

MINUTES

**CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, APRIL 9, 2007
REGULAR MEETING: 6:30 P.M.**

CALLED TO ORDER BY MAYOR POPOFF AT 6:30 PM:

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor Karl Popoff	<u> X </u>	<u> </u>
Council Position #1 Sue Johnson (6:40)	<u> X </u>	<u> </u>
Council Position #2 Don Flynn	<u> X </u>	<u> </u>
Council Position #3 Vacant	<u> </u>	<u> </u>
Council Position #4 Vacant	<u> </u>	<u> </u>
Council Position #5 David Alexander	<u> X </u>	<u> </u>

****NOTE:** Comments and participation from the audience shall be limited to 5 minutes without redundancy.

SPECIAL ORDERS OF BUSINESS:

MAYOR PROCLAMATIONS A

1. Proclaiming April as Alcohol Awareness Month
 2. Proclaiming Spring Season 2007 as "Those Who Host Lose the Most: Don't Be A Party To Teenage Drinking
 3. Proclaiming the seven-day period ending on July 5 be observed as National Clean Beaches Week
 4. Proclaiming April as Child Abuse Prevention Month
- Popoff read the above proclamations into the record.

CONSENT CALENDAR: B

- A. Approval of Council Minutes of 3/12/07: 3/26 and workshop minutes of 3/15/07.
- B. Review of bills paid in the amount of \$448,166.24.

MOTION:-> Flynn moved to approve the consent calendar as presented, second by Alexander. Johnson, Flynn and Alexander voted "AYE". VOTE: 3 AYES 2 VACANT

CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS: C

REQUEST FOR MUNICIPAL COURT WAIVER FOR SPECIFIC CITY ORDINANCE AND STATE VIOLATIONS BY A YOUTH

Kenneth W. Dukek, Director-Curry County Juvenile Dept.

POPOFF Stated:->The City of Gold Beach received a letter of request from Kenneth W. Dukek, Curry County Juvenile Director, asking the city to accept jurisdiction of specific juvenile cases (park ordinance violations, helmet violations, and curfew violations). The City would cite these violations in our municipal court. The City of Brookings has previously agreed to accepting jurisdiction and to adopt a curfew ordinance. The result of this would be to develop consistency countywide with the County, Cities of Brookings, Gold Beach and Port Orford.

If the council agrees to the proposed curfew ordinance, it will be incorporated into our ordinance codifications. If the council agrees to accepting jurisdiction of specific juvenile cases, there is a resolution later on in the agenda. Our current curfew is between 12:00 midnight and 4:00 a.m. of the following morning, the proposed curfew would be between 11:00 p.m. and 5:00 a.m. of the following morning. The chief is supportive of these requests.

Mr. Dukek-41931 ??? Port Orford OR - 3.5 of our juvenile department staff have been laid off. There are some cases we are going to have to decide not to process at this point. It started with Brookings asking how we were going to handle kids who are skateboarding in the park. I responded that I really need to focus on kids who are committing misdemeanors and felonies-kids placed on probation, kids who are going to be placed on detention. So that got the ball rolling in a couple of other areas (helmets and curfew). We need to step out of the "middle man" position. I think it is better to have the municipality do it because the police departments do it anyway.

Mr. Dukek gave other examples of why consistency and accepting jurisdiction would be best for the county and cities. This would be 365 days a year.

A brief question and answer period ensued.

MOTION:->Alexander moved that the City of Gold Beach approve the proposed curfew regulations and direct staff to have it incorporated into the ordinance codification, second by Flynn. Johnson, Flynn and Alexander voted "AYE". VOTE: 3 AYES 2 VACANT

ORDINANCES AND RESOLUTIONS:

RESOLUTION R0607-16 D

A RESOLUTION CONFIRMING COUNCILOR'S ANNUAL APPOINTMENT OF
MAYOR PRO-TEM FOR THE CALENDAR YEAR OF 2007 AND RESCINDING
RESOLUTION R0607-14

MOTION:-> Johnson moved to approve Resolution R0607-16
appointing David Alexander as Mayor Pro-Tem for 2007, second
by Flynn. Johnson, Flynn and Alexander voted "AYE" VOTE: 3
AYES 2 VACANT

RESOLUTION R0607-17 E
A RESOLUTION ACCEPTING JURISDICTION FOR PARK, HELMET AND
CURFEW VIOLATIONS

MOTION:-> Flynn moved to approve Resolution R0607-17, second
by Alexander. Johnson, Flynn and Alexander voted "AYE". VOTE:
3 AYES 2 VACANT

MISCELLANEOUS ITEMS: (Includes policy discussion
& determination.

APPOINTMENT OF MUNICIPAL JUDGE

Popoff Stated-> Rod Black is currently our "Code Enforcement
Officer", this is merely a change in title to "Municipal
Judge".

MOTION:-> Flynn moved to appoint Rod Black as Municipal Judge
for the City of Gold Beach, second by Johnson. Johnson, Flynn
and Alexander voted "AYE". VOTE: 3 AYES 2 VACANT

Popoff performed the swearing in of Rod Black as Municipal
Judge.

POLICE DEPARTMENT TAX LEVY

POPOFF Stated:-> At a 3/15/07 workshop, the council
informally discussed submitting a tax levy on the ballot for 2
additional police officers plus equipment. The consensus was
to have the chief come up with some figures to give the
council something to vote on at the next meeting and submit it
during an election that would be at no cost to the city. At
that time it was assumed that would be the November 07
election. Since then we have found out that levies can only
be submitted on the even years at no additional charge.
Therefore, this request for a tax levy (at no cost to the
city) would not actually be voted on until the November 08
election. Of course everything would have to be completed
several months prior to that. Since there is more time to get

everything together than we originally thought, the motion would not include any dollar amount at this time. The date of no later than September 2007 for submitting the information to the council is agreeable with the chief.

Johnson-I was under the impression, when we discussed this at a previous noon meeting that this was "in the event the county didn't get any money". This is all predicated on the need we would have if there weren't as many deputies as there are now- if they reduced their deputies and the taxpayers wanted to increase our police department. That was my impression of what we agreed upon. I don't feel that we need to make a motion to compel the chief to bring us something. If he is going to bring us something to consider, then it does need to be by September 07.

Flynn-My understanding was the whole thing was based upon if the county received the O&C funding or not.

Alexander-My understanding is that it was predicated on whether or not the timber monies came through and the county had the ability to provide deputies or not. What I'm seeing is the money is not there yet. Since these things have to have the foundation, I do believe we should go ahead and get the foundation laid now because if we don't and it turns out that the bill is vetoed and they can't come up with something else, then it is going to be too late so I do see a value in making a motion.

Johnson-I don't mind making the motion to have him present us something, if he's going to, by September 07 but I don't want this council to "compel" him to do that.

Alexander-Question for the chief-how would you feel about this motion being made, asking you to have that information to us by September 07?

Chief Merkley-I'm fine with that date.

MOTION: -> Johnson moved that if the police chief wants to present a tax levy to the council for consideration, then he should have it to us by September 2007, second by Flynn.

Alexander stated he agreed that we shouldn't compel the chief to submit the information but he felt there should be an addition to the motion.

Johnson said with the permission of her second (Flynn agreed) she would amend her motion to include the verbiage "he would put together the information, including the dollar amount required for submitting a tax levy to the voters".

MOTION AFTER AMENDMENT:-> Johnson moved that if the police chief wants to present a tax levy to the council for consideration, then he should have it to us by September 2007. He would put together the information, including the dollar amount required for submitting a tax levy to the voters, second by Flynn. Johnson, Flynn and Alexander voted "AYE".
VOTE 3 AYES 2 VACANT

MAYOR AND COUNCIL COMMENTS:

MAYOR - Karl Popoff:

Budget meeting tomorrow evening at 5:30 P.M. I'm unable to attend as I have to be in Roseburg at the VA hospital.

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.

REQUEST TO ADDRESS THE COUNCIL:

Popoff stated that he would tolerate no personal attacks-whether up here or in the audience. Whether you agree with the person speaking or not, be courteous. I will give one warning, the second time I will ask them to leave.

MICHELE MARTIN-29811 Colvin Street-This is in regards to Councilor Sue Johnson's letter to the editor of 3/14/07. I have documentation that can contradict this letter but I only have 5 minutes so I have picked out some focal points. Refer to your handbook for Oregon City Councilors, page 2-3. # 1, the city employee is responsible to his or her immediate supervisor and cannot take orders from a councilor and # 2, each councilor has authority in administrative matters only, to the extent delegated by the council as a whole. This delegation is often formally contained in an ordinance or charter provision. Because city councilors have acted individually, not as a council as a whole, city employees who have felt as though they were continually harassed may address these issues at a later date.

Refer to City Charter, page 8, chapter 8, section 30. "What Creates A Vacancy". Councilor Coltrane did not present his

residency situation to the council. Is this considered being honest and having integrity? When I was approached about Councilor Coltrane living outside the city limits during his term, I found that this situation had openly been known to some councilors and an office employee. This is an issue of possible election fraud and does question the honest and integrity of Councilor Coltrane. This should be investigated and information received from this investigation should be turned over to the election official.

I just want to make this clear that at no time have I ever discredited or questioned the job performance of the City Administrative Assistant. All I requested was public information on City of Gold Beach employees and budget material. What I questioned was a higher than average wage for the City Administrative Assistant position and how many departments, within the budget, these wages were acquired. It's not about how long any individual has been employed by the city, it is a matter of financial responsibility in maintaining a compensation that is current and reasonable, as stated in the personnel manual. Administrative position changes.

I arrived at a noon city council meeting, which was held prior to interviewing applicants for the city administrator position. There was a discussion pertaining to changing the weekly hours of the "less than full time position" from 30-35 hours per week down to 16 hours per week at a \$25 per hour rate. It was voted upon with 4 AYES and 1 NAY, which was my vote. I adamantly expressed that the city could not run on 16 hours per week. Then the interview process began where each applicant was informed by the mayor that the hours had been changed. I have a tape of the interviews right here, which clearly states the surprised changes to the applicant.

I have been honest and truthful in my public statement, it is up to the citizens of Gold Beach to decide the future of their city government. For this reason, we have decided to halt the recall on Council Position # 2, Don Flynn. The decision has been made to recall Council Position # 1, Sue Johnson, Council Position # 2, Don Flynn at a later date unless you both would consider resigning. Thank you.

SANDRA GILKEY-94470 Chase Lane G

At the last council meeting, Michelle Martin was allowed to discredit the three remaining council members, the mayor, Shirley Walker and even an ex-councilor. Unlike Ms. Martin, I

did some research and spoke to city employees, including Shirley, and members of the council and budget committee so I could get facts straight. I will not be addressing the city council members' issue because I feel that I can do that in letters to the editor. I would like to state that I feel that it is not only uncalled for but also ridiculous and that I do not support it in any way whatsoever. They do not deserve the untruths that have been said about them. Both Don Flynn and Sue Johnson are very committed to the city. On the other hand, I will be addressing the issue of the attack on Shirley Walker.

Ms. Martin served on the council since 5-12-03 and I am curious as to why all her accusations are just now becoming an issue. She was a part of everything that she is now accusing others of doing, even though her accusations have no merit. If Shirley's salary was an issue with her, she should have discussed it with previous administrators. They are the ones who set salaries, not the council.

I understand at one time there was a "pay for performance plan" in place. Shirley's performance was outstanding and she was rewarded for that service, later that was abolished so that all employees would be treated equally regarding percentages of raises. Shirley has been doing an outstanding job for over 22 years, receiving merit and cost of living raises. Common sense dictates that the longer you are on a job, the more valuable you are and the more money you are paid. Shirley is very confident in her work and knows that she is doing a good job for the city.

It appears that prior councils have realized how fortunate the city is to have someone who could "fill in" between administrators and still do her usual job, keeping everything running smoothly. She has done so several times and did once receive extra pay for doing both jobs.

Ms. Martin may have forgotten that Shirley was the one responsible for getting \$200,000 for the water line replacement during the repairs on the bridge. She later again dealt with our legislators and got \$200,000 for the realignment of water/sewer lines so there could be a left-turn lane at the south end of town. She recently got \$100,000 for sidewalks. These things and more were done while she continued to do her usual job and quite often, the administrator's job at the same time. She works long and hard for 9 hours every day for the good of this city and citizens

and it is ludicrous that she should be publicly accused of making too much money. I was appalled when I heard Ms. Martin use the words "funneling money" when talking about Shirley's salary. She was all but accusing Shirley of stealing or taking money no one knew about. Shirley has saved the city untold thousands of dollars in that because of her fine work, the city has not needed a full-time administrator. Council Johnson told me the city's business goes along just fine whether there is an administrator or not, that she sees no difference.

Ms. Martin claims she was not notified of the budget committee meeting last year, implying some shady dealings were going on so she was purposely not notified. I spoke to the employee who mails out the notices prior to the meetings and was assured that Ms. Martin received the same notification that everyone else received and there were two notices in the paper. Ms. Martin was notified in exactly the same manner as the nine other committee members and they all managed to make it to the meeting. I have a written statement to present to the council from employee Marie Parker stating these facts. It was also checked to see if Ms. Martin had indeed picked up her mail at city hall after the meeting and her box was empty of all budget materials.

Ms. Martin, while serving on the council, always praised Shirley's work, even not long ago telling her that she does an "awesome" job. I hope that in spite of the attacks from Ms. Martin, Shirley will continue to do an "awesome" job for the city until she retires.

It appears to me that Michelle Martin is doing her best to create havoc in our city by making false accusations at good people who are doing a good job for us. I have reviewed copies of Ms. Walker's W2's and found there to be no discrepancies from what has been audited. I felt compelled to review these and prove that Ms. Martin's ability to gather facts correctly has again fallen short and are incorrect or she seems to ignore the facts before she tells things out of context. Ms. Martin, get things straight before you open yourself up to being corrected. Hope she has her back covered, and that she has someone to bail her out of the hole she is digging for herself. The whole thing brings an old saying to mind "something's rotten in Denmark" or Gold Beach.

In closing, I will be giving copies of letters from other budget members, and written documentation from the department

heads regarding Shirley Walker's job performance and how they feel she performs her job. In addition, I have signed sheets of recognition and support for Don Flynn, Sue Johnson and Shirley Walker from members of the community who either live or work within the city. These respected people are all well known with ties to our city. Some may live outside city limits, but they wanted to be counted as supporters and friends of the city, the council members and Shirley Walker.

Popoff asked if Martin would give him a copy of her presentation for the record. (Answer was Sure) (It isn't attached to the minutes because it wasn't received)

Johnson asked Martin if she would repeat what she said at the last of her presentation as she couldn't hear. I think you said you were calling off Mr. Flynn's.....

Martin-What I said was: It is up to the citizens of Gold Beach to decide the future of their city government. For this reason we have decided to halt the recall on Council Position # 2, Don Flynn. The decision has been made to recall Council Position # 1, Sue Johnson and Council Position # 2 Don Flynn, at a later date unless you both would consider resigning.

Alexander thanked all of the people that have volunteered to "walk the animal shelter dogs".

Popoff stated that the information presented by Gilkey has been given to him and will become part of the record. Popoff thanked everyone for attending and asked if anyone else wished to speak before the meeting is adjourned.

Martin-(speaking from the audience) Sandra attacked me regarding (couldn't hear) Popoff asked her to come to the podium.

Popoff-I don't know that it was considered a personal attack-I think more than anything it was a rebuttal. Popoff asked the council for their thoughts on it.

Johnson-I thought it was about the same as what Michele (Martin) said about us. I don't care, let them talk.

Alexander-Thought it was more in the area of a rebuttal rather than an attack.

Martin-I have a letter that will be going into the paper Wednesday. It is a letter to the editor regarding a letter published by Kate Freedman in the Curry County Reporter on April 4th. Out of all the letters written to the editor, Kate's letter, I felt, I should respond to.

I have respect for Kate (Freedman). She has proven to be a citizen who actively gets involved with the community and seems to want what is best for our citizens. Kate is absolutely correct on how the budget committee procedure worked for the City of Gold Beach. That, unfortunately, was not what happened in my case. As a city councilor and budget committee member, I did not receive any of my information that Kate mentioned. As a city councilor, it was not a secret, but at the budget meeting, I was going to ask the question why is the city's administrative budgeted at a higher than average rate, and was going to suggest a freeze on that departments wages.

I happened to be driving by on the night of last year's budget committee meeting and noticed councilors' cars at city hall. That same evening I had driven to get a load of hay for the horses. I was very upset to have found out that I had not been notified of the budget meeting after repeatedly going into city hall on a regular basis and asking the administrative assistant the date and time in which this meeting was to be held. Each time I was given an answer "it hadn't been decided yet". I would have stayed for the meeting, but because I had hay in my clothes, I was scruffy and uncomfortable and had small children ready for me. It was very important to me to have attended that meeting but due to my circumstances I decided not to stay for the rest of the meeting. Maybe I was wrong for making that decision-I apologize.

I'm not a tall tale person, I'm not distorted in my information, I have not lied about being uninformed and do not feel as a city councilor that I should have to search the paper for this kind of information.

Yes, it is a public meeting but it is true that a department head was verbally told not to attend the budget meeting.

After seeing first hand how information may have been withheld from me for wanting to investigate certain issues at city hall, which appears to be a hot button, and learning that in the past, this issue has led to a shoving match involving an

employee's husband and our mayor, this caused tires to be slashed, vandalism and legal threats. For these reasons, I worried about criminal mischief happening to me and possibly those in my family, so I decided not to pursue the issue.

I appreciate Kate and her husband's involvement in our community. I would like to see either one apply for the council position. They both have great ideas and are very knowledgeable with grants and grant writing. Both Kate and her husband have very educated backgrounds and would be an asset to our community.

Someone recently told me that the truth is the absolute defense. I hope this clears a few things up.

Johnson-I found out from Kate Freedman that Libby Pond, which is a wonderful place for kids and adults, is in danger of not allowing fishing there anymore because of the messes everyone is leaving. I know that Freedman's, as volunteers, helped clean it up. They are accepting donations for sani-can and whatever else they can do up there. She's going to let me know who and where donations can be sent. I hope that anyone that goes up there and uses the facility will not trash the place. Generations of my kids and myself have gone there, it's a wonderful for kids-it's a wonderful place. (Mayor and councilors agreed)

Katchina Starr-28788 Hunter Creek Loop-A lot of our visitors from out of town take their children up to Libby Pond. If you could set up some sort of way to give donations, I'm sure they would be glad to contribute. They probably have no idea whatsoever.

Freedman stated there would be two press releases coming out.

Mr. Dukek thanked the Mayor and Councilors for the Alcohol Awareness and "Those who host lose the most-don't be a party to teenage drinking Proclamations.

ANNOUNCEMENTS :

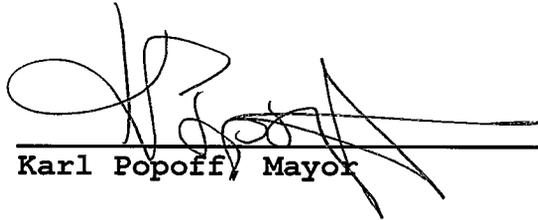
The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, 5/14/07 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

ADJOURNED AT 7:28 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 May 14, 2007.

ATTEST:



Karl Popoff, Mayor



Shirley Walker, Recorder