

**City of Gold Hill City Council
Meeting Minutes
October 28, 2019**

Mayor Newport called the meeting to order at **6:00 p.m.**; immediately followed by the **Pledge of Allegiance**.

- 1) **Roll Call:** Mayor Newport, Councilors Canon, Hinkley, Lowe, Palmer, Studebaker, and Wilson responded as present. **QUORUM PRESENT.**

2) **Recess to an Executive Session per:**

ORS 192.660 (2)(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing; and,

ORS 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Council immediately recessed to an Executive Session, where City Attorney Ryan Vanderhoof explained the details of the BOLI settlement with Terry Dewitt. The Executive Session was to include discussion of dismissal or discipline of the City Manager, Harry Staven, but City Manager Staven requested that this discussion be held in open session.

3) **Return to Open Session - Action Items from Executive Session**

3.1 Consider disciplining or dismissal of public official/staff

Due to City Manager Staven's request that any discussion of his performance, employment, or employment contract be discussed in open session, Items 3.1 and 3.2 were discussed in reverse order.

Councilor Wilson recused herself from the discussion of City Manager Staven's performance. Mayor Newport asked each of the Councilors to voice their opinions on the City Manager's performance. All council members voiced their dissatisfaction with the audit delay, though they acknowledged that he has also done a lot of good things, as well.

The Mayor then asked for input from the public. Ed Cooper, Hugh Schoonover, and Marvin Hinkley all voiced their displeasure with the way the Council was handling the matter of the City Manager's performance.

At this point, City Manager Staven was called upon for his response. To the Council members, he handed copies of Resolution 12-R-11, "A Resolution Repealing Resolutions 98-R-08 and 98-R-23 and Adopting New City Council Rules and

Procedures”, in order to help clarify the distinction between the Council and the City Manager’s authority and responsibilities. He then gave updates on the key projects he’s been working on, including the audit, the court, and the new accounting software.

After hearing the City Manager’s input, the Mayor again asked the Councilors for their thoughts. There were still conflicting opinions on what to do. Councilor Studebaker made the Motion to table the decision until the November 4 council meeting; so that the Council could reflect on the information they were provided. Councilor Canon seconded. Councilors Canon, Palmer, and Studebaker voted “YES”, Councilors Hinkley and Lowe voted “NO”, and Councilor Wilson abstained. With a majority vote of 3-2, **MOTION PASSED.**

Mayor Newport requested that Attorney Vanderhoof be present at the November 4 council meeting, and he agreed. Councilor Wilson then rejoined the Council for the remainder of the meeting.

3.2 BOLI Complaint Legal Recommendation

Per Attorney Vanderhoof’s recommendation, Councilor Hinkley made the Motion to give the Attorney the power to negotiate a no fault settlement with Terry Dewitt, up to \$5,000. Councilor Canon seconded. All Councilors voted in favor. **MOTION PASSED.**

4) Ordinances

4.1 AB2019-036 – Ordinance 19-04 Gold Hill Municipal Court Re-Activation

City Recorder Jessica Simpson read the Ordinance 19-04 into the record, which became effective after one reading and Mayor Newport’s signature.

- 5) Consent Agenda:** to be approved by a single motion in the affirmative; Council Member(s) may elect to pull any and all items which will then be automatically added as the next item under section “7) NEW BUSINESS”

Approval of City Council Meeting Minutes for October 7, 2019 and October 14, 2019

Councilor Hinkley made the Motion to approve the Meeting Minutes from October 7 and October 14. Councilor Canon seconded. Councilor Lowe abstained, as he was not present at one of the meetings; all other Councilors voted in favor. **MOTION PASSED.**

6) Old Business

AB2019-033 Municipal Court Judge’s Employment Contract – City Manager Staven

City Manager Staven noted that this final contract was identical to the previous version, with the exception of the paragraph detailing training for Judge Zammetti. The training is not required, and that language was removed from the contract. Councilor Lowe made the Motion to approve Judge Zammetti’s contract. Councilor Hinkley seconded. All Councilors voted in favor. **MOTION PASSED.**

7) New Business

7.1 New Water Meter Surcharge

City Manager Staven informed the Council of the options they had for the loan to pay for the new water meters. If the City chooses the \$250,000 loan option, the meter surcharge would be \$3.68/month/utility account for 10 years. The \$300,000 loan option worked out to a \$4.42/month/utility account surcharge, again for 10 years. City Recorder Simpson informed the Council of the possibility of a USDA grant that could fund up to 45% of the cost of new meter implementation. However, grants are still not available to the City due to the incomplete financial audits. With the completion of the audits on the near horizon, the Council felt it would be in the City's best interest to wait until next year to upgrade the meters, when we regain the ability to apply for grants, such as this one.

7.2 Hunter Communications Contract

City Manager Staven reported that he was under a non-disclosure agreement with Hunter Communications, and requested that the Council discuss the contract in an Executive Session. Council agreed to have an Executive Session on November 4, 2019.

8) Adjournment

Mayor Newport adjourned the meeting at 8:12 pm.

Minutes Approved by: _____

Pete Newport, Mayor

Attested by: _____

J. Simpson
Jessica Simpson, City Recorder