

Trinkler read parts of the e-mails (H) from a councilor to a friend urging the friend to apply for the budget committee because the friend has lots of budget experience and Trinkler doesn't and Trinkler would be horrible on the budget committee and would give the entire budget to the police department and that would be the end of it. Chief Merkley has enough to handle tonight. All I wanted to do was point out the lack of support he lives with his department and trying to stack the commission, the council, in favor of one way or the other. In my opinion, I think that person should step down.

Johnson-May I respond? (Popoff said if you wish to) I'm the one that wrote the e-mail to Jeannine (Kahl), who has spent her life, her career budgeting. I asked Trinkler if he had any budgeting experience. He told he had not, that he was thinking of applying for budget committee. He is a good man and does a lot of volunteering. Yes, I was trying to stack the budget committee, I was trying to get the person who had the best experience. I know what the e-mails said and I'm sorry. Yes, any time I look for someone on a committee, I look for someone that would be the best for it. That, to me, would be the person that has worked with budgets throughout her career verses someone who had never done a budget. The other part of it saying he would just give the budget to the police-that was kind of a crude way to put it, I didn't know everyone in the world was going to see it. However, I've learned a good lesson. Yes, I want people with no agenda on our committees. Don't you think it would be the most normal thing for Gene, being a career policeman, to have a little more of an agenda for the police department? I've explained why I didn't think it was a good fit for the budget committee and I feel very justified in that. As far as the way I put things, I am very ashamed of what I said in that letter and I've told Gene that. I'll never get over feeling bad about it but I have learned from it.

Popoff-Stated that everyone that signed up to speak has done so.

Chief Russ Merkley-Fourth of July went well, no major incidences. Next event is the fair, we have 2 reserves that will be working there.

I was shocked and disappointed. I couldn't understand, in fact I was dumbfounded and was quite honestly bewildered by the reaction of my community. At least the vocal minority of this community. A friend of mine emailed me this today-it says when you get up tonight, take a deep breath, and remember, we have a history of due process in this county, a process that was fought with blood and sweat. We also have a history of not following due process in this county. (Examples were given) In the end, the system will be vetted, regardless of how much emotion is brought to bear. No one deserves to get hurt and a Dad has the right to be upset, absolutely. As many of you know, I am the father of 6 daughters and I would also be very upset if I saw my daughter injured and I would want to take matters into my own hands as well. But contradictory to many things that were said today, the police did their primary job. Because once on the scene, no one else got hurt. Parties were separated, information was gathered, statements were given and no one else got hurt.

Primary responsibility of the police is to protect and to serve. As far as Ms. Gilkey is concerned, Port Orford and Gold Beach are quite dissimilar. Yes, they have 3 officers, we have 4. Our call for service load is quite significantly higher than theirs. Yes, we only collected \$500 in Muni Court. Most of our tickets are written into circuit court, so I don't know how much money was brought in by the police officers of the city and quite frankly, I don't care. I'm not in the job, and they are not in the job of raising money for the City of Gold Beach. You wish us to be a revenue generating department, your wish will be dissatisfied-that is not my intent and never has been. Can we supplement our income by having a muni court in the City of Gold Beach? Yes, because our share is more when we write citations into muni court than it is into circuit court. I'm sorry that Mrs. Gilkey has some unfavorable comments about the police department. But rest assured Mrs. Gilkey, if you call, a policeman will come. It may not be the policeman you want to come, or you like the most, or you don't like the most, but one will come, nevertheless.

As far as Mrs. Roberts-we will not come to your house, you do not live in the city and quite frankly, I'll save my comments for the end.

This council wants a 24-hour police department while paying for less than 18 hours a day. This community may want a Cadillac service but allow the council to provide a geo metro budget. We are understaffed. I am proud of the officers in this department. I am proud, of the most part, of the community they serve. Until this "over the top" reaction of a very rare occurrence in this town.

I have told the owner of the paper (CC Reporter) that I was disappointed in the way they chose to print the letter from Mr. Craig. The only call that I got in my office (my office manager took the call) was wanting to know if the incident report was done for Paul Bunyan's and the answer was NO, because it was not. That is the only question that was asked of the police department or of me until after the newspaper was run on Wednesday.

That sells a lot of newspapers but it is a hell of a way to do a business. We provide a good service, not a perfect service but a good service. But a far better service than what is provided by the city council, because of the dedication and commitment of the employees of the police department.

Can we provide better customer service in the future? Yeah, probably. I think we can and I've taken some steps in that direction. Will everyone be happy every time an officer is on scene during or after an incident? And sometimes, just sometimes, doing our job gets in the way of making everybody happy. I have done nothing wrong. I have no skeletons in my closet. If Margie Roberts or Sandra Gilkey or anyone else chooses to dig around in my closet, you are more than welcome. All you're going to do is hear the clang of your pot that you're stirring.

Nothing has been covered up by me or the officers that responded to that call. When I say nothing, I mean absolutely nothing was covered up. There is nothing to cover up. Officers responded to an incident, parties were separated, no additional injuries were incurred by anybody. Information that was necessary for the continuation of the investigation was gathered. That investigation did continue. It has reached a point where it has been turned over to the District Attorney's office. What they choose to do with it is their decision, not mine right now.

Were the officers rude? Maybe, but the last time I checked, being rude is not a crime, because if it is, there are many in this room that would have to be cited. The allegation or suggestion that we've had contact with Paul Bunyan, as far as I know, the Gold Beach Police Department has not. I would have to dig into the records, don't quote me for sure. I know the sheriff's office has had a couple of contacts but again; we are not the sheriff's office.

If you choose, in your wisdom, to get some agency, then why should we stop with OSP. I think we should have the Central Intelligence Agency come and do an internal investigation because obviously something has to be wrong.

Get OSP down here. It will be an absolute waste of everybody's time. Once the D.A. office has done their job, I don't know that this discussion will need to continue any further. Yes, somebody got hurt and somebody went to the hospital, and I am sorry for that. Nobody deserves to be hurt. But as far as "letting people go", when you have you have 4 opposite sides of a story, it is very difficult for anybody, at that point in time, to make a determination that will hold up in court. So please, allow us the ability to do the job that these professional people that work for the city can and will do.

If the council is so dissatisfied with the functions of this police department, then that's your decision. But I am going to tell you again, I have done nothing wrong. I have broken no laws, I have violated no policies. My officers have broken no laws or violated any policies. Could things be different? Every single incident, when you Monday night quarterback, could be handled differently. These men do a job and often times it is a thankless job. I don't expect a pat on the back. I've been a policeman for over 30 years. I know better than that but I do expect better from the community who jump on a bandwagon, willing, knowingly, and callously blame a police department for not doing their job, when in fact, that is exactly what they did. You don't have to like the outcome, you don't necessarily have to like the way it was handled but again, no laws were broken and no policies were violated.

I am disappointed with the way it was all handled from the very beginning. I'm not disappointed in the way the officers did their jobs. I'm disappointed in the manner in which this was made public. If we had a newspaper that had a conscience, it wouldn't have been as big as it was. Granted, that email

was sent to God and everybody, so it was going to become an issue. But it would have been an issue we could have dealt with in a calm and collected manner, instead of everybody wanting to get out the hangman's noose and hang us all. You guys are the power. You decide. Wait till the city manager comes on board-let's load him/her with that.

I have to agree, it has been too long without a city manager. I need to have a boss. I need to be accountable to someone so I can go and I can discuss and I can be told, or directed by a boss and I long for that day.

Johnson-Russ-you mentioned that this council expects you to have a 24-hour police department. When have we ever directed you or told you that we wanted a 24-hour police department.

Merkley-You told me, personally, that you wanted me to respond 24 hours a day, 7 days a week.

Johnson-I did not. (Merkley said yes you did) That's not the same as having 24-hour coverage.

Merkley-No, it's not. We don't have 24-hour coverage.

Johnson-I know we don't and that's what I'm asking you. You just said "this council wants you to have a 24 hour police department". I'm just saying I don't remember the council ever telling you that we expected that of you because we know you don't have enough officers for that. I just wondered why you said that.

Merkley-What I meant to say, is you want the benefits of a 24 hour police department without paying for a 24 hour police department.

Johnson-Thank you for telling me that's what I want. I never said that. (Merkley stated that was the impression he got (couldn't hear the end of his statement). Put it out to the people that it's just your impression. (Merkley-my impression)

POPOFF-When the incident occurred, I was in Las Vegas visiting my son. I got back that Sunday night. Monday morning I was faced with that. That afternoon I personally went to see the owner of Paul Bunyan Burger. Upon talking with him and getting his side, I went directly to talk with the chief and the officers that were involved. It was two entirely

different stories. But I will tell you this, I went to make sure that I got both sides. I don't know how many people out here did that. The DA has this in their hands. What's going to come of it, I don't know. Like everyone else in this room, I want to know what the truth is totally too. But I am not a law enforcement officer, I'm not a district attorney. There are professionals that know what to do and how to arrive at the truth as near as they can come to it. That's what we're in the process of waiting for now.

I do want to thank you all, once again, regardless of which side that you took, your opinion matters. You have conducted yourselves very admirably tonight and I appreciate that a great deal.

Johnson-You said, and the chief said about us knowing the facts. I, as a councilor, know nothing about this except what I've heard on the streets and what I read in the paper. I think we are entitled to know what happened. You apparently found out. I feel the council should be informed from the other side of what did happen.

POPOFF-You may indeed have a point there. What I was trying to get across, and I hope that I did, is that I did take the time to try and get both sides. That doesn't mean that as Mayor, I automatically get it. Any private citizen has the right, and I know the chief's door has always been open to that, to come in and ask. Remember, there are 2 sides.

Johnson-They have asked and been refused because it is a case still under investigation.

POPOFF-They asked after the investigation process began. All I know is I was given the information and I know the chief went public with the newspaper (the Pilot) so I know there was information already presented out there, with at least as much of their side as they could possibly say.

Johnson-I don't like to believe what I read in the papers or hear on the streets to tell you the truth.

Merkley-It's not the police side necessarily, it's the other people, who were involved in the incident, side. Their information was given to the DA and he will make a determination or give it to a grand jury to let them decide.

ANNOUNCEMENTS:

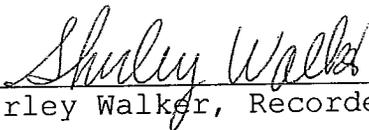
The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, August 11, 2008 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

ADJOURNED AT 8:26 P.M.

PASSED BY THE GOLD BEACH CITY COUNCIL ON AUGUST 11, 2008.


Karl Popoff, Mayor

ATTEST:


Shirley Walker, Recorder

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call (541) 247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of Discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9419