

# CITY OF PILOT ROCK

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## Council Meeting

December 1, 2015

7:00 PM

### A. Called to Order

Having a quorum the Regular Council meeting was called to order by Mayor Carnes at 7:00 PM. Council members present were Raymond Doherty, Deacon Perkins, Terry Womack, Jim Hinkle, and Bob Deno. Also present were Teri Porter and Cpl. Ryan Lehnert. Citizens present were John Taylor, Mary Lue Slabick, Jackie Carey, Jerri Porter, Kim Porter, Don and Linda Hill, Glen Snively, Rebecca Carnes, Harley Jeffers and Phil Wright.

### B. INVOCATION

Pastor Jeffers gave the invocation.

### C. PLEDGE OF ALLEGIANCE

### D. PRESENTATIONS

### E. APPEARANCE OF INTERESTED CITIZENS

John Taylor asked Council to consider an Ad Hoc Lagoon Advisory Committee to be made up of Pilot Rock citizens and non citizens with recommending authority to the Council.

Glen Snively commended the newsletter in regards to it comments on the East Oregonian stating it was "spot on".

Linda Hill expressed concerns regarding the house across the street from her, stating that it is unlivable and asked what the City can do. Teri stated she would find out what the course of action is and get back to her.

### F. ACTION ITEMS

Mayor Carnes asked Councils approval to add F-5 a Resolution to transfer funds in the Police Dept. and F-6 Thompson request for a hearing. On a motion by Councilor Hinkle and seconded by Councilor Deno, Council agreed to add F-5 and F-6. All present voted yes.

#### **F-1 Second Reading of Marijuana Ordinance No. 569**

**On a motion by Councilor Perkins and seconded by Councilor Hinkle, Council approved the second reading of Ordinance No. 569. All present voted yes.**

#### **F-2 Approval to Purchase New Server**

Teri Porter presented Council with 3 bids to purchase a new server for City Hall. She has been without a server for over a week. **On a motion by Councilor Deno and seconded by Councilor**

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**Womack, Council approved the purchase of a server from Dynamic Computers. All present voted yes.**

## **F-3 Annual Christmas Bonus**

Teri Porter asked Council to approve the annual \$25 Christmas bonus for City employees. Councilor Perkins stated that in light of the sewer upgrade and the recent rate increases that we consider forgoing the bonuses and **made a motion to forego the bonus for the next 3 years. The motion was seconded by Councilor Hinkle. The following was covered in discussion:**

- Teri stated that she feels taking away a bonus that some of the employees may have come to depend on in an effort to offset some of the expenses for the lagoon upgrade, is putting a greater burden on the employees to pay for the lagoons than others. We can find other places in the budget to appease this \$200 savings. The bonus is a moral builder for our employees.
- Teri offered that if Council must cut the bonus to consider at least giving it to the part timers.
- Jackie Carey (former recorder) stated that Teri's job is a thankless job, dealing with negative comments from the public and also Council. Our employees are our biggest asset, you need to take care of them, pay them well and show that you appreciate them. A \$25 bonus or \$200 in total is not much, and agreed you can find that savings somewhere else in the budget and taking it from the employees is not fair.
- Councilor Perkins understands that it is already budgeted for but because we are dealing with lagoon issues and tax payer money it should be reconsidered.
- Councilor Doherty stated he does not feel it should be taken away because it is in the budget, employees have been expecting it and it would be good for moral. \$25 each is not a lot.
- John Taylor stated that the Council represents the citizens not the employees, who's paying the citizens a \$25 bonus?
- Councilor Hinkle agreed with Taylor that we have asked a lot of the citizens.
- Councilor Doherty stated we have asked a lot of the employees too. They have been doing double duty without a police department, working their butts off.
- Teri stated that the Council and citizens are employers and as employers you are responsible to pay your employees a competitive wage and appreciate them if you want to keep quality employees. It's a business.
- Councilor Deno stated that Council got an email from Teri on Saturday (her day off) because of server issues. He has talked with her many times on the weekend and she is doing City business. By not giving them a little \$25 bonus is a slap in the face. Doherty agreed.
- Glen Snively stated that this is not a business. It is government and it is the citizens who are paying the bonus. The City of Pilot Rock is not a business.
- Mary Lue Slabick, stated the pay increased that the employees have received over the last two years is showing appreciation. Teri stated that those raises were so that we continue to pay a competitive wage. She asked Mary Lue to compare her wage with that of other recorders who do the same work. She has taken a lot onto her plate and has not asked for a dime. You get what you pay for.
- Jackie agreed and pointed out the one of the reasons we are having trouble finding a Chief is the wages. If you don't take care of your employees and make them feel appreciated you are going to lose the good ones. Teri's job is very complex and it takes a lot of years to learn it all and she does

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a fantastic job. If you take away the \$25 bonus away, even if she doesn't want it, you are slapping her in the face and telling her she is not appreciated. Even if it came out of the Councils pocket would be better than nothing. Councilor Perkins said he would be happy to do that.

- Jackie stated that City Council not appreciating their employees was the part of the job that she resented the most.

**Mayor Carnes asked for a show of hands to vote on the motion. Councilor Perkins and HInkile were in favor of foregoing the bonus for 3 years. Councilors Deno, Doherty and Womack were opposed. Motion failed.**

**On a motion by Councilor Deno and seconded by Councilor Doherty. Council agreed to approve the annual Christmas bonus. Councilors Deno, Doherty and Womack were in favor. Councilors Perkins and Hinkle opposed.**

### **F-4 Approval to Close City Hall at Noon on Christmas Eve and New Years Eve.**

Teri stated that each year we ask Council to approve closing City Hall at noon on Christmas Eve and New Years Eve and giving all full time employees half a day holiday pay. The following was covered in discussion:

- Allow half a day but not to receive holiday pay.
- There are no employee contracts, but holidays are covered in the employee handbook. These half days are not in the hand book.
- Consider giving up Columbus day and adding the half days on Christmas Eve and New Years Eve.
- There is little to no walk in or phone business on these days.
- This request has been made and granted for decades.
- There are 11 federal paid holidays that are in the handbook.
- If not a paid holiday, the employees could use comp or vacation time to make up their hours.
- The employees do not get paid overtime. If they work over 40 hours a week they get comp time that caps at 80 hours. Most of our employees do not have the opportunity to earn comp time.
- Leave it up to the employees. If they want to work a full day because they need the money leave City Hall open all day so they are not shorted the pay.
- There has been a precedence set for well over 20 years where we closed half day and received holiday pay and it has never been a problem.
- These are things that should be negotiated without the pressure of the holidays and Christmas bonus' and having to make a decision that is not popular but need to be talked about fairly, openly and honestly.
- New Years Eve is not a holiday that should be observed.

Councilor Deno motioned to allow half a day but without holiday pay seconded by Hinkle.

Withdrawn. Councilor Deno motioned that if the employees choose the option to take half a day they would not get the full day's pay seconded by Doherty. With drawn. **On a motion by Councilor Perkins and seconded by Councilor Womack Council agreed to approve the half day Christmas Eve and New Years Eve with half day holiday pay this year and revisit this next year a negotiate this issue. All present voted yes.**

### **F-5 Resolution #583 Transferring Funds from Chief to Police Service**

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### **On a motion by Councilor Doherty and seconded by Councilor Hinkle, Council approved Resolution #583 Transferring funds in the Police Department. All present voted yes.**

Glen asking a Rhetorical question: What is different? What happened? We need to find out what happened or it will happen again and again. Councilor Deno stated that we have a work session dedicated to this subject on December 14th. Mayor Carnes stated there are many cities in the same boat. Deno stated we have more police protection today than we have in years. Michelle Casady stated that her 6 year old son went missing today and she waved down Cpl Lehnert who took immediate action and located her son. He flagged the bus down and found her son still on the bus. Linda Hill stated that she feels real safe, when there was incident at the senior center about 2 weeks ago and it was in a matter of minutes that 3 Staters and 1 County Sheriffs were there to take care of the situation. Cpl Lehnert stated he provides 40 hours of coverage to Pilot Rock, has coordinated with a PT deputy that he attempt to be in Pilot Rock when he is not. In case of emergency Chief Roberts has instructed his officers that if they are closer than the sheriff or state police they are to respond to Pilot Rock. There first responsibility is to the City of Pendleton, but whenever possible in the event of an emergency and they are closer a Pendleton officer will respond. Only the bigger municipalities have 24/ 7 coverage. Cpl Lehnert encouraged everyone to attend the work session, Chief Roberts is planning on attending. He went on to offer that one of the issue in finding a Chief is the criteria itself to become a Chief has changed in the recent past years to require more qualifications. Officers who do meet those qualifications have tended to work in agencies where they are compensated for those qualifications. Other issue that will be discussed is the residency requirement and what we have to do to make it more attractive. As far as the safety of Pilot Rock goes it is a priority. All law enforcement agencies in the area are aware of Pilot Rocks situations and all have instructions that they keep their ear open and respond to Pilot Rock. There is a united front to make sure that the people of Pilot Rock are safe. Mr. Taylor directing his comment to Phil Wright, stated that he hopes the East Oregonian will state it accurately that we do have good police coverage.

### **F-6 Thompson's Request for Hearing**

Teri informed Council that former employee Gary Thompson, who was discharged, has requested another hearing. He was given a hearing on November 10, and chose to go into executive session. He has now asked for another hearing. The CIS attorney and City attorney has advised that he has no basis for another hearing, although; Council may grant him another hearing if they so choose. At this point he would not have the option to go into executive session. Council is asked if they want to leave the issue as in and not grant the hearing or grant the hearing with the understanding that it must be held in public. Mayor Carnes expressed that she would support giving him the opportunity for another hearing. Councilor Doherty feels that we gave him his due process and we should be done with it, lets move on to other things. Councilor Deno is in favor of the public hearing because people would have the opportunity to understand why he was fired. So many folks want to know why he was fired but we can't say anything because it was done in executive session. Councilor Perkins in favor of a hearing puts the onus on Thompson and has trouble seeing the downside because we have been forthright with him from the onset. Councilor Hinkle agreed. **On a motion by Councilor Hinkle and seconded by Councilor Deno Council approved another hearing for Gary Thompson. Councilors Deno, Perkins, Hinkle and Womack were in favor. Councilor Doherty opposed.**

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## G INFORMATION ITEMS, REPORTS AND PRESENTATIONS

### G-1 Department Head Report

#### CITY HALL:

1. Contacted attorney regarding Koch payment question.  
*Teri added to this during the meeting with the following:*
  - *She has contacted the attorney with regard to the Council dis-ease with approving the monthly expenditure and their risk of liability. The attorney have offered to meet via conference call with Council and perhaps write up a memorandum to address their concerns.*
  - *Terminating the lease is not a feasible option as there is nothing in the lease that recognizes the Koch family as part of the lease. The lease is between US cell and the City. The past motions have stated that the payments are to continue as long as the City has a lease with US Cell. The city would have to terminate the lease and not re-up.*
  - *There was discussion about renegotiating the lease with US Cell and asking them to negotiate an easement with the Kochs and take us out of the middle.*
  - *The lease is up in 2028.*
  - *Mr. Taylor stated that terminating the contract with the intend of not paying Mary Koch is a poor idea and will bite us in the buttocks. If we keep paying Mary Koch to the term of the contract we will have paid \$128,000 without a public purpose. This has to get resolved. He stated that he does not see what the city has to lose by stopping the payment, it puts the monkey on their back and they will have to prove why they should get it. What are we paying for? Stop the payment. The bottom line is, we are paying Mary Koch \$300 a month of public money for no public purpose. If someone were to sue the city each council person would have to pay back a portion of what was paid.*
  - *Councilor Hinkle agreed and if it did go before a judge he feels the judge would see the truth and not force the Council to do something that is illegal. We need to get this resolved we have talking about it for too long.*
2. The PA system is also not working properly.
3. The server has taken a dive.
4. Secret Ballot: It is rare that we have more than one person applying for an appointment to a Council seat that has been vacated mid-term. In the past we have taken the vote by a ballot. I should have disclosed who voted for who at the time the votes were tallied. The EO reported that it was an illegal vote and only quoted a portion of the statute. "Written ballots are not prohibited, but each ballot must identify the member voting and the vote must be announced. Secret ballots are prohibited." the statute continues as follows..."A governing body's failure to record a vote is not, in and of itself, grounds for reversing a decision. Without a showing that the failure to record a vote was related to a manipulation of the vote, a court will presume that public officials lawfully have performed their duties. " There was no manipulation. Although the vote was not conducted properly, it was a legal vote.
5. The City has filed an application to partition a 40.21 acres of the City owned pasture property. This partition is necessary to move forward with a proposed lease of the property by Sunthurst. Notice has been sent to neighboring properties and notice has been placed in the EO. The Planning Commission will hold a public hearing on Monday Nov. 30th.
6. The required signatures for the deed to the property at the foot of the stairs, have been signed. The deed will be recorded on Monday. The city has paid for the property and now owns it.

#### POLICE:

1. Daniel Badal had the week of Thanksgiving off from the Academy. He worked with Corporal Lehnert on Monday and then with other officers in Pendleton on Tuesday and Wednesday.
2. While in Pendleton, Daniel got measured for his ballistic vest and the order is placed.

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3. Corporal Lehnert continue to work in Pilot Rock, he is following up on old cases and tying up loose ends.

## **PUBLIC WORKS:**

1. Steve is on vacation.
2. Adam and Tim have been busy trying keeping the streets and intersections cleared of snow and ice.

## **H. CONSENT CALENDAR**

On a motion by Councilor Doherty and seconded by Councilor Deno, Council agreed to accept the consent calendar. All present voted yes.

Bills Total: \$34,859.31

## **I COUNCIL COMMENTS**

Councilor Hinkle appreciated the attendance of citizens and their input.

Councilor Deno asked about the house at the end of Main St. Teri stated that we have purchased it and the deed will be recorded. Councilor Doherty understood that we were to buy an empty lot.

Mayor Carnes reminded everyone about the Christmas Bizzarr on Saturday from 10-2. And the light parade at 5pm that evening along with Chili Feed. The Christmas light contest will be on December 20th. So have your lights on by 5:30 they will be judged.

## **J. EXECUTIVE SESSION:**

None

## **K. ADJOURNMENT**

Council agreed to adjourn at 8:15 PM.

**APPROVED** \_\_\_\_\_

**ATTEST** \_\_\_\_\_