

**MINUTES**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**  
**MONDAY, AUGUST 20, 2007**  
**REGULAR MEETING: 6:30 P.M.**

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

**THE PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
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:** Comments and participation from the audience shall be limited to 5 minutes without redundancy.

**CONSENT CALENDAR:**

- A. Approval of Council Minutes of 7/9/07.
- B. Review of bills paid in the amount of \$202,849.91.

**MOTION:** Johnson moved to approve the Consent Calendar as presented, second by Flynn. Councilors Johnson, Flynn Peterson and Alexander voted "AYE". VOTE 4 AYES 1 VACANT

**CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS:**

**REQUEST FOR ANNUAL PARK ORDINANCE VARIANCE**

CUB SCOUTS PACK 103 - SUZIE MAZZA

**POPOFF STATED:->** Suzie Mazza, on behalf of Cub Scouts Pack 103, is requesting a yearly variance of Ordinance # 560, section (2), (b) and (c) to allow Cub Scout Pack 103 the use of BB guns and beginners archery equipment at the annual day camp only, on a yearly basis during the early part of August. The Cub Scouts can only earn their BB Gun and Archery Badge from the Day Camp (Buffington Park). They could also earn it from The Camp Baker Summer Camp but it is usually too costly and too far away for most of the Scouts from this area to attend. Ms. Mazza assures the council that safety and supervision has and always will be a top priority.

**Popoff stated he had received a complaint.** It was due to where it was at-in between the gazebo and the tennis court. Right above there is the nature trail. In the past, and it

has been a long tradition, it was on the east side of the gazebo which was a safer area. If that could be adhered to?

**Johnson**-Absolutely no problem. These are grownup people and I trust their judgment to do it in a safe manner.

**Flynn and Peterson**-No objection.

**Alexander**-Just wanted to make sure this presumption is correct that these will be done under proper supervision and in a safe area. I think it is important to teach the proper respect for weapons at a young age.

**MOTION:** Flynn moved to approve Ms. Mazza's request for an annual variance of Ordinance # 560, Section 2, b & c: if any complaints are received, this will be re-visited, second by Alexander. Councilors Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES 1 VACANT

#### **ORDINANCES AND RESOLUTIONS:**

##### **ORDINANCE # 610 ( C )**

AN ORDINANCE AMENDING THE CITY OF GOLD BEACH ZONING ORDINANCE (ORDINANCE # 327) IN THE MATTER OF THE AMENDMENT OF THE PUBLIC FACILITIES (7-PF) ZONE  
Second Reading

**MOTION:** Johnson moved to approve the second reading of Ordinance # 610, as read by title into the record by Mayor Popoff, second by Alexander.

**Peterson**-You said the words "special events". There has been no special events going on at the fairgrounds since the fair is over and there have been campers there almost continuously. Popoff said Johnson made a very specific point of this.

**Johnson**-We were talking about two different places (I'm just going by my memory) we were talking about down below for \$5 apiece. Is that where you're talking about?

**Peterson**-No, in the upper part. Campers have been there almost since the fair has been over and there have been no special events. It was my understanding that there was to be camping there only for special events. (All agreed)

**Johnson**-Then we should have someone call the fairboard-we can't have that-that's not what we agreed upon. That was made

very clear and they were very clear about it when they were talking to us, so it wasn't just us making rules.

**Alexander**-I ask for unanimous consent to table this until we get this straightened out. (All agreed)

**Motion and second were withdrawn.**

**RESOLUTION R0708-2** (D)

A RESOLUTION ACCEPTING A BOAT DONATED TO THE CITY OF GOLD BEACH POLICE DEPARTMENT, SELLING THE DONATED BOAT IN THE AMOUNT OF \$12,000 AND AUTHORIZING THE APPROPRIATIONS IN THE SAME AMOUNT

**MOTION:** Johnson moved to approve Resolution R0708-2, as read by title into the record by Mayor Popoff, second by Flynn. Councilors Johnson, Flynn, Peterson and Alexander voted "AYE".  
VOTE 4 AYES 1 VACANT

**MISCELLANEOUS ITEMS:** (Includes policy discussion & determination)

**LIAISON FOR WASTEWATER TREATMENT PLANT**

**POPOFF STATED-->** According to an informal poll, Councilors Peterson and myself can attend any meetings re the Wastewater Treatment Plant: Councilor Flynn may possibly be able to attend some of the meetings: Councilors Johnson and Alexander are unable to attend. I would like a motion to designate Councilor Peterson.

**MOTION:** Alexander moved to designate Councilor Peterson as the official Council Liaison for the Wastewater Treatment Plant, second by Flynn. Councilors Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES 1 VACANT

**MONTHLY WASTEWATER TREATMENT PLANT REPORT** (E)

**POPOFF STATED-->**For the purpose of keeping the public informed, I will read the monthly wastewater treatment plant report into the record.

**UPDATING CITY POLICIES** (F)

**COUNCILOR ALEXANDER**

**MOTION:** Alexander moved that the policies and directives delineated in the Policy Manual be adopted as official policy of the City of Gold Beach and supercede any current policy or directive which may be in conflict. That the policies contained in the manual may be amended or deleted and

additional policies incorporated as approved by a majority of the city council, second by Flynn.

Chief Merkley and his wife Luane have requested to address the council.

**Alexander**-I'll explain the nature of the motion. This motion is offered as a last component in a project that has been on-going for awhile. Initially, it was originated because it became clear there was no central location where city policies were kept and things were slipping through the cracks. Several months back, I made a motion to compile a policy manual and have a bi-annual review of that policy with a place for each department, councilors, mayor, etc., to sign and date when they have reviewed it. It is important to understand that none of the motions cast anything in granite. I specifically wrote the motion to allow flexibility. The policies that we adopt will be official city policy, however, they may be deleted, amended, and additional policies may be added by a majority of the city council. What we've adopted is the book, it doesn't lock it in. There is flexibility. If we find a policy is overly restrictive or does not accurately address a situation, we can always go back and amend it or if we find it has become obsolete or redundant, we can delete it or we could add other policies as necessitated by circumstances. It is a work in progress. This officially adopts what we have now. To basically have it centrally located and have all of us all reviewing one specific document that is city policy. That is the thrust behind the motion.

**Russ Merkley-Chief of Police - Gold Beach** (G)

Received a memo dated 8/13<sup>th</sup> but I didn't get the memo till Wednesday the 14<sup>th</sup>. Did the points I discussed with Alexander and Johnson get inserted?

**Alexander**-Those points we discussed and those changes we agreed were important were made. There was one situation where we did not come to an agreement, as you know, on the unmarked vehicle. That remained in place as was written. That will be adopted as policy but we can always revisit. It's not locked in concrete but it will be adopted as part of this policy. That was on having the current, unmarked vehicle marked as a police vehicle. That entire # 4 was stricken because you had some good points and we also changed some wording that Merkley requested.

**Merkley**-The unmarked car-until Wednesday, I wasn't aware there was an issue with the unmarked vehicle, understanding that the car assigned to me is a fully operational police vehicle, cage, radio, lights, etc. If you want to step outside, I'll turn the lights on and you can see just how visible it is. I would have liked to have more time to discuss the validity of having a single unmarked vehicle in the fleet. I cannot tell you of a single department, other than perhaps Powers that does not have at least one unmarked vehicle for a variety of reasons. The vehicle is not routinely used as a patrol vehicle, it isn't a Volkswagen bug-it clearly looks like a police car, it has police rims, spotlight, etc. What it does do is it allows some ability to go into a situation where you're not instantly recognized as a police vehicle, or if you're doing surveillance in the shadows, you can park that vehicle and observe and not be immediately recognized as a police vehicle. I don't understand the reason behind it-if it was the only car of its kind in Curry County I would certainly understand some misgivings or questions about it but it is not. It is one of many. It is more "police looking" than many of them out there. If visibility is an issue, then I suggest we could get a roof mounted magnetic 360 degree light that can be placed on that vehicle. We could put magnetic decals on it, which would instantly make it visually a police car without any doubt. This is my recommendation, and I think this would address the concerns and it would still allow us the flexibility to use that car in other than a patrol status.

**Alexander**-It was my understanding that "no unmarked" police cars was a directive that was previously handed down. I agree-you were "blindsided" by this. You got blindsided because there was no central place where people can go and look at what the policies are. That's why I think this policy manual is so important. It is important to realize that we are all here to serve the citizens of Gold Beach. You and your department have a great deal of respect from me. I want that made very clear. Anything that comes up that we feel, or you feel, needs to be addressed, then we can certainly do that.

**Merkley**-I'm not aware that "no unmarked police vehicles" was ever a directive.

Further discussion ensued regarding this.

**Alexander**-I like you're idea. Some concern has been expressed to me about making sure those magnetic decals are actually put on the vehicle in its' normal usage. Then it is my understanding that when that vehicle is not being used for surveillance or undercover work that it will be magnetically detailed. I think that is a good compromise if you would commit to that. A marked car is a greater deterrent but more importantly, it provides a better sense of security for the citizenry to see marked vehicles. (Johnson-yes, and those are the reasons I want it marked)

**Merkley**-I'm the one that drives it so I would be responsible for that.

**Peterson**-On having the magnetic markings-I have no problem with this but is this car going to be able to be parked inside? You're throwing a challenge out there to a lot of people.

**Merkley**-It's parked at my residence when not in use and I would remove them at night time.

**Popoff**-where do we go from here? If this is passed as presented, then that would limit the chief as far as the magnetic signs and removable light.

**Alexander**-No, we could pass this as such and make an amendment. That's the beauty of this-the flexibility is there to do that.

**Johnson**-asked the chief if he was in the chase to California the other night? (Merkley-no, not directly) But that car was involved-is that right? (Merkley-it went down there, yes) Well that's another reason I don't like having an unmarked car. You never know when something like that is going to happen, just like they didn't know when this one started. I want our cars clearly marked if they are going to be going down the road in a dangerous high speed pursuit situation. I also want to make it clear that it wasn't just a couple of us doing this.

**Merkley**-When I was going fast, the lights were on and it was 2:00 a.m. That car is very visible. (Actually started about 11:30 p.m.) It's very visible, that's not an issue.

**Alexander**-I don't see the need for an additional magnetic light on top but I do think the magnetic decals to identify it is important. It is going to provide psychologically a greater sense of security for the citizens to see it marked as a police car-I have studies to back that up.

**Merkley**-The window opening in our office area. For me, the police window issue is one of security. In my opinion, if the window opening at the police department is a public access issue, then it's not open from 8-9 or 4-5, that's time when people come into the city requiring assistance. By having the office manager leave for lunch period and closing that window...the vast majority of county and state offices, in this county, close at lunch. (Johnson-not the city) I understand the city holds a notable candle there. Virtually everybody does and everybody adjusts their schedule to fit that. Taking an officer off of patrol, who during the school hours is obligated to be in the school zones-if he is the only officer on, then when am I going to allow him to have lunch, when the office manager has lunch? We can easily make a sign that comes down when you roll the metal down that says "if you need assistance, please call dispatch" and provide the phone number.

Mostly when I'm in the office I advise the city personnel that I am in the office and they can send people down the hall-my door is always open. From my point of view it is more of a security issue-leaving it open. I am in favor of making that public access to that area more limited. We have sensitive material, records, etc. Limited access could be accomplished by having a Plexiglas window with a pass-through. (Johnson asked when he thought this extra security would be needed) I would say any time that office window is open. (Johnson there are 3-4 employees in the main office that is open all day, they would certainly see if anyone tried to crawl in that window.) Merkley said yes, but then it would be too late. (Johnson-the window wouldn't be open unless one of you guys are here)

**Peterson**-If there is no one available to be in that office, the window is closed. If someone is in that office, either than front window or that front door should be open. That's how I feel about it. If the office manager is gone to lunch and you have no officer that is going to be there-you close the window. We're on the same line.

**Merkley**-I would like to see another added layer of security for the office manager. (Johnson-I think that is a completely different subject than what we're on) It is.

**Peterson**-That is something for you to put in on a budget situation at a later date. (Merkley-that's fine-we can deal with that separately)

**Merkley**-The most important issue in my mind is the inclusion of a pursuit policy in the overall city manual. A copy of the police policies was given to the city office back in 2006.

**Johnson**-I think you're right about only the pursuit policy being included in the city. I think all of the policies should be included in one area, not just your pursuit policy, not just our general policies. I know you have a taser policy, I think that should be included. Your policies aren't worth anything until they are Okayed by this council. I didn't see a copy of your police policies that you gave to the city in 2006. I don't know that there was ever a motion by the council to approve and adopt your police policies.

**Merkley**-It was presented to the city. I agree, if you guys want to review them, fine.

**Alexander**-I think the whole police manual should be incorporated within the general policy manual of the city.

**Merkley**-You're not going to take a copy of my police manual and give it to the guys and give it to the guys in the street department are you? My concern is to single out the pursuit policy..... I agree to having the police policy manual adopted as part of the Gold Beach policy, as the policy of the street, alley and water department but to attach it physically to that little green folder that we get, I don't understand why of all the policies, and there are probably 100 in the police policies, why this one (pursuit policy) should be singled out and physically attached to the city policy.

**Johnson**-It's not because it's "alone", it's because this is the first one we've done.

**Merkley**-If you're not going to copy and hand out the police manual, why single out the pursuit policy? When this was being discussed, I should have been informed and involved in the process. I was offended that I wasn't included in the beginning. The police policy manual-I didn't re-invent the

wheel. It was sent to me by the Eagle Point Police Chief, who was, at the time, was a certified police department by the chief's organization, which is quite a long process. I modified it somewhat that were pertinent to a small department. I just basically changed the names of Eagle Point to Gold Beach. The format this proposed pursuit policy is in does not reflect the format that every other policy of the police is in. Whatever changes are made need to be in the same format, unless the city wants to go out and hire a consultant to re-do the police policies. I request that we stay with the same format.

Further discussion followed.

**Merkley**-I have an officer safety issue and a public safety issue with being limited to two police cars in a pursuit situation. If there are multiple suspects in a vehicle being pursuit, I don't want a policy saying we can't have more than two police vehicles. Any felony stop, at best, requires more than two cars, especially when you have multiple subjects. I would ask that you review it, in depth with me.

**Johnson**-I believe that "two cars" is in your old policy. (Merkley-yes but it has been changed from "should" to "shall") That is what the insurance guy wanted. We talked about that quite a lot. I think he is thinking two cars from any agency. Like how many total cars were involved the other night? (five cars) There are only two major changes to the policy.

**Merkley** - "Should" means you should. "Shall" means you will. That can make a huge difference. I vehemently object to the word "shall". You cannot handcuff your policemen to that extent.

Further discussion followed regarding the proposed pursuit policy.

**Popoff** asked if there was any further discussion.

**Alexander**-We can vote on the motion as read. Then we could Vote to amend the marked vehicles policy and I've got what we've talked about the magnetic details. Once that has been amended we could turn our attention to these two resolutions. I wasn't looking to withdraw the motion. We would vote on this motion, then make the amendment after words to that section of the policy regarding vehicles. At that point, that would change that is covered under R0708-4, we could then have

a vote on this resolution. The way it would go in the flow, we would vote on policy, after we do that, we would amend the one section that is covered under R0708-4, then we could vote on the resolution.

**Popoff** asked for a vote on Alexander's motion.

Councilors Johnson, Flynn, Peterson and Alexander voted "AYE".  
VOTE 4 AYES 1 VACANT

**Motion:** Alexander moved to amend the marked vehicles policy to read as follows: All city vehicles are to be properly marked with appropriate decals used for each department. The police department may have no more than one fully functioning unmarked police vehicle, which will include detachable magnetic decals. Decals to be attached during normal duty hours and operations and compliance confirmed by the Chief of Police, second by Peterson. Johnson and Flynn voted "NAY", Peterson and Alexander voted "AYE". TIE VOTE 2 AYES, 2 NAYS. Popoff broke the tie with an "AYE" VOTE. VOTE 3 AYES 2 NAYS.

**RESOLUTION R0708-4** (F)

**A RESOLUTION ADOPTING CITY POLICIES FOR THE CITY OF GOLD BEACH**

**MOTION:** Johnson moved to adopt Resolution R0708-4, A RESOLUTION ADOPTING CITY POLICIES FOR THE CITY OF GOLD BEACH, second by Alexander. Councilors Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES 1 VACANT

**RESOLUTION R0708-3** (G)

**A RESOLUTION ADOPTING PERSONNEL PROCEDURES FOR THE CITY OF GOLD BEACH AND REPEALING R0304-10**

**MOTION:** Johnson moved to adopt Resolution R0708-3, A RESOLUTION ADOPTING PERSONNEL PROCEDURES FOR THE CITY OF GOLD BEACH AND REPEALING R0304-10, second by Flynn. Councilors Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES 1 VACANT

**MAYOR AND COUNCIL COMMENTS:**

**MAYOR - Karl Popoff:**

**COUNCILORS:**

Sue Johnson-Mentioned that Arlene DuMond, who recently passed away, spent many many hours volunteering her time for the City of Gold Beach. She served many years on the budget committee and the planning commission. She was the driving force and the "designer" behind the creation of the Pocket Park and it

was always kind of "her baby". If no one has any objections, I think it would be a great idea to have a brass plaque bolted into the cement at the Pocket Park in honor of Arlene. All agreed it was a wonderful idea.

David Alexander-Reminded everyone that has any time and/or energy can "bail" a dog out of the "doggie jail" and take it for a walk and they'll love you forever. People that do that should be honored, they provide a very needed, special service.

Donations of bedding, doggie food, etc., would certainly be appreciated and welcomed.

**CITIZEN COMMENTS:**

Mayor-if anyone wishes to add an item for Council consideration to the agenda, you may present it but the request requires a majority concurrence of the members present to be so added. Decisions on added agenda items that were not advertised on the agenda could be challenged.

**ANNOUNCEMENTS:**

The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, September 10, 2007 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

**ADJOURNED AT 7:37 P.M.**

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

Approved by the Gold Beach City Council on September 10, 2007.

  
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Karl Popoff, Mayor

ATTEST:

  
\_\_\_\_\_  
Shirley Walker, Recorder