

SWEET HOME CITY COUNCIL
MEETING MINUTES

February 09, 2016

Mayor Gourley called the meeting to order at 7:30 p.m. in the City Hall Annex. The Pledge of Allegiance was given.

Staff Present: City Manager Craig Martin, City Attorney Robert Snyder, Finance Director Pat Gray, Library Services Director Rose Peda, Police Chief Jeff Lynn, Public Works Director Mike Adams, Planning Service Manager Laura LaRoque and Recording Secretary Julie Fisher

Registered Visitors: Dave Holley, Kathy Wilson, Ryan Pasquarella, Dick Knowles, Sonja Reagan, Katrina Crabtree

Media: None

Roll Call:	Councilor Angulo	P	Councilor Mahler	P
	Councilor Goodwin	P	Councilor Trask	P
	Mayor Gourley	P	Councilor Underwood	AB EX
	Councilor Hobbs	AB EX		

Approval of January 22-23, 2016 Special City Council Meeting Minutes: **Councilor Mahler made a motion to approve the January 22-23, 2016 City Council Goal Setting Meeting Minutes with Councilor Trask seconding. Question was called and the motion passed with 5 ayes, 0 opposed and 2 absent (Hobbs, Underwood)**

Approval of January 26, 2016 City Council Meeting Minutes: **Councilor Mahler made a motion to approve the January 26, 2016 City Council Meeting Minutes with Councilor Trask seconding. Question was called and the motion passed with 5 ayes, 0 opposed and 2 absent (Hobbs, Underwood)**

Old Business: None

New Business:

Recognition of Visitors & Hearing of Petitions Mayor Gourley introduced his granddaughter Mahala who just moved here from Germany.

Dave Holley
607 7th Avenue
Sweet Home, Or 97386

Dave Holley introduced himself and stated he had thoughts on not filling the vacant position at Public Works. Mr. Holley reported that he met with City Manager Martin for about an hour and neither was able to agree and both had different views about the issue. Mr. Holley stated some of the reasons that he felt the position was no longer needed are that the City now contracts the water and sewer therefore numbers of employees are fewer and budget

restraints. Mr. Holley stated the employee duties are routine and any major issues are contracted out. He added that routine work does not require supervision. Mr. Holley stated that it is not about employees, but is about budget. Mr. Holley said the 70 % of the vacant position is funded on the water/wastewater side which cost \$100k or more per year including benefits, salary and an issued vehicle, which could stay in the fund which carries a lot of debt. Mr. Holley finished by stating he is simply coming from a budgeting standpoint and feels it is a marginally needed position and there are a lot of other uses for those funds. He suggested the Council either refers it to a committee to discuss or dismiss it.

City Manager Craig Martin said based on experience and background, that decision making, supervisory position is needed and in the best interest of the utilities. There are significant risks and liability in those utilities and there are DEQ and Health Department Certifications that are required.

Councilor Goodwin stated he was confused stating we are paying a company to manage the water and wastewater and then paying for a supervisor to watch them? CM Martin explained to him that we are not, the plant operators are completely separate from the maintenance function out in the field: the distribution and collection crews.

Councilor Trask stated he agreed with Mr. Holley that Public Works is over staffed and 7 employees do not require another supervisor. Councilor Trask stated the Public Works Director should be at the Public Works site. Councilor Trask suggested the Council send a message to the Budget Committee and the City Manager to budget accordingly.

Councilor Goodwin stated he agreed with Councilor Trask.

Councilor Mahler asks Public Works Director Adams for his feedback.

PWD Adams stated he was concerned that he has not been approached about this before and concerned about comments that are misconceptions of what the crew does and the minimalization of the position. He said the position is necessary. There are regulations and aspects of the job that are required – specific State certifications that no other crew member has or required to have for example. He suggested the position could be reevaluated or reassigned,

and suggested it makes sense to reevaluate a position when there is change, but added that the duties still remain.

PWD Adams stated that Public Works is understaffed and there is a municipal maintenance position that has not been filled for 2 years because it has not been funded. Those three utilities: water, wastewater and storm water are the three most valuable assets that this community has and needs to be operated and cared for appropriately.

Mayor Gourley asked for clarification as to what certifications are required.

PWD Adams stated we are required by permit to have an identified “Direct Responsible Charge” (DRC) with Level 3 Certificate in Collections and Level 2 in Distribution as well as the education and knowledge of dealing with the utilities. Historically, this requirement has been satisfied by the person in this existing position however it does not have to be.

Councilor Goodwin asked if one employee could bump up to Level 3?

PWD Adams stated that they could if they are qualified and able to pass the test, but the certification was only one portion of the issue, bargaining employees supervising other bargaining employees is another issue.

City Manager Martin explained the DRC is the one representing the City as an organization to these regulatory agencies, making decisions in the field, and directing staff to do or not do something. The DRC is the one with the authority to make final decisions regarding the system. CM Martin added he did not want to end up like Flint, Michigan and make a bad decision because we didn’t have supervisory leadership with the knowledge and the skill set to manage that system in the field and then having to tell the public to boil their water.

Councilor Trask stated employees should be trained and ready to fill a position when the need arises. Councilor Trask stated he believes that PWD Adams can do that job and wanted consensus from the Council.

CM Martin stated that Council should review the Charter and decide if they want to direct the City Manager to not make an appointment in violation of the Charter.

Councilor Goodwin asked what CM Martin meant.

City Attorney Snyder explained that the City Manager is the one that is to hire and fire per the Charter.

CM Martin added the Council can make suggestions to fund or not fund the position through the Budget Process.

Councilor Goodwin stated he believes that is what Councilor Trask meant, that he would like to make a motion to direct the City Manager that the Council is not going to fund that position next year so it would not make sense to hire somebody with the budget three months away.

City Attorney stated the Council should put that through the Budget Committee and suggested that the Council should have a Work Session so that PWD Adams could come and explain his whole side of it. City Attorney Snyder stated what he has heard so far is that two people have had a conversation about it outside of Council and there are still questions to be answered and the PW Director should be able to discuss it with Council fully before Council makes a decision.

CM Martin stated if the Council does not want to fill the position then it is incumbent on the City Manager, according to the Charter, to make a decision. The Council through Budget could state they will not fund it, then it is not in violation of the Charter, but if Council is going to direct the City Manager to not appoint a position then you are potentially in violation.

Councilor Goodwin asked to what extent transfers can be made in the Budget from one fund to another. Councilor Goodwin stated he has been told no, but didn't really believe that was the answer.

Finance Director Pat Gray stated that you cannot transfer from an enterprise fund to the general fund for general purposes and both auditors from Grove, Mueller & Swank, PC agreed.

Councilor Goodwin asked when the Budget documents would be available to review.

Finance Director Pat Gray stated the information will be distributed during the first Budget Committee Meeting on April 21st and there will be a review period of two weeks.

Dave Holley stated that he has been watching this position for several years and that now is the time to review it before it goes to the Budget Committee.

Councilor Trask stated that if there was a consensus taken right now to see if the position should be filled, you would find out that Council does not want to. We could put this through 15 committees, but I think that we have the right as a Council to recommend that we do not want to replace that position. We have that right. Now whether the City Manager decides to honor that or not is another situation. Councilor Trask asked City Attorney Snyder if Council recommends strongly that the City Manager not fill the position, can he go ahead and do it anyway? He can hire the guy tomorrow?

City Attorney Snyder said that is correct. City Attorney Snyder read from the Charter section 20 (f) *Interference in Administration. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal....or discuss, directly or indirectly, with any such candidate the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of council, may be removed therefrom by the council or by any court of competent jurisdictions;*

Councilor Goodwin stated he wanted to take a consensus and the City Manager can follow the direction or not.

Councilor Mahler stated there should be a meeting where PWD Adams would have a chance to prepare and bring information to be reviewed.

PWD Adams respectfully requested the Council to consider operations and not eliminate the position. He compared the suggestion to remove the position to asking the Fire Chief to remove a Battalion Chief or the Police Chief to remove a Sargent. PWD Adams stated he has a department of 22 people (counting himself) and there is a lot to manage. There needs to be somebody dealing with the day to day operations, utilities, street system, and public facilities. CH2M operates the plants, but they are still owned by the City and added he is overseeing that contract. PWD Adams requested the position not be eliminated; the position is needed, and suggested maybe not to fill the position at this time, but not to eliminate it.

Councilor Mahler stated a Work Session should be scheduled to review this further during the Utility Rate Review and to give the Public Works Director a chance to back up what he has been saying.

Presentation of 2015 Audit for
Grove, Mueller & Swank, PC –
Katherine Wilson, CPA
Ryan Pasquarella, CPA

Katherine Wilson, CPA and Ryan Pasquarella, CPA from Grove, Mueller & Swank introduced themselves. Mr. Pasquarella stated their report to Council would include present financial statements for the year ending June 2015, trend analysis, the Audit itself and how the audit went. Mr. Pasquarella said there has been a change in the Government Accounting Standard Board (GASB) and stated for most cities was a significant change, but not for the City of Sweet Home. Mr. Pasquarella explained the GASB now requires cities to publish the portion of unfunded liability related to PERS, but stated not every employee for the City is PERS so our percent is actually 0%. He explained the amount the City pays is a credit for PERS. Mr. Pasquarella stated out of the entire audit document there was only one adjustment they recommended and that was to capitalize one expense. Mr. Pasquarella stated the audit went very smoothly and all information requested was provided. On page 3 on the Independent Audit Report, a “Clean Opinion” was given which is the highest opinion.

Request for Council Action –
Appointment to Budget
Committee, All Hazard
Mitigation Committee and the
Board of Appeals – Brent
Gaskey

City Manager Craig Martin introduced the Request for Council action to appoint Brent Gaskey to the Budget Committee, All Hazard Mitigation Committee and the Board of Appeals.

Councilor Goodwin made a motion to appoint Brent Gaskey to the Budget Committee with a three year term to expire 02/09/2019, the All Hazard Mitigation Committee with a one year term to expire 02/09/17, and the Board of Appeals with a two year term to expire 02/09/2018 with Councilor Angulo seconding. Question was called and the motion passed with 5 ayes, 0 opposed and 2 absent (Hobbs, Underwood)

Request for Council Action –
Utility Rate Review

Mayor Gourley scheduled a Work Session for February 24, 2016 at 6:30pm

Request for Council Action –
Council Goal Setting Output

CM Martin stated there is no action being requested. A summary of the Goal Setting Session was provided to the Council with some objectives and potential actions in support of those various goals. Two goals have been consistently carried forward through the last several years, the first is continuing to seek stable funding for the Police

Y.A.C. City Manager Martin stated that the next scheduled YAC meeting will be February 16, 2016 at 6:30 p.m. CM Martin also announced the YAC are looking into issues such as homelessness.

Regional Boards/Committees:

Area Commission on Transportation (ACT) None

COG None

Solid Waste Advisory Council (SWAC) None

Ad Hoc Committee/Community Health Care Mayor Gourley announced they are putting together some potential dates to meet to discuss who needs to be on the Committee.

Mayor's Report None

City Manager's Report City Manager Martin announced the beginning of Bargaining and stated Pierre Robert is available to meet in Executive Session before the next City Council meeting to discuss status and issues.

Department Directors Reports:

Finance Director Finance Director Gray reported staff completed 58 passports in January which surpassed their normal average of 21.

Library Director None

Planning Services Manager PSM LaRoque announced the Sweetheart Run is on Saturday, February 13th and begins at 9:30 with the Kids Fun Run followed by the start of the 5K and 10K at 10am. PSM LaRoque said many of the Sweet Home businesses have donated either funds or gifts to the run and the proceeds benefit park programs.

Police Chief Chief Lynn said two K-9 units conducted a search in 6 classrooms at the High School and 14 student backpacks were hit on. 2 students received charges and 11 additional students admitted smoking marijuana or being around someone who had smoked marijuana. Chief Lynn stated it was the largest number of bags hit on by K-9 units and the number was disturbing.

Public Works

None

City Attorney

City Attorney Snyder requested a Public Safety Committee meeting after the next City Council on February 26, 2016.

Adjournment:

With no further business the meeting adjourned at 9:04 pm.

The foregoing is a true copy of the proceedings of the City Council at the February 9, 2016 regular City Council Meeting.