

City of Chiloquin
City Council Meeting
2/11/2013

Those Present:

Others:

Teresa Foreman: Recorder
City attorney: Sam Ramirez
City Engineer: Jeremy Morris

Mayor: Patricia Twamley
Council members: Carolyn Blackmon
Jill Prewitt
Kathy Erion: absent, ill
Julie Trevino
Joe Hobbs
Raymond Kirk: 6:35- 6:45

6:30 Mayor Twamley read the opening statement. and called the meeting to order.

The Mayor called the roll. Present: Joe Hobbs, Carolyn Blackmon, Jill Prewitt and Julie Trevino.
Also the City engineer Jeremy Morris, City attorney Sam Ramirez and City Recorder Teresa Foreman.

Mayor Twamley stated, as the Mayor, she wanted to know why the attorney was present. He was to be here only when invited by the Mayor. Twamley asked if he was here on his own dime. The attorney answered that he was invited by the Mayor ProTem. ProTem Joe Hobbs stated that he did invite the attorney. The Mayor felt this was stepping over the mayor's position. The attorney stated the motion was presented that way. Hobbs stated that it was one of the motions she, Mrs. Twamley had brought to the first meeting. Twamley denied this. The attorney looked it up and read the following:

Motion 2013-12

That the vendor policy of the Chiloquin City Council shall be that the City will not pay any vendor, accountant, engineering service, lawyer service or employee of the City for attending a city council meeting unless the Mayor or Vice- Mayor has approved the expense in advance of the City council meeting.

The Mayor asked the Mayor ProTem if he had approved this. Mr. Hobbs answered that yes, he had invited him.

The Mayor stated that there was a quorum and called the meeting to order.

The Mayor asked for a motion to accept the minutes of Jan. 22.

(The agenda needed to be accepted first)

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Motion to accept the agenda of Feb 11, 2013 was made by council member Blackmon seconded by council member Hobbs. Ayes: Hobbs, Blackmon, Prewitt and Trevino.

Motion passed.

Raymond Kirk arrived at 6:35

Regular Business

Motion to accept and dispense with the reading of the minutes of 01/22/2013 was made by council member Prewitt, seconded by council member Hobbs. Ayes: Kirk, Blackmon, Trevino, Prewitt and Hobbs.

Motion passed.

Motion to accept the minutes of a special meeting 02/06/2013 was made by council member Prewitt, seconded by council member Hobbs. Ayes: Kirk, Blackmon, Trevino, and Hobbs.

Abstained: Prewitt because she does not remember it.

The Mayor stated the motion didn't pass, that we do not accept them.

Mayor ProTem Hobbs stated it did pass, there was still a quorum.

Motion passed.

Mayor ProTem Hobbs asked, for the record, that the Mayor recognize that council member Kirk was in attendance.

Mayor Twamley stated that Raymond Kirk was now here with us.

City Bills: Council looked over the bills.

Council member Blackmon stated that in addition to the printed City bills in the amount of \$10, 099.73, there was another one she needed to add.

As the liaison to the office, council member Blackmon opens the bank statements and looks them over, prior to the recorder reconciling them. In doing this, on the January 2013 statements, she found that there are bank statement print charges totaling \$8.00 per account, totaling \$40.00. She detailed the charges.

Mrs. Twamley stated she was the one that did that. The teller at the bank said it would be easier if the charges went on the statement. Mrs. Twamley said she would be glad to pick up the charges on that.

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Blackmon asked where the statements were. Twamley answered that she had them at her home.

Blackmon stated, this is \$40.00. Twamley stated she would write a check before she left. Blackmon stated that is not the point, Twamley asked then why did she bring it up? Blackmon asked why she didn't just ask Teresa for a copy of these?

Twamley asked why Blackmon was questioning her authority to order bank statements. Twamley used the gavel and stated lets go on to the next item. Twamley asked if Blackmon was going to question her on every item.

Heated discussion speaking over each other.

Twamley stated she would write a check out before she walks out tonight. Blackmon asked who gave her authority to get these statements. Twamley answered no one has to give the Mayor authority.

Twamley stated that 'you people' are getting on her nerves with this authority stuff. You are trying to get yourself in big trouble with her. Mrs. Twamley stated to go on to the next thing.

Blackmon stated she wanted to discuss this. Blackmon asked the attorney for input. She stated she had had no idea who did this.. Prewitt interjected that Twamley answered the question and why is Blackmon holding up the whole... Mrs. Twamley stated that 'you know exactly what is going on. Shall we make it public now?' Blackmon stated that this is public. Twamley stated that she was talking about the bottom line. She asked Blackmon if she wanted her to stand up and tell why she ordered those bank statements.

Blackmon asked why she did not go through the council. Twamley stated she did not want to. Blackmon explained that she did not have the authority to do that. Twamley stated as a check signer she can go in that bank and ask anything she wants to. This is the tax payer's money.

Blackmon stated, yes it is. And \$40.00 of the taxpayers money. Twamley stated, again, that she would pay that.

Blackmon asked why she didn't bring it up before now. Twamley stated she had her own reasons and asked if Blackmon wanted her to explain it now, before the council. Blackmon told Mrs. Twamley to go for it. Several times Twamley stated she would state the reasons if Blackmon continued. Several times Blackmon said to do it.

Twamley asked Blackmon if she wanted to be excused, she did have that authority. Twamley stated Blackmon was being rude. Blackmon replied that she was not being rude, she just asked a question.

Twamley addressed Mr. Jefcoat, in the audience, if she should stand up at this time and explain why. Blackmon stated that Mr. Jefcoat is not on this council. Mrs. Twamley replied "that's alright, he's involved with a lot of issues here and you know it as well as I do".

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Prewitt asked what is the bottom line. Blackmon answered that the bottom line is that we need to add \$40.00 to the bills before we can approve them.

People talking over each other.

Blackmon stated that you can not spend City Money without telling someone. Twamley asked someone from the audience for \$40.00.

Council member Trevino stated this needs to go into executive session.

Motion to pay the bills was made by council member Trevino. No second was made.

An individual from the audience spoke up and Blackmon stated this was not public input. Mrs. Twamley scolded Blackmon, saying she wasn't to speak to the audience, that was her (Twamley's) right. Blackmon stated she could speak to the audience and the Mayor asked her why she didn't run for mayor and threw the gavel at her. She then retrieved the gavel and pointed the end of gavel at council member Blackmon.

The audience made noise, and Prewitt stated she wanted this stopped.

George Depoian, from the audience, threw \$50.00 on the table and stated that was to pay the bill. He stated he did not come here to listen to this. He came here to hear about City business.

Mayor Twamley asked for the next bills. Prewitt asked to speak. Prewitt stated she wanted the bills to just lie there.

Motion to pay the bills adding the \$40.00 was made by council member Trevino.(if a second was made, the recorder did not hear it)

No vote was taken.

Mayor Twamley started reading the bills. She asked for the invoices. Prewitt pointed out they are in the blue folder. Mrs. Twamley stated that was a pretty sloppy way of handling the invoices. Anyone should know to attach the bills to the invoice.

Prewitt asked about the paperwork that is supposed to show what account these come from and the amount etc. If that is not done, she does not want these bills paid.

There was an altercation in the audience and everyone was distracted. Prewitt got up and approached the audience, Council member Hobbs called Point of order, Blackmon called point of order, Prewitt told the Mayor to call 911. The Mayor said lets have a break. ProTem Hobbs stated point of order or we clear the room.

(council member Kirk left the meeting)

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There was more interaction and then order came back.

The Mayor tried to discuss the bills; Prewitt was still interacting with the audience. People were talking over each other.

The Mayor questioned several bills and then said she wanted the bills tabled until she had a chance to go over them. She asked what was on the agenda next.

Motion to table the bills was made by council member Hobbs, seconded by council member Trevino. No vote was taken.

Mayor Twamley states that “there are underlying things that you do not know as to where this hostility is coming from. And I can not speak about it at this moment”.

City Correspondence: Council looked over the correspondence.

Council member Prewitt asked the Mayor to state for the record that council member Kirk had left the meeting.

Mayor Twamley read a records request from Mark Cobb:

Any documents, contracts, intergovernmental agreements, resolution or City Ordinance from 1984 ... She stopped reading there. Mayor Twamley explained that this would be impossible since we only keep records for five years. Also, this would tie up the City Clerk to even begin to research this. She stated it is an Ordinance law that we can not charge over \$25.00. Anything over this would be an estimate and she has been checking into this and it would probably be a couple thousand dollars, which we would have to have Mr. Mark Cobb put up front.

Mrs. Twamley requests the recorder to send a letter stating that public records act ORS 192 has a limit of \$25.00, should the fee exceed that, which for sure it would, would be several thousand dollars. The City of Chiloquin respectfully suggests Mr. Cobb find another source for the information he is seeking from records from 1984.

The recorder explained to the Mayor that we do have records back further than five years. Mrs. Twamley asked if we have Ordinances back to 1984? The recorder answered that we have Ordinances back to 1926. Mayor Twamley asked about the other records he’s requesting, stating they don’t even pertain to us. The recorder stated she just wanted to make it clear that the City has records older than 5 years.

Mrs. Twamley stated that in other correspondence there is a letter from a Mrs. Herrera that lives on Wasco. She has written a letter about a drainage problem. She claims this has been going on since May.

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Mayor Twamley stated that since it is so old she would like to ask the council people if they would like to send this to the insurance so it can get processed and then looked at. Does anyone want to make a motion to vote on this. Prewitt stated no, because of all the arguing out there she can't concentrate. Mrs. Twamley agreed and then tables this.

The attorney asks permission to go into executive session. The Mayor responded no.

Mayor Twamley asked if she could have a motion to vote on the Chiloquin Ambulance request to have a car show in the park. In May.

Council member Prewitt stated that she makes a motion. Twamley asked for a second. Blackmon seconded the motion.

The recorder asked what the motion was. Blackmon stated it was for the car show for cruising in the park, Twamley said it was for the ambulance. Discussion.

The recorder asked for the motion to be clarified as to if they were approving it or not etc.

The Mayor asks for a second. Trevino seconds the motion

Twamley called for the vote: Ayes: Blackmon, Hobbs and Prewitt.

Motion passed. (not officially recognized)

Trevino stated that she apologized but wanted to discuss this. The Mayor allowed.

Trevino stated that chief Holster has expressed concerns about shutting down the street. She feels as long as these concerns have been addressed, she thinks this is great.

Discussion.

Mrs. Twamley stated she would speak with chief Holster to find out if his concerns have been corrected and then we will bring this up at the next meeting.

Rodeo presented their application for liquor license.

Sam Ramirez, speaking for the City recommended the City not allow the license due to the grandstands had not been repaired. There had been numerous requests from the City to repair the grand stands. The Rodeo assoc. appealed to the lease which has nothing in it about the grandstands or their conditions. In order to amend the lease, arbitration was necessary. Mrs. Wampler stated that the grandstands had been fixed. The City attorney stated he was not prepared to discuss this in full but would be willing to do so at a future meeting. The Rodeo Assoc. responded that they did not see a need for that since they had brought everything to the meeting tonight and questioned why the attorney had not done the same.

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Trevino thought it was a good idea to have an executive session and to have someone look at the grandstands. Because of the inability for the parties involved to come to a conclusion to come up with a meeting time, the Mayor postponed this discussion until the meeting of the 26th. Wampler stated she would appeal to the OLCC if the City denied the permit.

Discussion.

Motion to grant the liquor license to the rodeo association was made by council member Prewitt. No second.

Pete Pate, public works, is asked to look at the grandstands. Rodeo association stated that would be fine with a 24 hour notice. They would figure out the time between Pete and association.

Motion to accept the City correspondence was made by council member Hobbs, seconded by council member Blackmon.

No vote was taken.

The Mayor read a records request from Denis Jefcoat. From 2008, 09, 10, 11 and 12. and from QB from 2010, 11 and 12 and the City Hall meeting of 2013. The Mayor commented that the council need not approve this because it is a freedom act and anyone can request this.

The City clerk responded she did not need a vote of this.

Mayor's Report: There should be no more City council meeting without proper public notice. Also, since there is a \$5000.00 limit on spending without prior approval of the council and that the current attorneys estimate of services is \$18,000.00 that the new council needs to not automatically rehire the attorney.

That was the end of Mayors report. No motion to accept. No vote.

Public works report: Public Works employee Pete Pate suggested the council approve Morello's construction for \$4,100.00 for the repair work on City water line on 97.

Motion for Morello construction to do the repairs on hwy 97 was made by council member Prewitt, seconded by council member Hobbs Ayes: Hobbs, Trevino, Prewitt and Blackmon.

Motion Passed. (not officially recognized as passing)

Discussion about a \$1000.00 contingency fund and the methodology he should use for change orders.

Mayor Twamley called for the vote, again.

Ayes: Hobbs, Trevino, Prewitt and Blackmon.

Motion passed.

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Motion that we give Pete the leeway of \$1000.00 in case something unforeseen happens was made by council member Blackmon and Hobbs. Ayes: Trevino, Blackmon and Hobbs. Nays: Prewitt

Motion passed.

Discussion about automating the reservoir.

The Spinks park well needs to be repaired. It will be about \$1200.00
Discussion of the problems.

Motion to have the repairs done at Spinks Park , to have 2 valves and a 90 degree fitting for \$1300.00 was made by council member Hobbs, seconded by council member Blackmon.

Discussion.

Ayes: Hobbs, Trevino, Prewitt and Blackmon.

Motion passed.

WWTP. We are just now in the closing out process.

Pete further reported that he and Charles would be attending a class for continuing education in Bend March 3-8th and assured the council that one would be here on call at all times.

He then advised the council that he could get used tires for \$200.00 from Robert. Lawrence that should last for 2 yrs. Since this is a maintenance item, it does not take a vote.

Pete informed the council that Jason Davis with Indian Health Service is beginning their archeology work after which there will be aprox. \$16,500.00. for repairs on the #1 well. He publicly thanked the IHS. This will be to upgrade the well and pump. Building and as much as they can do for that money.

Motion to accept the public works report was made by council member Hobbs seconded by council member Blackmon. Ayes: Hobbs, Mitchell, Hescoock and Blackmon.

Motion passed.

Old Business:

Discussion about the current camera. The camera itself cost \$350.00-400.00 the rest of the charge was for installation and materials.

Twamley stated there was an additional \$1100.00 budgeted for cameras. Mr. Jefcoat has stated he can get four camera's installed for under \$1000.00.

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Mrs. Twamley asked Mr. Jefcoat if he wanted to discuss this tonight. Mr. Jefcoat asked to bring his information back to the next meeting.

End of old business, but no motion to accept was made.

New Business:

Tom Mallums addressed the council. He was received with an ovation.

Mr. Mallums stated it was nice to get out and see how City's work.

The topic of dilapidated buildings and the appointment of liaisons was tabled due to the absence of council member Erion.

Public Input: Mayor Twamley reminded the audience that the time limit is 3 minutes and it can not be disruptive.

Jana DeGarmo: City resident. Jana stated that she had read about the incident of the Mayor calling the cops (Jan. Meeting). She is very displeased because we have limited law enforcement services up here and it was a waste of tax payer's money. Two police coming up for that call was a bit ridiculous. She also stated she felt the Mayor throwing the gavel around was a childish display for an elected official. Mayor Twamley thanked DeGarmo for her input.

Fred Liljenberg: City resident requesting the culvert on Lalo be remade according to specifications made by the engineer. He was promised that information would be made available by the next meeting.

Sam, Chiloquin resident; asked for sand to be dumped on the streets that were still icy.

Denis Jefcoat, not City resident commented on, what he considers, unlawful public meetings and asked the council members to avoid those meetings.

Discussion about the meetings at Mayor Twamleys house. Not all council was present. There was a decision to change a part of the bid packet. The engineer was called and that change was made. This was done with out council approval. It was changed back two days later.

Richard Twamley, City Resident, Mayor's spouse. Mr. Twamley read a letter. He stated that the Public works employee had asked for a special meeting about the broken water pipe. The Mayor called a meeting but the attorney stated there must be a 24 hour notice. Mr. Twamley is upset because the Liaison, Kathy Erion is ill tonight and Pete had to come and explain it himself. He feels this is an un necessary expense.

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Jana DeGarmo; City resident. DeGarmo stated that she was just listening to these comments and is wondering if these gentlemen are on City council as well because they keep telling them to make motions and she hears he's talking to the engineer etc. She has seen these men motion to people on council to make motions and also call to order. Are they on council?

The Mayor stated that they are not at the table, they are not on council. This is public input they have every right.

DeGarmo tried to speak, the Mayor used her gavel and asked if there was any other public input.

George Depoian; City resident, feels the input is good from the people in the audience. Why do we need to fight? This is about the community. He would like everyone to come to one accord.

Mrs. Twamley stated that right now there were things that causes animosity that she can not discuss right now.

Depoian stated the council was doing a good job, but try to come together a little better.

No more public input

Mayor adjourned the meeting.

8:35

Mayor Patricia Twamley

Attest: Teresa Foreman, City Recorder

Minutes addendum for minutes of 2/11/2013

Recorders note: The Mayors report was not transcribed by the recorder. A council member helped type up the minutes due to the complexity and length of recent council meetings. The recorder did not realize, at the time, that most of the Mayor report was, unintentionally, left out of the type written minutes.

The Mayor report should include:

Mrs. Twamley Mayor report added to the approved minutes: Verbatim: "Last week I took City Attorney Ramirez' written advice and visited the legal council as he requested in his letter of Jan. 24, 2013. The district attorney scolded me at length for not filling out a crime report after reading my letter of complaint. The district attorney referred me to the sheriff to file a crime report. Under advice of council I can not say anything more about the crime report or the Bar complaint. The chips will fall where they may."

Ms. Twamley then passed around a document containing ORS regarding recording public meetings and executive sessions. She made the document available to the public. Ms. Twamley claimed that the City has been out of compliance with state laws. She feels that there have been unscheduled and/or unannounced unrecorded regular council and executive meetings. She stated that there will be no more of that. She adamantly chastised that the public has a right to attend all City council meetings. Twamley stated that the law requires meetings go through the mayors office.

She then closed her report by saying “That is my complaint for the Mayors report.”