

PRAIRIE CITY COUNCIL MEETING
 April 9, 2014

- 3 Those Present:
- 4 Gary Waterhouse, Mayor
- 5 Carole Garrison, Councilor
- 6 Kevin Dahlen, Councilor
- 7 Les Church, Councilor
- 8 Henry Goslin, Councilor
- 9 Viola Rose, Councilor
- 10 Dennis Lynch, Councilor
- 11 Attorney Jeremy Green
- 12 Chris Camarena, Public Works Director
- 13 Kathy Smith
- 14 Cheryl Hoefler, Blue Mtn Eagle
- 15 Officer Mike Durr
- 16 Lance Barker/Toni Johns
- 17 Tac! Philbrook
- 18 Mike Rose

19 The Mayor called the meeting to order at 6:00 p.m. He announced that the meeting was being recorded for clarity.
 20 The Pledge of Allegiance was recited and roll call taken, all councilors were present.

21 Lance Barker and Toni Johns were recognized.

22 Mayor Waterhouse was reminded that he had overlooked the approval of the minutes. He asked for approval of the minutes from March 12, March 18 and April 1. Councilor Dahlen said that he had a point of personnel privilege he wanted to address. He stated that Mayor Waterhouse had called him at home on April 3, 2014 and spoke to him in an unprofessional manner. Councilor Dahlen said he contacted the Sheriff and he (the Mayor) was not allowed to harass him over the phone. Mayor Waterhouse said that he did not recall the phone call, but apologized and said it was not his intention to harass Councilor Dahlen.

28 Councilor Dahlen asked Mayor Waterhouse to consider allowing Mr. Barker & Mr. Johns to address the Council with their request before considering approval of the minutes. He said he thought the approval of the minutes would necessitate a lengthy discussion as he had many questions. The Mayor agreed to allow Mr. Barker and Mr. Johns to proceed.

32 Mr. Barker and Mr. Johns had submitted a request to use the City Park for the 19th Annual Grant County Kruzers Car Show on August 2, 2014. They were also asking to close Bridge Street between Front Street and Sixth Street between the hours of 8:00 am and 4:00 pm for the event and to use the city's public address system. MSP: To allow the Grant County Kruzers to use the City Park, close Bridge Street from 8:00 am to 4:00 pm and use the public address system for their Annual Car Show August 2, 2014. Dennis Lynch/Henry Goslin. All Councilors voted in favor.

38 Economic Development: Councilor Lynch reported that he had attended the "Ten Year Forest Plan" meeting in

1 John Day. He advised that should council have concerns or comments on the matter, they should put them in writing to the Forest Service no later than June 16th.

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3 Councilor Lynch reported that he had also attended a G.R.E.A.T meeting in John Day. He reported that Prairie City was seeing some benefit from the dollars they donated to Grant County Economic Development, i.e., the *Percolator Newsletter* promoting all of Grant County, including Prairie City. Thirteen thousand copies were distributed, including some sent to Washington, D.C.

4 Councilor Lynch suggested that council consider handing out gift certificates to those who volunteer their services to the City. He used the sample of the certificate the Fire Dept. gives out for recognition.

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9 **Museum:** Kathy Smith presented a written report (see attached).

10 Councilor Lynch asked to interject something he overlooked previously. He reported that G.R.E.A.T. has a \$20,000 revolving fund for the development of small businesses. The loans range from \$500 to \$4,000 and do not require bank involvement or collateral.

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13 **Public Safety:** Officer Mike Durr introduced himself as the new patrolman for the City of John Day and said he would be one of several patrolling in Prairie City.

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15 **Abatement:** The Mayor said he would be meeting with Chief Gray and the officers patrolling Prairie City to clarify the nuisance ordinance with them.

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17 **Landfill:** Public Works Director Camarena reported that the Worst Case Closure Plan update was completed and councilors had a copy in their meeting materials for their review. He also reported that only a few loads were dumped at the landfill due to weather and scheduling conflicts.

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20 **Public Works:** Public Works Director Camarena reported that he had two volunteers helping to repair the entrance gate at Depot Park. He advised that they had repaired yet another leak to the sewer pressure line out on the highway. And, one of the pumps at the booster site is down with a possible seal fail and as soon as the water levels decrease, they will be pulling that pump to determine if it needs to be sent off for repairs.

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24 **Planning:** Nothing to report.

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26 **Accounts Payable:** Two sets of accounts payable were submitted for approval. Questions were addressed. **MSP:** To approve payment of the bills. Carol Garrison/Dennis Lynch. All Councilors voted in favor.

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30 **Resolutions and Ordinances: Resolution 2014-02 Authoring a Budget Transfer to the Fire Dept.** It was noted that there had been extra expense in buying turnouts for new volunteers and replacing worn out turnouts. **MSP:** To authorize a budget transfer of \$5400 to the Fire Dept. Dennis Lynch/Kevin Dahlen. All councilors were in favor.

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35 **Other Business:** Council had before them a sample **Medical Marijuana Moratorium Ordinance**. Mayor Waterhouse asked that Attorney Green take over the discussion. Attorney Green explained that legislation was recently passed empowering cities to prohibit the location and operation of medical marijuana dispensaries within their city for a period of one year. If council wished to prohibit such facilities within Prairie City, they would need to adopt an ordinance prior to May 1, 2014. Under current legislation, only one year prohibition is permitted. After one

1 year, the city can only restrict dispensaries with respect to time, place, and manner. Attorney Green clarified that this legislation relates only to medical marijuana facilities. Attorney Green advised that all the city's representatives have moved forward in adopting the moratorium, with the exception of one.

4 Attorney Green stated a few of the concerns he is hearing from law enforcement are; possible abuse issues by the dispensaries, access to marijuana by minors and the ramifications on the highways of those driving impaired. A state identification card is required to purchase medical marijuana, however, it does not prevent abuse. Councilor Garrison felt the council should be cautious and approve the one year moratorium as Prairie City does not require business licenses and without a moratorium in place, they would have no local control.

9 Attorney Green was asked about the expense of having him prepare the moratorium ordinance. He responded that the ordinance is already drafted and it is just a matter of making it specific to each city. He is spreading the fees among multiple cities and the cost to Prairie City would be in the area of \$300-\$400. Should the ordinance be adopted, it would require notification to the Oregon Health Administration.

13 Attorney Green suggested that council contact law enforcement for guidance if they were feeling undecided. He said he could have the ordinance available as soon as a decision was made. Councilor Rose questioned the likelihood that someone would set up a dispensary in such a small community as Prairie City and would it be a waste of money to have the ordinance prepared. Councilor Garrison responded that there is a major highway through town and many travelers that stop. Councilor Dahlen voiced his concern that it is yet another restriction on the community and asked that council take time to talk to those in the community before making a decision. It was said that moving forward with the moratorium for one year would allow time to form some guidelines and to consider the economic potential.

1 There was discussion about using the time between now and the next scheduled meeting (April 23rd) to visit with residents in the community. Attorney Green reminded council of the May 1, 2014 deadline for adopting the ordinance. It was noted that the charter directs that council may adopt an ordinance at a single meeting by a unanimous vote of all council members provided the proposed ordinance is available in writing to the public at least one week prior to the meeting. Attorney Green suggested we post the document for the week prior to the meeting and see what public comment is raised. Should council decide not to adopt the ordinance at their meeting, Attorney Green agreed there would be no charge to the City. The document will need to be posted to the public by April 16th.

29 **Questions and Answers:** Attorney Green said he had recently been contacted by Councilor Dahlen, Councilor Lynch and Mayor Waterhouse and he was at the meeting to speak to the issues addressed collectively and hopefully find some resolve and be able to move forward. He said he had five specific issues for discussion, but was open to additional topics from council.

33 Attorney Green's issues were:

- The law enforcement contract, specifically, whether authority was given to sign the agreement.
- Special meeting resolution issue.
- Diane Clingman's Employment.
- Insurance versus bonding.
- Administration in general.

39 **Law Enforcement Agreement:** The question was whether or not the Mayor had the authority to sign the law

1 enforcement agreement that is currently in place today. At the council meeting in March, a motion passed giving the Mayor the authority to sign the Law Enforcement contract subject to independent legal review and approval. The City engaged Attorney Mike Horton from Nyssa to review the contract. Attorney Horton made a few minor clarifications and Attorney Green made the revisions to the contract. Attorney Horton approved the contract and Mayor Waterhouse moved forward in signing the document. Attorney Horton had since, on behalf of Prairie City, addressed the issue of whether the Mayor had authority to sign the contract without additional approval of the council. Attorney Horton agreed that the Mayor did have the authority to move forward in signing the contract.

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8 **Special Meeting Resolution:** Attorney Green said under pre-existing council rules and procedures, council had no ability to reconsider a prior action at a special meeting, only at a regular meeting, which is consistent with many other cities rules and regulations. The reason for that being, reconsideration action taken at a regular meeting tends to avoid any abuse that might otherwise take place at a special meeting should not all councilors be in attendance. So, when instructed by the Mayor to generate Resolution 2014-01 allowing reconsideration at a special meeting and in order to prevent possible abuse, the resolution was written to stipulate that those councilors having voted in the majority must be present. Attorney Green said he was now hearing that certain councilors wanted to reconsider their vote on Resolution 2014-1. Attorney Green made clear that a resolution can be simply changed if council does not like the way it reads. Resolutions are very easy to change.

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17 Attorney Green went on to say that as our attorney, he could not speak to what appears to be disagreement and lack of communication between the Mayor and/or councilors. He did, however, strongly suggest that council repair internal relationships and begin to function effectively. He encouraged them to put disagreement aside and make sure everyone is being treated fairly and that there is adequate communication. He encouraged council to move forward in a more positive note.

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22 There was discussion between Councilor Dahlen and Attorney Green regarding the calling of a special meeting by three councilors. It was noted that the calling of a meeting by three councilors could be by petition, notice in writing, verbal request or via email. Attorney Green clarified that should the calling for a special meeting be for reconsideration action, all three councilors must state reconsideration as their reason for calling the meeting.

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26 There was discussion about legal and illegal meetings. More than three councilors constitutes a quorum and an illegal meeting. Attorney Green stated that a series of small meetings to avoid the quorum requirement is illegal and could result in liability damages and attorney fees. Exchanging multiple emails, phone calls, or two meetings together and then meeting with another, it all violates the spirit of the public meetings laws.

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30 Councilor Dahlen asked Attorney Green to clarify the matter of "tabling" an issue. Attorney Green stated that when a motion is made to table a specific matter, it requires a second and the approval of the majority. A tabled matter can be tabled more than once. But, if tabled to the next meeting, it should be on the agenda for the following meeting for discussion. There was a brief discussion about Roberts Rules of Order. Attorney Green suggested council revisit their current rules and procedures, revise them in an effort to bring about consistency and effectiveness and then follow the rules they adopt. Attorney Green suggested Mayor Waterhouse and Councilor Dahlen work together in moving forward to develop a new set of policies and procedures.

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37 Mayor Waterhouse asked that when councilors vote opposed on an issue, but the majority votes in favor and the motion passes, those councilors voting opposed need to stop the "witch hunt" and support the issue.

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40 **Diane Clingman's Employment/Insurance vs Bond:** Attorney Green clarified that Diane Clingman is absolutely an employee of the City of Prairie City as she does not satisfy the requirements of an independent contractor. Ms.

1 Clingman is currently bonded in her position as Budget Officer and is also covered under the blanket liability insurance policy the City carries on all employees and volunteers. Attorney Green advised that our city falls under the "home rule charter" and a bond is not required as it is under the 1893 form of government. The Mayor added that in contacting the auditor, he agreed that Ms. Clingman did not need to be bonded in her position as Budget Officer, but it would be wise to keep the bond in place as long as it is already active. It was the advise of Attorney Green that the City have in place either the bond or the insurance on Ms. Clingman. Having both is "over kill".

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7 **Internal Administration:** Attorney Green stated that Prairie City has a strong Mayor form of government because we do not have a City Manager. The Mayor is the administrative head and responsible for filling the gap between the city staff and the council. He is responsible for the day to day operations of the city. Attorney Green strongly recommended that the Mayor always be contacted prior to councilors making any contact with outside sources. It is the most efficient, cost effective, way of handling city business and provides that the person making the outside contact represents the opinion of the council.

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13 There was a brief discussion about the *Statement of Economic Impact* that councilors are required to fill out and submit to the Oregon Ethics Commission by April 15th. Attorney Green said he could not give advice on the SEI form and suggested councilors call the State or the League of Oregon Cities for guidance in completing the form.

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16 **Approval of Minutes:** The Recorder noted for the record that she was aware the word "counsel" had been misspelled several places in the March 12, 2014 minutes and she had already made that correction in the set of minutes that the Mayor would be signing. Councilor Church asked that the word "city's" and "cities" be reviewed for appropriate use. **MSP: To approve the March 12, 2014 minutes with spelling correction and to include additional written clarification that Attorney Green will provide. Carol Garrison/Les Church.**

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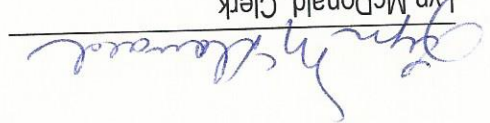
22 It was noted that in the April 1, 2014 minutes, page 3, line 24-28, a list was compiled from which Mayor Waterhouse was to select a selection committee to review the applications for the City Recorder position. It was questioned why Sharon Kimberling was on the committee when her name was not one from the list. The Mayor replied that it was his understanding that the list of names compiled by council were "suggested" names to contact. Sharon Kimberling was recommended by someone on the list that was not available to serve on the committee. **MSP: To approve March 18, 2014 and April 1, 2014 minutes as presented. Kevin Dahlen/Dennis Lynch. All councilors were in favor.**

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29 Mayor Waterhouse noted that council packets with meeting information will no longer be mailed, but rather the materials for the upcoming meeting will be available in councilors boxes for them to pick up.

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31 Adjourned at 8:30 pm.

1 Submitted by:

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3 Lynn McDonald, Clerk

4 Approved by the City Council this 14th
5 day of May, 2014 and
6 signed by the Mayor:


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8 Gary Waterhouse, Mayor

Date: April 9, 2014