

CITY OF JEFFERSON  
Regular Council Meeting  
March 23, 2017  
6:30pm

COUNCILORS PRESENT: Walt Perry, Dave Beyerl, Bob Burns, Mike Myers, Stan Neal, Brad Cheney, Cyndie Hightower

COUNCILORS ABSENT: None

STAFF PRESENT: Sarah Cook, City Recorder; Jeff Buskirk, PWD; Deanna Donato, City Clerk; Sgt. Don Parise, MCSO

- I. COUNCIL MEETING CALL TO ORDER/FLAG SALUTE – Mayor Hightower called the meeting to order at 6:30pm and led in the flag salute. Mayor reminded everybody of the City Council rules once again.
  
- II. OLD BUSINESS
  - 2.1 2<sup>nd</sup> and Final Reading of Ordinance #701, Declaring and Authorizing the Vacation of Right-of-Way Designated as Street 66 feet in Width and Approximately 117.75 feet in Length Located on the Undeveloped South Side of 4<sup>th</sup> St Connecting to Columbia – For Adoption

Mayor Hightower read the ordinance by title only for the second reading. Discussion: hearing none. Dave Beyerl moved to pass the ordinance and title become the ordinance. Walt Perry seconded the motion. Roll Call Vote: Dave Beyerl: yes; Mike Myers: yes; Stan Neal: yes; Brad Cheney: yes; Bob Burns: yes; Walt Perry: yes. Ordinance #701 passed unanimously.

2.2 Re-Vote on Applicant for Budget Committee

Dave Beyerl moved to seat Chris Giffin on budget. Mike Myers seconded. Discussion: Stan Neal: Stated that he requested the application be dealt with again this evening. He apologized to her because in previous meeting it was a tie vote, so basically application was tabled. At that time he was concerned about her prior behavior he had witnessed at another meeting, which made him concerned about her being on the budget committee, however; after that there were about 25 people who got up and vouched for her. So he was wrong about that and doesn't know her that well. Based on her application, she has a good application and his vote was more personal than objective and the people that stood up to vouch for her have known her for years so he apologized and requested a revote. Mayor Hightower: Stated that she appreciated all the work Chris Giffin puts in the town. Brad Cheney: Stated he would like to echo Councilor Neal's comments as he feels the same way; he made a personal decision and shouldn't have, and apologized for that. Ayes – 6, Opposed – 0. APPROVED.

### 2.3 Memo from Legal Counsel Re: West Linn Ordinance Addressing SB1573

Councilor Stan Neal declared a potential conflict of interest. He then notes that the whole memo is not included in the packet and since the Council is not voting on it tonight, he moved to table the topic until the worksession meeting. Councilor Brad Cheney seconded.

Discussion:

Councilor Myers stated he is confused in regards to Councilor Neal's statement. He sees the memo from legal. Mayor Hightower explained her version of the West Linn ordinance is not in the packet. Councilor Myers explained the original draft was viewed by Council at the last meeting and had directed staff to send that to legal...anything sent the next day AFTER Council decisions doesn't go further. This Council is the body that says yep this is what we are going to do and then gives direction. What went to city attorney is what Council directed; this Council never saw Mayor Hightower's version. The attorney's memo states real clearly, irrespective of that memo or any other memo that it all goes to the planning commission first because of our development code. The City has procedures and that we as a Council need to stick to them and let the process work and therefore, does not support the motion on those grounds.

Councilor Bob Burns: The city attorney said the Council determines if the West Linn ordinance should be considered further and he stated what the next steps should be as per the attorney. The Mayor has already produced a solid draft. Councilor Myers then asked where is the draft and why had the Council not seen it before it was sent to the attorney?

Councilor Beyerl: The entire Council should have seen the revised version that the Mayor sent to the attorney if that is what she wanted to be approved. What Mayor Hightower presented for approval to the Council was the original West Linn ordinance and that is what Council approved to be sent to the attorney.

Councilor Cheney asked how they as a Council could fix the issue. Councilor Myers suggested for this and all future processes, that whatever is to be drafted by whomever, that the draft goes to Council first and then the Council says yes or no if it should go forward or if any changes are to be made before sending to attorney. Whatever it was that was prepared subsequent to last council meeting needs to come back here. Either way, we can do it but rather than slow the process, we can at least let the Planning Commission know this will be coming their way since it has to go that way first anyway. Councilor Cheney commented that the suggestion sounds easy enough. Councilor Myers again stated whatever Council wants to do, it is to be done at the meetings, and nothing is altered or edited after the fact...that's our job.

Councilor Perry: He moved to Jefferson in the middle of the Willamette Valley, he did not move to West Linn on the verge of Portland. He moved into a rural farming community serviced by a community that services farms and is a bedroom community to other cities. He really doesn't see why Council is trying to fashion themselves after a city that has absolutely nothing in common with Jefferson. He was once told to put big boy pants on at age 10; everybody here is over 10 and it's time to stop playing games and that's all this is, back and forth. This has taken 4

weeks and probably 2 charges to an attorney over something that should have never happened. All he has to say about this whole thing is that he is done. He would ask that the whole thing go away, if we need to draft something for this City let's use our imagination rather than copy from someone else.

Councilor Neal motions to table this issue and Councilor Burns seconded. All in favor of the motion to table: Ayes - 5, Opposed – 1.(Perry)

### III. NEW BUSINESS

#### 3.1 Re-Appointment of Library Committee for sitting member – Elizabeth Kackley

Councilor Beyerl moved to keep her on library board. Councilor Cheney seconded. Discussion: All in favor: Ayes – 5, Opposed – 1 (Myers)

#### 3.2 Re-Appointment to Budget Committee for Sitting Members: Wendy Samples, Edna Campau, Linda Baker, and Jo Robertson

Councilor Beyerl moved that all 4 members remain on the Budget Committee. Councilor Perry seconded. Discussion: All in favor: Ayes – 6, Opposed – 0.

#### 3.3 Letter from Fire District Re: 257 High St. Burn to Learn

Councilor Beyerl moved to allow closure of street. Councilor Neal seconded. Discussion: Councilor Meyers asked if PWD Jeff Buskirk was in coordination with the Fire Department on this. Jeff replied yes. All in favor: Ayes – 6, Opposed – 0. Approved unanimously.

#### 3.4 Festival of Flowers Street Closure and Event Support Request

Councilor Perry moved to approve the request. Councilor Neal seconded. Discussion: Councilor Beyerl asked if anyone from the Festival of Flowers was present to answer a question regarding the map. He asked if the closure between the post office and Santiam Market was below their drive-ways like it was last year...from the alley on down. Michelle Nunes confirmed it was the same and access wouldn't be closed off. Councilor Myers asked about the street dance. Michelle replied that the street dance is during mint festival. All in favor: Ayes – 6, Opposed – 0. Approved unanimously.

#### 3.5 Applications for Budget Committee (8)

Mayor stated she appreciated the applicants for volunteering, however there are only two spots available so we discussed having a vote per Council member for each of them to select their two choices and they will read their decision out loud and then we will tally out loud. Whoever has most votes will have the position.

Councilor Beyerl – again thanked all the applicants, noting there are several with a wealth of knowledge in budget so it's difficult to make choices. Councilor Neal agreed, hard to make a choice.

Councilor Beyerl – Tim Groome and Pat McKenzie

Councilor Myers – Clare Troutman and Teresa Rush Peterson

Councilor Neal – Teresa Rush Peterson and Clare Troutman

Councilor Cheney – Pat McKenzie and Teresa Rush Peterson

Councilor Burns – Clare Troutman and Teresa Rush Peterson

Councilor Perry – Clare Troutman and Patrick McKenzie

Votes were tallied and verified by City Recorder Cook and City Clerk Deanna Donato. The top two choices were Clare Troutman and Teresa Rush Peterson. All Council members were in agreement of the nominations.

#### IV. DISCUSSION/INFORMATION

##### 4.1 Resignation of City Recorder & Transition Plans

Councilor Burns moved that the Mayor begin immediately to search for a replacement for Sarah Cook. He believes the City should have a proper city manager with proper accreditation and somebody with experience in more than one jurisdiction and has prior city manager experience. He clarified his motion to say he wanted to create a city manager position and fill it. No second on this motion.

##### Discussion:

Councilor Beyerl: before Council goes any further with this subject, he disagreed with the motion on premise that Council had gone down this road before to find city manager and then had to find another person to do accounting/recorder duties and quite frankly the City can't afford two more positions added to what we already have. If you think you'll find a city manager for what Sarah was making, good luck. Mayor Hightower commented that she had spoken with COG and COG had recommended if a city manager position was decided upon that it could be a part time position, maybe three days a week. Councilor Perry asked how day to day business would be completed if city manager was only here three days a week.

Councilor Myers: There are a couple of challenges with city manager position. One is that the City has not budgeted for a city manager position, and to create that position, it would have to be put into the upcoming budget to see how the funds would lay out. If it could be funded in the next budget year, then the position would then be established on July 1 when the new budget year begins. The challenge with that is as of April 30, there is no City Recorder. So for all of May and all of June, the City is left without enough people to divide the duties for internal controls. Also the whole discussion of a part time city manager and full time recorder, from the budget aspect, currently the city recorder is the only city hall position that is funded from the general fund. The Clerk position is funded out of public works, court, and cemetery. The Planner position is split amongst multiple funds as well. The second challenge is that the

general fund only has dollars for the city recorder position, not a city manager position. He believes it is critical to not have somebody in that position as it is required to have two signers for checks and the City Recorder position is the only position the City is required to have filled.

Mayor Hightower: There is an option to bring current City Clerk, Deanna Donato, up to tier one city recorder and then possibly hiring part time interim city manager. Councilor Myers again states that a city manager can only be hired after a line item to pay for city manager has been established at the budget meeting and would not be effective until July 1 when new budget year would begin. Councilor Myers then directs question to Sarah asking if there is a ruling anywhere that states the Council could fund a position without a line item being created and her response was that if the amount was more than 10%, a supplemental budget would need to be done and money would have to come from the contingency funds. that at this time At this time she would not be confident in recommending that as the extra legal fees incurred this year have already dipped into contingency funds, so it would be better to add line item during budgeting for the upcoming year for the city manager position. Sarah also reminded Council that if they choose to move Deanna up to Recorder, then a clerk position would need to be filled as Deanna would not be able to do both jobs.

Councilor Burns would like to see what is out there and it seems the City should be able to get temporary help from COG if the City is without a Recorder. He does not want to rush into something and for that reason he believes Council would do the City some justice to see what is out there. Council doesn't have to make any decisions right now, but just get some candidates in front of them and see what the talent looks like, and to see what the budget will look like. He is not happy with leaving things as they were and would like to see a city manager running the town; someone that has experience working with other jurisdictions and could do a more filling job than has been the case so far. There are audience outbursts after his comment.

Councilor Cheney: Things are moving real fast. We just received this information from Sarah and it seems to him that it would make sense to use Sarah's recommendation of bringing Deanna up to the Recorder position at least during the interim, if she was agreeable, in order to keep wheels rolling and Deanna would likely be an applicant for the position down the road when they put it out for hire. Councilor Beyerl reminds them that somebody would be needed to fill Deanna's Clerk spot then, so is Councilor Cheney suggesting another interim while discussion continues?

Councilor Neal believes it might be better if the City could access COG for help to see if there is a candidate for a temporary city recorder to fill Sarah's position for a period of time until we decide what to do in regards to a permanent recorder or manager. He feels there will be a lot of discussion about that and in mean time the City needs somebody to fill Sarah's position and believes it would be good to hire a temporary person through COG. Mayor Hightower asks if it is possible to do a separate session on this matter. Councilor Myers replied absolutely; a separate session for this matter could be done within 72 hours. He would like to bring COG in to talk about a part-time recorder or temporary one for next however long and discuss any other options available before Council makes any decision. Personally, and in city history, senior

positions have opened up, most recently in public works and we had a very qualified person step up seamlessly. After the City had lost at least two if not three previous Recorders in a very short period of time, Sarah stepped in and served the City extremely well and he believes the City has that same opportunity now with Deanna. With Deanna having been here 9 almost 10 years and probably one of the difficult positions here in dealing with customers for billing, security issues/confidential information for court, and delicate/emotional issues of cemetery matters and such, he has full confidence in her. He would rather have her rise up to that position; she has filled in on several occasions when Sarah has not been here due to vacation or family needs. This is only his opinion, but if Council wants to do interim position, he feels they will have their work cut out and will need to wrestle with the budget to try to find the funds, develop job description and then do a wide search for a city manager, this probably will not be a one night session, but multiple sessions.

Councilor Burns: suggests Council bring Deanna in to replace Sarah for 2 months or more on temporary basis, but get talk started in terms of getting a city manager to run the City.

Councilor Beyerl: Council can go out and hunt for city manager but we are not going to find a city manager that is going to be willing to be the city recorder. Basically Council is going to add another layer to the budget, and he does not believe the budget can handle another layer. It has always been his beliefs that if you hire good people, treat them good, and when there is a chance to move up, you do so. He favors advancing Deanna full time into Recorder position. Councilor Cheney has a question regarding COG. He wants to know would they assist the Council with a temporary clerk. Sarah replied possibly, but they will charge a fee; there is no need to pay a fee when we can hire for a clerk in house free of charge. She also informs them that it is going to be easier to find a city clerk than it is going to be to find a city recorder.

Councilor Beyerl: When they have used COG in the past, their rates have been considerable higher than if they were to just pay an employee a salary. Councilor Burns points out to Councilor Beyerl that the City of Turner has a full time administrator/manager and part time recorder and they get along quite well all with a 2 million dollar budget, Jefferson's budget is 8 million. Mayor Hightower corrected Councilor Burns statement about the budget, Jefferson's budget is 6 million. Councilor Perry points out that Turner has half the population and half the City resources; it's like comparing apples and oranges.

Councilor Neal feels that since Council is still not certain whether the City needs a manager, he thinks placing somebody in Sarah's position for a temporary time period would be a better fit right now in the short term, until a decision can be made. He would hate to move somebody up to full time Recorder and then decide it wasn't a good thing to do. It would be better to hire a temporary/interim person until everything can be sorted out and a decision can be made.

Councilor Perry posed question to Sarah: with the City's current budget and a lateral move for Deanna can we tolerate a clerk and a city recorder and Sarah until her departure as training is going to be essential part of next couple of months. Sarah explained both Deanna and new clerk would start on step 1 so there is a savings there, the clerk is paid out of water/sewer funds

not the general fund, however the recorder line item would go over due to pay out of Sarah's vacation payout on final check.

Councilor Beyerl reminds Council that just because you hire a city manager does not mean you can eliminate the recorder or clerk position. He is still of the mind that Council needs to move Deanna up and hire another clerk and then if you want to hire city manager do that on July 1 if you can find money to do it, but we still need the other two positions, regardless.

Councilor Neal understands what has been said but thinks since there are varying opinions about the need for city manager, in the long run it would be much cleaner to hire a temporary recorder to give Council some time to decide and leave Deanna as clerk for now.

Mayor Hightower: Deanna is able to do the position and both she and new clerk would be on 1<sup>st</sup> tier of pay scales. Councilor Neal asks if this would be a temporary or permanent placement.

Deanna Donato asks Councilor Neal if you plan on moving her to a temporary recorder position and then hire a clerk, then where will she go when Council finds a permanent replacement. Deanna stated that if Council thinks they are just going to shove her out the door once permanent recorder or city manager position has been decided, that's not really fair to her for stepping up. Councilor Cheney agreed with Deanna and said it would make more sense to make the clerk position temporary so that Deanna would be protected. Deanna asked how long the interim position is for. What if you get no qualified applicants after several months; many cities right now are searching for qualified applicants and have been for months with no luck and generally those cities are paying more than Jefferson can afford to pay. Councilor Cheney doesn't believe the interim position should go on forever, he thinks deadline on interim should be May to find one and once budget is done move to find permanent solution.

Councilor Myers states there is roughly a month left with Sarah and budget cycle starts within that time, with an interim that has experience but not hands on with this city and each city is vastly different. He personally believes this would be a challenge for whoever is placed in this position. He does believe the City in time needs a city manager, it's a growth element. Unlike other municipalities we have less than a million dollar budget for general funds. There is not the funds today to do that and not next year either. Even with half or  $\frac{3}{4}$ , Council's challenge is to repair the city's infrastructure, clean up the city, and see business growth and that's how other cities have succeeded. This has been Jefferson's challenge for years. Jefferson has been a very quiet satellite community that has been comfortable with that but it is changing; the city is growing and we need to build for it. He has looked at budget many times and until we grow don't know where funds for manager will come from. He was willing to meet next Thursday night to work through this but encouraged them all to take a hard look at the budget and then look at what city administrators are being paid in other cities. He doesn't want to see any of the employees left hanging in any way shape or form as they have more than earned it and we have to support them.

Councilor Beyerl: One other thing to consider is that if Council goes with a city manager and creates a half or full time position, then Council may be killing the option to fund a third officer that they have been working on. There is a lot to think about.

Mayor Hightower asks the Council if they want to consider a special meeting on Thursday and having COG present to discuss their options. Councilor Beyerl is not in favor of COG, but he will meet if the rest of Council wants to. Councilor Burns stated Council doesn't even know what a city manager costs all we know is what they have to spend. He believes they need to get out there and find out. He agrees with Councilor Myers in that if Jefferson wants to go to the big leagues, then they need a city manager. Councilor Neal was in favor of another meeting and deciding at that point if they need to hire a temp. Mayor Hightower asked if Jefferson had ever had a city manager before and the answer was yes, 3. Mayor Hightower asked when there had been city manager, how large was the staff. Sarah stated that when she started, there were 5 employees in City Hall, one of which was a city manager. Currently City Hall has 3 employees as positions have been combined over the years due to budget constraints. All employees wear many hats in Jefferson.

Mayor Hightower had more questions regarding responsibilities of recorders position and whether or not Deanna could handle everything and get up to speed in such a short time. Sarah stated that anybody placed in the position is going to need to be brought up to speed; however, she feels that Deanna has the upper hand as she has been there for almost 10 years, knows the software, and knows the ins and outs of Jefferson. Council then starts discussion on Deanna's qualifications and education. Deanna Donato then informs Council that just because she hasn't done payroll or HR for Jefferson doesn't mean that she hasn't done those tasks in prior jobs. Comment from Linda Baker in the audience reminding the Mayor and Council that it is inappropriate to talk about an employee's qualifications in an open meeting. Councilor Myers agrees and states that Jefferson started with 5 employees and now down to 3 employees, wages were frozen for a couple years, and the City made employees pay a portion of their health insurance. Council has squeezed staff a lot over the years to stay within budget. Councilor Neal is of the same opinion to meet next Thursday to deliberate and decide if we go temp or not and will have time to do some research. Sarah was asked to put together some costs of City Managers by then. Councilor Perry does not like independent research. In something as critical as key personnel this should be done in a liaison type atmosphere with at least two members. Mayor Hightower asked if we took into account everybody's job description (Sarah and Deanna) how we would divvy that up between two positions. Sarah noted one position couldn't do both accounts payable and accounts receivable due to internal audit controls.

Councilor Neal moved to meet next week and Councilor Cheney seconded the motion.

Discussion:

Councilor Burns asked about purpose of meeting. Councilor Neal noted the purpose was so more information would be gathered in that time to see if it's better to have a temp recorder until Council can decide what to do. Sarah would also provide budget numbers on city manager costs. Comment from audience: Nancy Hamby 664 Alder Ct. She stated that Mayor Hightower

was here when Jefferson had the last city manager, Bob Nipper, who removed himself from the position because the City could not afford him. The budget is a big thing, you need to ask do you want a cop or a city manager, and she hoped the Mayor would ask all the citizens and not just a SRCOJ at decision time. Sarah also reminds them that finding a way to continually fund it is an issue, so that should also be taken into consideration.

All in favor of meeting next week: Ayes – 4, Opposed – 2 (Dave and Walt). Meeting set for 6:30 next Thursday.

## V. CONSENT AGENDA

Councilor Beyerl moved to approve consent agenda and Councilor Perry seconded.

Discussion:

Comment from audience: Leslie Hobson, PO Box 352, Jefferson: She stated she doesn't come to a lot of these meetings and this is the reason why. People are crammed in here like sardines and she doesn't normally have hearing problems but noticed that many of the Council talk down to desk and don't look up; they are not throwing their voice up for public to hear. She volunteered to kick in a few bucks for sound system/microphones and believes all the Council could kick in too. She didn't want to attack Council, just can't hear what is being said. Councilor Perry reminds Mayor that Council is in the middle of a vote, not the time for discussion with the public!

All in favor: Ayes – 6, opposed – 0 Consent agenda approved.

Councilor Perry requests that the Mayor call for break and Mayor calls for break at 7:37pm;  
Reconvene: 7:45pm

## VI. COMMITTEE/DEPARTMENT UPDATES

Library – no new info

Planning – no new info

Chamber – no new info

Building – no new info

LAC – presented last Council session

MPO – public hearing on regional transportation plan, no public attended; they passed the plan; discussion RTP; presentation on RTP and what they planning in the future and some has to do with transportation out of Albany, buses and such, different route options, most relevant to Jefferson is Jefferson and Millersburg is in their future plans but not for 5-10 years; added another member to TAC Tech Advisory Committee, road master for Linn county was added; discussion on a timeline for hiring a new Policy Board and Select Technical Advisory Member, Theresa Connelly moved to Bend

Fire Board – Chief Zeilman is retiring in June so they decided to hire temp chief for a year; will not be going for bond in May but likely in November due to this transition time

School – received 1.4 million seismic grant; Melissa LaCrosse corrected its one million, four hundred dollars, not 1.4 million.

FOL – ground breaking before the last meeting; discussed timelines for building recognized substantial completion should be Oct. 31. Funding is still needed.

Parks & Rec – current director staying on through December;

MWACT – no new info; 90-day hiatus

Councilor Beyerl added the library was selling commemorative bricks as fundraiser.

Mayor Hightower had more to add about school board. She called the Superintendent Kent Klewitz re: school bond. Bond is on ballot for 14.35 million dollars coming in May, and accompanied by a \$4 million grant through the state, but bond has to pass in order to get the grant. By doing so it moves project up to 18.35 million and much can be done; new gym facilities among several other upgrades and fixes for other buildings. In addition to seismic grant, two other grants may possibly be coming that they should be hearing about any day now. He believes the bond measure number is 24421.

## VII. VISITORS

Edna Campau, 609 E. Union – back under discussion/info 4.1, she points out that Council did not consider the recorder's resignation; they just went into transition plans. As a point of order, there should have been a motion to accept. Councilor Myers moved to accept the City Recorder's resignation. He also stated a profound thanks and deep appreciation for all she has done. Audience applause. Councilor Beyerl seconded motion and stated he did so with a very heavy heart; appreciated all her hard work for last 18 years.

All in favor: Ayes – 6, Opposed – 0. Approved.

Audrey Webster, 170 8<sup>th</sup> St. – referenced her email she sent to the Council re: Peak meeting and wanted to read it so the other community members can hear it. She read her email out loud, noting reps from two different fiber companies that are pursuing franchise. She thanked Council members that took the time to come, which showed a desire to engage with the community about things that are important to them. Hoped the others took the time to learn of the fiber opportunity. Hoped they would find the time to join other community events because knowing the people you represent is the first step to serving them. She noted positive take-a ways from the fiber meeting: definite unity around shared hatred for CenturyLink; fiber service would improve home values and benefit the whole community; foster competition with having two companies and gives the people a choice. Next steps, talk about franchise agreements, engineering studies, etc. Her speaking out loud and asking for fiber at every meeting is what the public needs to continue doing and asked the Council to keep fiber at the top of their mind, she asked that the people be able to view the franchise agreements before they are voted on; she asked that each councilor do their homework before coming to the meetings, come prepared with specific concerns and with an open mind; and that Council approve both companies, feels that is the healthiest for everybody and allows the customers to decide what they want; she offered her assistance in promoting the information if needed.

Michelle Nunes, PO Box 583, Jefferson – re: accepting Sarah's resignation. She is sad to see her go and have to see her go in the way that she is leaving. Firmly believes Councilor Burns owes

Sarah an apology as she has done nothing but show the utmost professionalism, respect and care for the people that are in this community. Councilor Burns slammed her in the newspaper, he has slammed her in public meetings and she believes not only Councilor Burns, but all of them should be grateful that Jefferson has had her for as long as we did. It will be impossible to replace her! We want cops, not a city manager. Deanna has been here for 9 years; reward her, how could you not think about looking at a dedicated employee; by not doing so shows disrespect and lack of knowledge for the way this town operates. You four Councilors need to get out, volunteer, find out what makes this town's heartbeat, you create animosity and we need to heal and move forward. Councilor Burns you have not been respectful at all and she demanded he apologize to Sarah. She stated he was out of line. There is press here and you are not the new Sheriff. She named many volunteers that have made the community grow and encouraged them to get to know these people. Applause and standing ovation. Tears.

Wendy Samples, 1261 Hazel St. – attended a really good training on budgets and the existing budget members went there along with Councilor Perry. She was disappointed that the other new members did not attend.

Tony Roberts, Jefferson Teen Connection – thanked Councilor Stan Neal and his family for the support of JTC, had Councilor Neal not done so they would be shut down next month if it weren't for their assistance.

Cathie Harrington, 229 Tanglewood – follow up on what she asked Councilors at the last session about people involved in lawsuit. She stated she had done some research and in order to get names off of lawsuit, they would have to drop it and she would like to respectfully ask that they drop lawsuit. (Audience applause) Councilor Neal responded – it is his understanding, after a long conversation with the Secretary of State's office about removing their names off the documents and Secretary of State said because they were the original petitioners they could not get their names off. He stated he has not been involved with the group since December and honestly doesn't know who is involved in it. He suggested that she call the attorney handling the law suit and he could tell her who was involved with it. Councilor Neal also stated that he and the others have made no decisions with that PAC since elected to city council. Like a corporation, new people have come in and they are running it now. Cathie Harrington stated to Councilor Neal that she voted for him, but he has lied, she has had to drag information out of him. This City needs you to drop the lawsuit, so we can start working together. Councilor Burns then states that the City needs to drop it. Councilor Neal stated his understanding is that PAC is now ran by other people and an attorney and they are carrying that flag and "we" resigned in early December so can't do anything about what they are doing. He can ask them to drop the lawsuit but doesn't mean they will. Mayor Hightower is not a part of it and neither is her husband.

Nancy Hamby asks if Mr. Burns is on SRCOJ – Secretary of State said one of the chief petitioners has to be a remaining member and Mr. Coulombe would not take her call so they have done what they could to find out the information. Councilor Neal stated they did what they could

too. Nancy again confirmed that all 3 of them resigned from the SRCOJ and Councilor Burns said he did resign.

David Kellogg, 724 Salamander Rd. SE – seems the people who started lawsuit jumped in a car, floored it and bailed out claiming no longer responsible. You three started it, you three can end it. Where are we on the judgement for legal fees? How does City recoup those fees? What steps does City need to take to make sure we get the money? That's our money, that's our tax money? Councilor Myers asked Sarah to check with legal.

Vicki Groome 216 Faith Dr. – has here 17-18 years, her husband was a Councilor and she never attended a meeting during that time, but with what she has seen with these four... it is embarrassing to see what is in the paper and all the stuff on the facebook. Who would want to move in this town after what is in the paper constantly. If you care about this community do something to care for it, instead you ask for a manager? You keep coming up things that cost us, and now additional attorney fees to pay when we need more cops. This community loves each other, the divide needs to stop, you are embarrassing Jefferson. Switch your motive and start working with the people; never this many people at a Council meeting. Fix the budget and you can drop a lawsuit so find a way to do it and put all your energy into doing it.

Laura Brown, 351 S. Main – like to address staffing with suggestion: in two towns she lived in they have shared a manager with two other towns, also in business schools you can reach out to get a school work study person to give them experience. As far as other stuff, she's busted her butt to volunteer and ashamed as she's sat here listening to everybody, she knows the Council has done things that were questionable. You look at facebook and it's degrading, nobody is stepping up, the focus should be on everybody in this town, not divided sides and bickering, it all needs to stop.

Nancy Hamby, 664 Alder Ct. – Asks the Mayor where are we with Sunshot Solar Initiative. Mayor Hightower said it died March 17<sup>th</sup>. Nancy stated so there was no partial application submitted? Nancy stated she contacted Department of Energy who said they have a signed application to the Department of Energy signed by the Mayor of Jefferson. Mayor Hightower stated she did not provide it to City or Recorder because it died. Nancy: This was done without Council approval as Councilor Myers has informed the Mayor many times. Her request to the Mayor is for her to submit the copy of the application she signed to the Recorder. Councilor Beyerl indicated he wanted to see it. Mayor Hightower said she'd do her best to get it in.

Chris Giffin 207 main St. – commented on resignation or recorder: The loss of Sarah to the City is irreplaceable. Her value is 10 times more valuable than any of you up there. Only two people that have history to the City is Mike Myers and Dave Beyerl. She felt that new Council forced Sarah out of here. One example of the many emails where you mention how you need to reprimand Sarah and get rid of current city attorney... that history will not be replaced, you've undermined this City and it's the worst thing that could have happened. You should all be ashamed of yourselves; this City will never be the same.

Lisa Paul, Parish Gap Rd. – had opportunity to see a video that Mr. Hightower put out and then it disappeared before anybody could save it. Since we are seeing the application for Sunshot, perhaps we could see the video where he declared he was the council and the mayor.

Rodrigo Arellano, 965 Salamander Rd. – if you end up paying for the legal fees as awarded to the City, wouldn't you try to get yourself off of the lawsuit as quick as you can? For your own benefit, whether you caused it or not, you might be on the hook with it.

Tim Groome, 216 Faith Dr. – The three former Councilors should spend some time with new councilors and mayor to explain to them what their role is, the rules and the liability to the City. When the mayor goes and starts recruiting for a city manager and recorder she is working outside the scope of her authority, she has no power, she can't direct staff, can't submit an application or otherwise as the weak mayor. Mrs. Hightower, you swore to uphold the oath of office.

Scott Paul, 14886 Parrish Gap Rd. – thanked Sarah for her service. re: Legal Counsel: He would hate to see current legal counsel replaced as they seem to have been doing a fine job and now sounds like some want to get rid of the legal counsel and support David Coulombe who has been representing J4J and also represented Corvallis and Philomath. Don't want see any David Coulombe come in here trying to replace our legal counsel that is a conflict of interest. Another conflict: the mayor's husband's video: Mrs. Hightower you are the mayor. You need to take charge of the meetings and not let him run things. He doesn't want the sliding in of a losing attorney into our City. As for a city manager – don't have money for that. Clerk can keep the City running so we should reward from within. No manager is going to come in here for \$50k and if we had that he'd spend it on law enforcement. All are hardworking people but the City needs law enforce more than administrator. And Mr. Burns does owe Mrs. Cook an apology for slamming her in the paper. He cautioned them about hostile work environment.

#### VIII. COUNCIL COMMENTS

Councilor Myers – received email on annual SEI from Ethics Commission, reminded all don't ignore it, due by April 15<sup>th</sup>. He stated that a former planning commission member left the position, didn't complete it and was fined \$10,000 personally. He also had an update on old gas station property: Nancy Hamby provided him with Mr. Oberson's phone number and wanted to know from Council if the City was able to pay taxes on it, and Mr. Oberson would give up the property, would they be interested in purchasing it for a greenspace area. Is Council ok with him and Councilor Neal continuing the dialogue with Mr. Oberson? There will be no commitment made on City's behalf at this time, we just want to see what Mr. Oberson has in mind. Currently, there is approximately \$13k owed on back taxes. No kind of agreement would be made by the City at this point as we still need to get through budget and go through legal department. Councilor Beyerl asked about clean up with DEQ. Councilor Myers wanted Council to ask Westech if it would be feasible to overlay the property, not dig it up, but cover it and seal it. There seemed to be interest from the Council. Councilor Myers also had a reminder for all of council: When we talk about Council, we are talking about 6 Councilors and a Mayor, that's the

Council. We have operating procedures as a Council. When we meet that is where authority begins and when gavel drops and meeting ends, Council's authority ends. Anything after that becomes staff's job. It's really important that we re-read Council rules and guidelines. If we stay in our lanes then we'll stay out of trouble. Council is to direct and staff carries out. Well intentioned or not, but going outside of Council to do business is a slippery slope so keep that in mind. If there is something you aren't sure on, contact staff for clarification. We can always come back and re-visit if not sure; it keeps everything transparent and everything in the public eye. Last item: the eclipse in August is coming right over Jefferson and we need to figure out a way on how we can advertise this and maybe make a dollar or two. It's a chance to bring people into community and we need to start thinking about it quickly.

Councilor Neal: There seems to be a great deal of controversy around past PAC's he was involved in and suspicion that he was still involved. He is hoping that can be left behind; he really would like to be a good Councilor. He admitted he didn't know many of the people here in the community as he didn't have a long history here, however, he wished everyone would give him a little slack. He can understand anger about legal bills and he is sorry the City has large legal bills; sorry Sarah is leaving, he had hoped she would have weathered the storm with the rest of them. He hopes there is a light ahead and hoped they all could see it as well.

Councilor Burns: Addressed Sarah and stated he misspoke and apologized for his statement in the paper. He requested an update on LUBA. Sarah provided update on LUBA stating the City is waiting on applicant to put in writing their request. Councilor Burns directed next comment to audience: if you think he's up there for personal reason you are mistaken, he is 73 years old and has many more things he would rather do. He is there for a reason; going back to previous Council decision where Council voted to do an annexation which they thought was the correct way, and he happens to think otherwise. The City Charter still says in matters of annexation it would come to a vote of the people. Since a vote wasn't done, the ordinance went through and property became annexed. At that time the only way they thought they could get around that was to form J4J and submit a petition to get voter rights back. That was why he came to the City with referendum. He was told the City made a choice, from the Recorder's letter, that a decision was made to process referendum or be at risk of getting sued by the Hamby's. The courts agreed with the City and against J4J; J4J appealed and now it's going up to State Court of Appeals. All of this was about a chance to vote and he cannot understand how they are being attacked like dogs when they are trying to get everybody's right to vote back to the people. The City thought the decision was wrong then, and now the City has spent many thousands of dollars defending against a chance to vote. Audience argued it was STATE LAW, not a City decision. Councilor Burns stated that was all he would say on this. He has nothing to do with the appeal; he resigned from J4J as soon as he was elected and has nothing to do with what is going on, but still feels now the way he felt then.

Councilor Perry: Asked if anybody noticed all the artwork on the walls. The banners have a purpose; they say we are a happy town. He dared anybody to find negativity in the banners. There's a smiling face behind each and every poster and that's what Jefferson is about; to live happily. To Councilor Burns: you are 73; you have less time than he has, so be happy! A

suggestion was made for them to teach the new Councilors how to be a Council. He apologized for not doing so at first as he did back away from them. Funny thing about being a Councilor, there are a lot of ways to look at everything; you have to follow City laws, you have to follow State laws and federal laws, but when a law comes out and says to all of its' citizens that you can't do it on this subject, whether it's right, wrong, or indifferent, it is there. The right to vote was taken away from the people by the State, and each member said as much as it hurts to say yes, it came down to the fact they had to look at a piece of paper that was an application asking Council to pass an annexation; the annexation met the criteria and the Council had to pass it. The law didn't ask them if they thought it was right or wrong, that wasn't the question before them. It's repairable, but you have to trust the other side.

Mayor Hightower addressed the people that volunteer in Jefferson and stated her appreciation. She works at the elementary school where they honor their volunteers with a breakfast and she'd like to be a part of doing something like that. She stated she knows she has a huge learning curve, so she has visited as many as 10 mayors' to learn and understand how things work. She thanked Councilor Myers for his help and will continually counsel with him; many councilors have told her it's taken at least two years to learn the processes.

- IX. CALANDAR CHANGES
- X. ADJOURNMENT

Councilor Perry moved to adjourn the meeting and Councilor Burns seconded. Meeting ended 8:52 pm.

**MINUTES APPROVED** this 25<sup>th</sup> day of May 2017

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Cyndie Hightower, Mayor

ATTEST:

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Greg Ellis, Interim City Administrator/City Recorder