

**CITY OF DUNSMUIR
CITY COUNCIL MEETING MINUTES
JANUARY 16, 2014**

CALL TO ORDER:

Meeting was called to order at 6:00 pm by Mayor Keisler.

Mayor Keisler presented council member Steele with a plaque thanking him for his service as Mayor.

ROLL CALL:

Council members present: Steele, Wilde, Padula, Keisler. Welch arrived at 6:04pm.

City staff present: Bains, Kenny

City official present: Wilson

FLAG SALUTE

Mayor Keisler made a motion to move up items six through eight on the agenda to take place before item five. Second by Steele. Voice vote: 5-0-0-0, motion carried.

APPROVAL OF AGENDA AND MINUTES/AGENDA REVISIONS:

Mayor Keisler made a motion to dismiss items E, F, and G under Old Business. Council member Wilde stated that she would like them to be moved to items A, B, and C.

Council member Steele seconded the motion. Voice vote: 2-3-0-0, Wilde, Welch, and Padula voting nay. Motion fails.

Council member Wilde asked City Attorney Kenny if the January 5 meeting was illegal. Mr. Kenny stated that it was not noticed 24 hours in advance. He stated that this is just a minimum requirement of the Brown Act and that a special meeting on a Sunday does not comply with the spirit of the Brown Act. He stated that action items on an agenda should have enough information included that the public can be apprised. Mr. Kenny stated that the City Council should have protocol in place, and that the City Clerk should post the agenda. He stated that the way in which an item gets on an agenda should be handled by protocol, of which there is none.

Council member Wilde made a motion to move items E, F, and G to items A, B, and C of Old Business. Second by Welch. Voice vote: 3-2-0-0, Steele and Keisler voting nay. Motion carried.

Motion to approve agenda as amended by Keisler, second by Wilde. Voice vote: 5-0-0-0, motion carried.

COMMITTEE REPORTS:

Mayor Keisler gave a report on the Mossbrae trail. He stated that the Union Pacific officials wrote a letter to St. Germaine stating that they would not be doing another appraisal, and informed them of their liability when people cross their land.

Council member Wilde gave the Safety Committee report, stating that they had discussed a contingency plan for school shootings and reviewed the need to have home addresses clearly marked.

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 2

Council member Steele stated that the Regional Water Management group is working together to coordinate grants. He stated that they are at the point at which the City will need to approve the plan in order to be eligible to apply for funds. Council member Welch stated that he has been studying the budget, and would be hearing someone speak regarding unclaimed property the following week.

ANNOUNCEMENTS AND PUBLIC COMMENT:

Audience member Patty Hill stated that she is seeing a lot of difficulty with communication and encouraged Council to work on teamwork. She stated that the whole town is counting on the Council to be a team. She stated that the recall issue is silly, and is not good for Dunsmuir. She expressed her support for council member Wilde.

Audience member Chris Raine urged council members to go online and take AB1234 training. He stated that the City Manager's job is to run Dunsmuir as its CEO. He stated that the job of council is policy, budget, and strategy. He stated that people's feelings shouldn't be hurt if they are the last to know something. Mr. Raine encouraged councilors to not take on more than they need to. He stated that whether there is compliance with the Brown Act or not, it is the public's perception that is important.

Audience member Tim Holt expressed his hope that council is not replacing the Mayor because someone didn't get to go on a field trip. Mr. Holt stated that due to a generous donation, the library will be funded through the calendar year. He explained that this is not a sustainable program, and that there will be an effort by the county library to restore funding.

Sergeant Chris Rees gave the December statistics as well as the mid-contract year statistics.

Audience member Linda Gnesa expressed concern about the House of Glass stating that the pool has some water in it, and that there is an empty refrigerator in the area. She stated that these conditions are dangerous, and encouraged everyone to keep an eye on their kids.

Chamber of Commerce representative Bryce Craig stated that the business community in Dunsmuir and outside are watching the Council. He stated that entrepreneurs interesting in investing in Dunsmuir are getting spooked by what they read, and aren't going to want to invest in Dunsmuir. Mr. Craig stated that it is not the position of the Chamber of Commerce board to dictate Council, but that Council has to find a way to work together. Audience member Peter Arth agreed that Council needs to work together. He stated that it is important to get back to focusing on the Historic District and reviewed his plans for the Cornet building.

Audience member Alan Harvey stated that the most effective City Councils are those that can find a way to work together. He stated that no policy issue should become so supreme that it overrides the willingness to admit when one is wrong. Mr. Harvey expressed concern about the election of new officers, stating that it sets a very disturbing precedent, and that it would not be in the best interest of the City or council. He

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 3

encouraged Council to establish policy, procedure, and protocol so that everyone knows how the function of the body is going to occur. Mr. Harvey stated that he had not seen any behavior to warrant a change of officers, and stated that the issue is distracting from serious business of the City. He stated that individual interests have to be put aside and council members must think in terms of community interests.

Audience member Don Harley stated that he feels that he is being charged for unrendered services. He stated that he has no sewer or water in his business, and does not create garbage. Mr. Harley stated that he was told that it was mandatory to pay for garbage, and that he feels that he is being taken advantage of being charged for a service he did not receive. He asked Council to authorize the City to stop billing him for garbage services.

Audience member Carol Skalko stated that she has been watching the City Council meetings on television. She stated that City Council members are not entitled to their own opinion, that they are present to represent the citizens of Dunsmuir without looking like they don't want to hear what the people have to say. She stated that she cares that every person in town is represented with an open mind, and that it is disturbing to see the actions of the Council. She encouraged Council to stop their personal agendas and personal vendettas, and to keep their feelings to themselves as they are responsible for every person in this town.

Audience member Arlis Steele stated that Mayor Keisler is doing an outstanding job, and that it would be okay to appoint a new assistant mayor.

Audience member Linda Gnesa stated that she has filed a HIPAA violation on council member Wilde. She stated that recent maneuvers do not bring a good light to Dunsmuir.

Audience member Chris Raine stated that Mayor Keisler should stay in position for the duration of his term.

Audience member Lori Barnes-Harley stated that Council has to work together as they are making a laughingstock of Dunsmuir. She stated that it is going to start effecting businesses, and encouraged Council to figure it out and get along.

Audience member Mark Juarez stated that he has heard negative comments made about his buildings, and that only two Council members have ever come to him to ask about what he is doing. He stated that positive change is created by working together to find a positive solution.

Audience member Sandy Raine stated that at her business she sees a vast amount of travelers, and that it is disheartening to hear people ask about what is going on with the City Council. She stated that the majority of the council was elected via political process with the faith that they could work together, and that there is one isolated case in which there is always a personal vendetta.

Audience member Mario Rubino stated that there is no excuse to have issues with the agenda, that it was previously done by two council members working with staff to create the agenda. He stated that items on the agenda with no documentation or staff backing are almost misleading. He stated that there is no reasoning why these items should be on the agenda, and that it would be wrong to make decisions without facts and without the

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 4

public being informed. He stated that the agenda needs to go through the staff, and that it is unfathomable to see decisions made without all of the information.

Audience member Pamela Padula stated that people are making assumptions and that there is a lot going on in the background that people are unaware of. She stated that she had been exposed to things in the last month that made her change her mind. Mrs. Padula stated that the 24 hour notification requirement is for the public and not the stenographer.

Audience member Michael Bush stated that Mayor Keisler has only been in his position for about six weeks and that he deserves to finish out his year.

Audience member Chris Flynn stated that he and his family have just moved to Dunsmuir and bought a business. He stated that the business is doing great with a huge amount of local support. He stated that he and his family want to stay in Dunsmuir, in a stable community. Mr. Flynn encouraged council members to vote without an opinion and to take the public's opinion into account. He thanked Mayor Keisler for what he is trying to do for the community.

Audience member Patty Hill stated that council member Wilde is here because she loves us all, and that she does her job in the way she feels best. She stated that we can create an atmosphere of balance together and make a difference.

ELECTION OF NEW COUNCIL OFFICERS(MAYOR AND VICE-MAYOR)

Motion to retain current officers for the duration of the year by Steele.

Council member Padula made a motion "to change the position of City Mayor to be shared equally by all City Council members, in alphabetical order, on a rotational basis, including all meetings and events, lasting for a two month period for each member. If a council person can't fulfill their two months, they drop to the back of the rotation, they do not get the following two months. This would encourage all council members to work together and to remain equal. This would bring transparency and full democracy to Dunsmuir allowing all voices are hear. It would assist all council members in learning protocol, procedure, and how to run a meeting. It would help prevent power struggles within the City."

City Attorney Kenny explained that in a General Law city, the role of the Mayor is merely ceremonial.

Mayor Keisler reiterated the statement, saying that the Mayor has no formal authority.

Council member Welch stated that he had recently heard two complaints about the Mayor 'poking people around', and that these complaints were not true. He stated that he had misspoke at the January 5th meeting and that council member Wilde had not come to his house. Council member Welch stated that it would be unprecedented to get rid of the Mayor, and that there is one council member that was not elected. He stated that council's voice is the citizen's voice, and that his constituents are unhappy with status quo.

Council member Welch made a motion that Mayor Keisler continue to be mayor subject to discipline according to government code, and that he (Council member Welch) be Vice

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 5

Mayor and not council member Wilde, as she was not elected.

All motions fail for lack of a second.

Council member Steele nominated Keisler for the position of Mayor. Second by Welch. Voice vote: 3-2-0-0, Wilde and Padula voting nay. Motion carried.

Mayor Keisler nominated Welch for position of Vice Mayor. Second by Steele. Voice vote: 3-0-1-0, Wilde abstaining and no vote by Padula. Motion carried.

ANNOUNCEMENTS/REPORTS FROM COUNCIL AND STAFF:

Council member Steele requested assistance in taking down the Christmas decorations. City Manager Bains spoke regarding the special meeting held January 5. She stated that the meeting was held in order for one council member to attend. She stated that council member Steele was out of town, and that she was on vacation. She stated that all schedules should be taken into consideration.

CONSENT AGENDA:

A) December 2013-Warrant Run

B) New Committee Assignments from 12/19/13

Motion to approve by Keisler, second by Steele. Voice vote: 5-0-0-0, motion carried.

OLD BUSINESS:

E) Discussion and possible staff action-Direction to City Manager or designee to communicate with council members with respect to city business.

CM Bains stated that the item was originally on the January 5 special agenda, and that there was no documentation included with the item. She was unable to give a report. Council member Steele stated that this item and two others were part of the urgent Sunday afternoon agenda. He stated that the items on the agenda were to replace the Mayor, fire the City Attorney, and reduce the City Manager to a clerk required to submit every item of business to the Council for approval. He stated that this would be a complete takeover of City management by three members of the council led by council member Wilde. Council member Steele stated that council member Wilde seems to be unable to control her anger at anyone she perceives to be in authority. He stated that she has made repeated attacks against him, made egregious charges against the Mayor, has been increasingly demanding of the City Manager, and has alienated the staff and crew. Mr. Steele stated that council member Wilde has unrealistic expectations of the power and authority of the position to which she was appointed. He stated that when she was asked by a coach not to let her dogs run on the ball field because young athletes were slipping and falling in dog droppings, she refused and instead summoned the director of Parks and Recreation to appear before the council to defend the agreement between them and the City. Council member Steele stated that governance requires compromise and cooperation to arrive at reasonable solutions to difficult problems. He stated that he has no confidence that council member Wilde can look beyond her own personal wishes and

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 6

desires to the greater needs of the citizens of Dunsmuir, and expressed regret in his vote to appoint her to Council.

Mayor Keisler stated that there is nothing to support the item and no documentation. City Attorney Kenny stated that if the City is going to create policy, it would be helpful to create a draft. He suggested sitting down in a workshop, and stated that the public was not given any information on the item.

Motion by Mayor Keisler to table items E, F, and G to the next meeting.

Council member Wilde stated that the City Manager has been directed several times and states that council has to direct her as a body. Ms. Wilde expressed frustration that items aren't being communicated to her. She referenced the City of Mt. Shasta's protocol in which an email to one council member is carbon-copied to the other members of council. She stated that there would be a protocol workshop in February or March, but that she is concerned about what miscommunication might happen in the meantime.

Motion by Wilde that the City Manager communicate with the whole City Council.

Council member Steele stated that it would not be appropriate to communicate every action.

CM Bains stated that when committees are concerned, she only communicates with committee members, referencing the Mossbrae Falls Trail committee and her correspondence with Mayor Keisler. She asked if she was being asked to re-route her emails, tape her calls, and transcribe everything for council members. She stated that she does keep council members abreast of meetings, tours, and training.

Mayor Keisler explained that the job of a committee member is to go out and get information to bring back to Council.

Council member Welch stated that the public has a right to be informed, and that other cities post every email on a public site.

CM Bains stated that this does create more work and that Council is kept informed on important things in the City. She stated that there has not been a problem before with communicating with committees. She stated that her personal invitations will be extended to City Council members, and that committee information could be emailed to council members.

Discussion.

Council member Steele suggested setting up a meeting to come up with policy and protocol in order to help resolve issues.

CM Bains stated that this would be a facilitated meeting.

Council member Wilde asked that the meeting be held in the first two weeks of February.

F) Discussion and possible action-Resolution 2014-01 Authority of Mayor and City/Council representation at meetings, tours, hearings, trainings, ceremonies, and correspondence.

Discussion included in the previous item.

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 7

G) Discussion and possible action-Appointment of David Hicks, A.P.L.C. as City Attorney

CM Bains reviewed, stating that the item came from the January 5 special meeting, and included a letter to Mr. David Hicks that had been prepared, not on City letterhead, appointing him as City Attorney.

Mayor Keisler asked who had taken the authority to write the letter.

Audience member Chris Raine stated that council members need ethics training. He stated that items on the agenda are turning the City's CEO (CM Bains) into an office clerk. He stated that she has filled two jobs with one set of benefits. She has been instrumental in writing two grants equaling seven million dollars, which City Attorney Kenny's law firm assisted with and did a great job. He stated that CM Bains has a good working relationship with Mr. Kenny's office, and stated that she was not consulted about the change in attorneys. Mr. Raine stated that this shows blatant favoritism, and that whoever drafted the letter has poisoned Mr. Hick's well. He asked why the City would get rid of the goose that is helping the City lay golden eggs.

Audience member Arlis Steele stated that he has worked with Mr. Kenny, and that it was a good working relationship. He stated that he is a moral, upstanding man, and has not sued the City. He asked why no one would admit to writing the letter.

Audience member Sandy Raine stated that the voters have a right to know, and demanded to know where the letter came from, and asked who had the audacity to put the City's name on it.

Audience member Mario Rubino stated that CM Bains has received nothing but kudos from multiple councils. He stated that the first thing he would ever do as a council member would be to consult staff on issues. He stated that he would expect the process to go to an open and fair bid, and that this was not even considered. Mr. Rubino stated that this has tarnished any respect for council and asked why staff was not first consulted. He stated that there is nothing stating why the council is upset, and that it appears to have been done blindly.

Audience member Linda Gnesa asked who had written the letter.

Council member Padula made "a motion to amend the motion to appoint a City Attorney and instead move that the City Manager, commencing immediately, publish a 30 day request for proposal from private attorneys to serve as our new City legal counsel.

Mayor Keisler stated that Mr. Kenny has done an outstanding job, and explained that he has an entire staff that works with him.

Council member Welch stated that due to the cost of attorney's fees, it might be a good idea to solicit an attorney to move into town. He stated that he was not aware that the item was going to be on the special agenda, and stated that he did not know who wrote the letter.

Council member Wilde stated that the previous City Attorney had lived in Dunsmuir, and that it would be nice to have a local attorney that could be contacted at night and on weekends. She suggested putting out a 30 day request for proposals.

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 8

Council member Steele stated that Mr. Kenny is a specialist in municipal law, and suggested that council keep that in mind if the position is put out to bid.

CM Bains reviewed the cost of the attorney since 2009.

City Attorney Kenny stated that if council wishes to keep fees low, they need to avoid litigation and infighting. He stated that council needs to develop protocol and identify legal issues ahead of time so that the attorney does not need to attend all of the meetings.

Council member Welch suggested modifying the motion to 60 days.

Council member Padula re-read the motion, amending the time period to 60 days. Welch seconded the motion, stating that it is not determinant that a new attorney would be hired.

Voice vote: 3-2-0-0, Steele and Keisler voting nay. Motion carried.

CM Bains stated that she would be bringing back the Request for Proposals to be approved by the City Council in February.

Recess: 8:24 pm

Back in Session: 8:35 pm

A) Discussion and possible action to approve Children's park month to month lease until an agreement can be reached with Benson Roofing regarding Children's Park.

CM Bains reviewed the item, explaining that the City has been unable to work out a property exchange. She requested that the council approve a lease agreement retroactive to September.

Council member Steele made a motion to authorize the lease agreement with Benson Roofing until such time as other arrangements could be made. Second by Padula.

Council member Welch stated that he would like to deny the retroactive portion. CM Bains explained that the City was notified of the change in July, and that the amount is owed by the City.

Voice vote: 4-1-0-0, Welch voting nay. Motion carried.

B) Discussion and possible staff direction to consider Gary Benson's request to keep Children's Park the way it is and lease two hangars at Mott Airport to Gary Benson to house Benson Roofing's equipment and supplies in lieu of reducing Children's Park to create storage for Benson Roofing.

Review by CM Bains, explaining Benson Roofing's request to lease two hangars at the airport to house equipment and supplies. She stated that in trade, the City would lease the Children's Park for one dollar per year.

Audience member David Hicks suggested looking into a bathroom facility for the park. Discussion.

CM Bains directed to move forward with the agreement.

C) Discussion and possible action scheduling a joint city council and planning commission.

Review by CM Bains.

Audience member Peter Arth asked that the Planning Commission and City Council work together and come up with an action plan. He stated the policy needs to be set, and a decision made whether or enforce the ordinance or not. He stated that there needs to be

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 9

goals, objectives, and communication with the community.

Discussion.

Council agreed to a joint meeting to be held on February 6th, with no other items on the agenda.

D) Discussion and possible action Resolution 2014-02 appoint two Planning Commission candidates to fill vacancies.

Review by CM Bains.

Council member Wilde asked how the item had been moved from the previous agenda as there had been no motion. Mayor Keisler explained that the idea was for potential commissioners to study what the job entailed and to come back to the council. He stated that two of the applicants had showed up to the meeting, and nominated Kenna Conway and Don Harley for the positions. Motion to approve by Steele, second by Padula. Voice vote: 4-0-0-1, Welch abstaining.

NEW BUSINESS:

A) Discussion and possible action-request from Mrs. Harriet Alto regarding the purchase of a memorial council chambers audience chair and plaque.

Audience member Harriet Alto spoke about Ms. Rita Green and her contributions to the community. She requested permission to allow friends of Ms. Green to purchase a chair to place in the area where Ms. Green typically sat. She described the chair and explained that she would like Ms. Green to see it before she passes. Council approved.

B) Possible council chamber multi media, audio and visual upgrade and design presentation by Mr. Bill McIntyre.

Council member Wilde asked why no dollar figures were included in the information. CM Bains explained that she had requested the removal as it was a presentation and did not want it to be interpreted as a bid.

Motion to table the item until Mr. McIntyre could be present to do the presentation by Wilde, second by Keisler.

Council member Steele stated that the City would still need to get bids.

Voice vote: 5-0-0-0, motion carried.

C) Discussion and possible action disposition of Siskiyou County Economic Development Council support for the Enterprise zone which terminated December 31, 2013.

Report by CM Bains, explaining that the State has discontinued the program, and that the City can choose to continue to support the Siskiyou County Economic Development Council if they wished. Discussion. CM Bains explained that the money would not be for anything specific and recommended that it be used for something that could benefit the City.

Motion to suspend the support and keep the money in the City by Steele, second by Keisler. Voice vote: 5-0-0-0, motion carried.

D) Discussion and possible action-Create new City Council committee to assist the

JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 10

Friends of the Library with future funding opportunities.

Review by CM Bains, explaining that Siskiyou County Librarian Michael Perry has requested that the City work on funding in regards to tax measures.

Discussion.

Council member Welch volunteered to be on the committee.

E) Discussion and possible committee assignment to identify property to establish a dog park.

Review by CM Bains, discussion of possible creation of a committee to come up with a location and funding for a dog park.

Council member Wilde stated that she would research the idea of a dog park, but would not commit to just having a dog park because then they would be confined to just that one area.

Council member Wilde appointed to ad-hoc committee.

Audience member Steve Cutting stated that Ms. Wilde does not have the right attitude for the committee as she has had issues with the Park and Rec District, and felt that someone with the clear mind should be appointed.

Mayor Keisler stated that this would be a good opportunity for council member Wilde, and wanted to give her a shot.

Audience member Sandy Raine stated that she would like to see a beautiful dog park and not a weed patch. She stated that the issue should be taken seriously and be an enhancement to the town.

F) Discussion and possible action-Resolution 2014-03 contract award for grant management services on Community Development Block Grant 13-CDBG-8868.

Review by CM Bains explaining that the City had received three bids, and that Community Development on Call had scored the highest.

Discussion.

Motion to approve by Keisler, second by Steele. Voice vote: 5-0-0-0, motion carried.

G) Discussion and possible action-Brown Act training scheduled by Vice Mayor Wilde
CM Bains gave the report, explaining that it was at the request of council member Wilde, who had an attorney, Mr. Boyland, that she would like to administer the training. Ms. Bains explained that the City Attorney had offered to do the training at no charge.

Council member Wilde stated that Mr. Boyland is a fantastic attorney, well versed in the sunshine law.

CM Bains stated that a letter in the newspaper indicated that Ms. Wilde has hired Mr. Boyland.

Council member Wilde stated that she has retained him, and that he has offered his services if needed. She asked that he be considered as a facilitator.

CM Bains stated that the issue had previously been discussed and that she had already spoken to a facilitator.

Audience member Sandy Raine stated that the City has an attorney on the budget, and felt that the person who facilitates and works on protocol should be the same person. She

**JANUARY 16, 2014
CITY COUNCIL MEETING MINUTES
PAGE 11**

stated that it would be a conflict of interest to hire Mr. Boyland, who has been retained by Ms. Wilde.

City Attorney Kenny explained that he is not a facilitator.

CM Bains stated that she had already spoken to Merle Anderson to facilitate the protocol meeting.

H) Discussion and staff direction-possible research request to annex a portion of property east of Interstate 5

Review by CM Bains per council member Padula's request, who is interested in asking the property owner to donate the property for commercial development. She explained the ownership of the property. Discussion.

I) Discussion and staff direction-possible addition of a stop sign at the intersection of Dwight Way and North Dunsmuir Avenue.

Review by CM Bains. Council member Padula stated that the area is dangerous and would like to see a stop or yield sign. City Attorney Kenny stated that it should be cleared with a traffic engineer first.

Council directed CM Bains to look into the item and to consult a traffic engineer.

Audience member Sandy Raine stated that Mr. David Hicks had told her that he was approached by one city council member regarding becoming City Attorney. She stated that this person should come forward, and that the letter had originated from this council member. She stated that perhaps in order to be more transparent, the council member would admit to writing the letter.

Audience member Dena Marlatt stated that she felt that recalls are divisive.

Council member Wilde made a motion to reconsider item Old Business G, and that she would like the item added to the next meeting's agenda.

CM Bains stated that joint meetings typically don't consider other business. Council member Wilde reiterated that she would like it on the agenda, and CM Bains stated that she would add it if she was able to complete the Request for Proposals.

Council member Welch expressed concern, stating that it is ridiculous how the council carries on. He stated that with all the commotion, council can't get business done.

ADJOURNMENT: 10:08 pm



Mayor Keisler

ATTEST:



City Clerk Wilson