

**April 10, 2019  
Regular Session  
City of Gaston**

**Present:** Council President David **Meeker**, Bill **Martin**, Mario **DePiero**, Sarah **Branch**, Don **Richter** and Suzy **Carver**.

**Absent:** Mayor Jerry **Spaulding**

**Staff Present:** City Recorder Wenonah **Blanchette**, Public Works Director Brent **Whittaker**, City Clerk Sharon **Bregante-Candau**, Washington County Deputy Rob **Richards**, and City Attorney Ruben **Cleaveland**.

**Others Present:** Washington County Sergeant Bob **Ray** and Lieutenant Erroll **McCrea**.

**I.** Council President David **Meeker** called the regular meeting to order at 7:00 PM.

**II. ROLL CALL:** City Recorder **Blanchette** conducted the roll call for the record with:

Councilor Suzy **Carver**: present  
Councilor Sarah **Branch**: present  
Mayor Jerry **Spaulding**: *absent (resigned)*  
Councilor Bill **Martin**: present  
Councilor David **Meeker**: present  
Councilor Mario **DePiero**: present  
Councilor Don **Richter**: present

**III. ADDITIONS OR DELETIONS:** Council President David **Meeker** called for any additions or deletions with Councilor **Branch** motioning to move the Washington County Police contract to the beginning of the agenda. Second heard by Councilor **DePiero**. Motion passed unanimously. Voting Aye: **Meeker, Martin, DePiero, Branch, Richter** and **Carver**. Nay:0

Councilor **Branch** inquired about adding onto the agenda discussion for hiring cleaning services for City Hall.

- **Washington County Police Contract:** Councilor **Branch** asked Sergeant **Ray** and Lieutenant **McCrea** what the City could use monies that the City has in their forfeiture fund and if the City could use those funds to help subsidize costs for police service. Lieutenant **McCrea** stated he would ask their finance people what the Sheriff's Office uses those monies for but noted it should be used for buying police equipment. Sergeant **Ray** further explained monies allocated to a forfeiture fund cannot just be put back into the General Fund. City Attorney **Cleaveland** said he would investigate the legalities behind using forfeiture funds that have been allocated before the City contracted their police services. Gaston resident Margaret **Bell** said those monies were appropriated to the City in the late 80s early 90s. Councilor **Branch** asked questions about hours the City is utilizing and how those hours are being broken up; like swing shifts, overnight shifts and weekends. What would that look like and does that increase costs to the City, is that included in the costs or is that up to the Deputy to determine his schedule? Lieutenant **McCrea** responded there is some flexibility in the schedule but to be mindful of the Deputy's time as well and stated it does not affect the contract to determine different hours for the City's police service. Discussion heard on times the City would like to have a deputy present; specifically, during the night when more thefts occur. Councilor **Branch** asked that Deputy **Richards** include in his report school activities such as dances and events that he attends. Councilor **Richter** motioned to approve the Washington County Sheriff's office contract for 2019-2020 with second heard by Councilor **Martin**. Councilor **Branch** stated she did not want to adopt the contract until further information was established from the budget and requested to table it. Councilor **Martin** asked if money was earmarked for the police contract for 2019-2020 with Recorder **Blanchette** responding that money has been budgeted for the new contract.

Council President **Meeker** called for the vote: Aye: **Martin, Meeker, DePiero, and Richter**.  
Nay: **Carver and Branch**. Motion carried.

#### IV. STAFF/COUNCIL/COMMITTEE/SUPERVISOR REPORTS:

**Police:** Deputy **Richards** reported the March 2019 statistics: 58 total incidents, 31 were self-initiated, 27 of which were public demand, and 9 reports taken, 20 traffic stops, and 8 citations. Contract hours: 135 expected and provided 138 hours. The second page of the report was changed from the "See Something Say Something" campaign to a social media campaign for "Lock Up, Turn On, Bring In, encouraging people to turn on exterior lights, secure their homes, and making sure valuables are removed from vehicles.

- On March 14<sup>th</sup> an individual was arrested on outstanding warrants from the Riverside Apartments.
- On the 18<sup>th</sup> of March an individual was experiencing a mental health crisis and was taken to the hospital for an evaluation.
- On March 20<sup>th</sup> a call from the junior high school resulted in two students showing symptoms of an overdose. It was later revealed three students took CBD pills containing THC, two of which were taken to the hospital by ambulance and the 3<sup>rd</sup> one was picked up by his parents. It was discovered one of those students stole the pills from his parent and took them to school.
- Also on March 20<sup>th</sup> solar powered yard light fixture was stolen and with the help of the public works director she was located and arrested on theft charges.
- An adult individual in town was arrested on multiple sex abuse charges. It was a known victim to the perpetrator.

At this time Sergeant **Ray** asked the Council if there were any further questions with none being heard, he announced he would research and provide the City with information regarding the forfeiture funds. Councilor **Branch** asked to shake the hands of the police officers in attendance before they left.

Council President **Meeker** announced that if Council has questions regarding staff reports, to wait to the end of their staff report and not interrupt them.

**Public Works:** Public Works Director **Whittaker** stated his report was fairly easy and most of the work for this month has been busy work. Met with AKS Engineering on the Gaston Heights project and it's about all that's been worked on. Also, getting the park up and running is another task that the Public Works Director has been working on. The City hasn't received the invoice from the City of Hillsboro so consumption and loss is not available; however water loss remains higher than usual and will be contacting Leak Detection to provide assistance for finding leaks.

**City Clerk/Funding Specialist:** Sharon **Bregante-Candau** provided her report and stated in previous meetings it was requested to ask staff if there were any questions with their written report provided in Council packets and wanted to know from Council how to proceed; if Council wanted to ask questions or to verbally go through the report.

- The City is waiting to proceed with the Safe Routes to Schools grant until the City has a new City Engineer of record chosen.
- 3<sup>rd</sup> Street project the City received funding from the MSTIP Opportunity funds for the 30% conceptual design plans. Working with City Attorney **Cleaveland** and how to proceed with the property right-of-way acquisition. City Attorney **Cleaveland** confirmed that he has not yet been able to proceed because he needs to figure out who he needs to do the waiver of valuation for the right-of-way acquisition. City Attorney **Cleaveland** clarified he still needs to know who the City is looking to provide this information but

needs to know if whoever is selected is needing to streamline the valuation procedure, but the thought is to get someone who does appraisals to do that valuation because they're going to have access to the comparables. Also working with Matt and Brook from Tetra-Tech and Jason **Wertz** from AKS Engineering for the stormwater mitigation design for the Community Development Block Grant and will be moving that near 104 Onion Lane. Moving it in this location will also assist the City whenever development happens at 104 Onion Lane.

- Site visit from Brandon **Perkins**, Margaret **Olson**, Derek **Pulvino** from the EPA as well as Rebecca Wells-**Albers** from DEQ, with others in attendance for testing the soils for contamination at 104 Onion Lane for a brownfield's assessment. This will help determine if the city needs to provide further cleanup of the property to move forward with developing the property. This is being funded by the grant and no out of pocket expenses are being used.
- Oregon Parks and Recreation Department (ORPD) grant was submitted for the accessible walkways at the park. Presentations will be scheduled for June 18-20, 2019 in Salem. Councilor **Branch** asked for clarification on which days she would be presenting or if it was all three days with City Clerk/Funding Specialist **Bregante-Candau** clarifying that she doesn't know the time but that anyone from Council is able to attend, letting everyone know when the date is.
- Two on-site meetings were had for the "Welcome to Gaston" signs with Oregon Department of Transportation, selected spots for these signs will be near Mill Street and Front Street/Hwy 47. Near the same location as the already designated "pocket park" is. Trying to set up a meeting with the manufacturing class with the High School to look at the location and Council requested to have a more detailed design for the sign.
- There will be an audit performed by the Oregon State Police for the municipal court process through the CJIS (Criminal Justice Information Services) this month.
- Accounts payroll, accounts receivables, PERS, deposits, draft the Regular City Council meetings for the month of March and requested if there are any changes to let her know.
- Attendance for the town hall meeting with Congresswoman Susan **Bonamici** scheduled for Thursday April 18<sup>th</sup> at the Gaston JR/Senior High School Library and would like to meet with Council by 5:30PM. Councilor **Richter**, **Meeker** and **Branch** are potential Councilors scheduled to attend.

Councilor **Branch** wanted to know if the City has been able to move forward with the City Engineer of Record with Public Works Director **Whittaker** responding that the RFQ (Request for Qualifications) has been sent out and should be having their qualifications sent to us by the end of next week and have a week to review. They have an opportunity to meet with the Public Works Director to ask any questions and at the May 8<sup>th</sup> meeting Council is to pick an engineer and then the contract will proceed May 9<sup>th</sup>.

City Clerk-**Bregante-Candau** asked about Serveline and wanted to know if there was any feedback or questions regarding the proposal. This proposal is for insurance services where the City pays for the services up front and it's the City's position to solicit for the money for those who want it and reimburse the City. **Bregante-Candau** asked Council if they wanted to proceed with the Councilor **DePiero** motioning to decline the services offered from Serveline, the water insurance with Councilor **Martin** seconding the motion. Motion carried with aye votes heard from Aye: **DePerio**, **Martin**, **Meeker**, **Branch**, **Carver**, and **Richter**.  
Nay: 0.

Recorders Report: Recorder **Blanchette** affirmed she did not have much by means of a report but that working on the budget has been the priority for the last month. Councilor **Martin** asked if there were any concerns or things that need done. None heard.

## V. CITIZEN COMMUNICATIONS:

Council President **Meeker** asked if there were any citizens in the audience that would like to make a comment with Elizabeth **Cram** who lives across the street from Velda **Richter's** property saying she has been living at her residence for the last five years and wanted to state how she has concerns with that property and the amount of activity and incidents that have been going on near her.

Council President **Meeker** asked if there were any other complaints with the Public Works Director stating that a new complaint was just received and will address it shortly.

## VI. COMPLAINTS

- New: Public Works Director **Whittaker** addressed the Council with a newly filed citizen complaint for 104 2<sup>nd</sup> Street regarding chickens and rats at the property. The complaint cites the address has multiple chickens that are causing an infestation of rats which the City has restrictions for chickens and other fowl within City limits. While the Public Works Director made copies to distribute for review, Council President **Meeker** asked to review the consent agenda. Public Works Director **Whittaker** explained to Council there have been several complaints against this property with a history between the two property owners. Further discussion heard to investigate and report back to Council any additional information that would relate to the Council declaring an abatement order if necessary by providing evidence to corroborate the nuisance. Council President **Meeker** asked to address this issue at a later Council meeting with the Council making the consensus to hold a special session. Councilor **DePiero** made a motion to the Public Works Director look into this issue further and report back to the Council Monday, holding a special meeting before the budget committee meeting with second heard by Councilor **Martin**. Motion passed with aye votes heard from **DePiero, Martin, Meeker, Branch, Carver, and Richter**. Nay: None.

Councilor **Carver** asked City Attorney **Cleaveland** for clarification if she should abstain from voting on the bills payable list due to her finance receiving a reimbursement from the City with City Attorney **Cleaveland** recommending she declare a conflict and abstain from vote.

## VII. CONSENT AGENDA:

- **Bills Payable–April 2019**

Council President **Meeker** announced the City has the Consent Agenda for Bills Payable for April and the minutes for March 2019 and called for a motion to adopt the Bills Payable for \$39,236.16 with Councilor **DePiero** motioning to adopt the consent agenda and second heard by Councilor **Richter**. Motion passed unanimously. Aye: **DePiero, Martin, Meeker, Branch, Carver and Richter**. Nay: None.

## VIII. NEW BUSINESS:

- **Mayor's Resignation:** Council President **Meeker** spoke to the Council that Mayor Jerry **Spaulding** has resigned April 8<sup>th</sup> as Mayor for Gaston. City Attorney **Cleaveland** discussed with Council as per the City Charter, vacancies can be appointed by the Mayor (or acting Mayor) with approval of a majority vote by Council. Council President Councilor **Branch** indicated she knew someone who may be interested in serving as Mayor with Council President **Meeker** informing her that he is sure of serving as Mayor for the remaining term and whoever is interested in serving may serve on the Council and appointed to the vacant position of his Council seat 2 position. Council President **Meeker** appointed himself to fill the vacancy for the Mayors position and called for a vote to approve. Aye votes heard from **DePiero, Martin,**

**Meeker, Branch, Carver, and Richter.** Nay: 0. Staff was instructed to post notice of the Council vacancy and report back at next month's meeting. City will need to appoint a new Council President with Councilor **Branch** reading out-loud section 18 of the City Charter outlining how Council is to appoint the Council President position. City Attorney **Cleaveland** clarified for the Council will not (as outlined in the Charter) follow the portion that outlines "*the council shall elect a president from its membership by secret ballot*" because Oregon Public Meetings Statutes states that there are no secret ballots. Discussion heard regarding appointing a Council President tonight or to wait to fill the vacancy on Council before appointing a Council President. Mayor **Meeker** asked Council if they would like to wait to appoint a Council President or make the appointment tonight with Councilor **Richter** motioning to appoint Councilor **Bill Martin** as Council President with second heard by Councilor **DePiero**. Motion passed with aye votes heard from: Aye **Richter, Meeker, and Martin, and DePiero.** Nay: **Branch and Carver.**

- **National Community Development Week:** Mayor **Meeker** read aloud the Proclamation for National Community Development Week for April 22-26<sup>th</sup>, 2019 with motion made by Councilor **Richter** and seconded by Councilor **DePiero** to adopt the Proclamation for National Community Development Week's as April 22-26. Voting Aye: **DePiero, Martin, Meeker, Branch, Carver, and Richter.** Nay: None. Motion carried.

- **Governors Metro Regional Solutions Team:** City Clerk-Funding Specialist **Bregante-Candau** explained to Council to discuss issues relating to the development of land and conservation development, Business Oregon, and other groups to meet and find out what the needs of the City are. Discussions heard regarding dates and times that are available needing to hold the meeting during 8AM to 5PM with Councilor **Branch** said she could only be available for half an hour between noon and 4PM, Councilor **Richter** and Councilor **DePiero** stated they could possibly attend after 3PM on a Friday. Mayor **Meeker** stated he is able to attend.

- **Shredding Service:** Recorder **Blanchette** explained the previous mayor suggested the City utilize for a shredding service as the City Handbook explains the City is needing such a service due to the handbook citing the City requires an all shred policy requiring all documents, regardless of content, be shredded. Mayor **Meeker** called for a motion to approve the shredding service with the motion to adopt the shredding service by Councilor **Richter** following second heard by Councilor **Martin**. Motion passed. Aye: **Martin, Meeker, Branch, and Carver.** Nay: **DePiero.**

- **Job Description Review:** City Attorney **Cleaveland** explained to Council in the last few weeks Mayor **Spaulding** was in his authority to change duties during the interim Recorder **Blanchette** was out of the office. The position of Mayor has been designated to help administer the day-to-day things with the employees. Discussion was heard of changing job descriptions to reflect permanent changes made toward some of the job duties, review the current job description updating them for the roles and functions of staff. Councilor **Branch** requested to have staff prepare a list of current job duties and functions. City Clerk/Funding Specialist informed Council the previous mayor verbally instructed her to perform duties during the Recorder's absence as being accounts payable, accounts receivable, deposits, the cash box and timecards with these duties being new tasks. Council requested Recorder **Blanchette** provided Council with current job duties for review. City Attorney **Cleaveland** explained to Council, while the Recorder was printing job descriptions, that there is an issue when the Council is collectively responsible for making personnel decisions with Councilor **Carver** unable to vote on decisions for the Public Works Director as he is her fiancée. General employment policies are okay for Councilor **Carver** to vote on. **Cleaveland** went on to clarify that it's not fair to an employee to get approval by one Councilor but then might be subject to disapproval by the other Councilors. By designating one Councilor as the point-of-contact with employment related matters, the employee knows who to go to get approval and that point-of-contact can stand by that decision. City Clerk-Funding Specialist noted for Council, the City needs to make certain that whoever is appointed as supervisor, that they are educated on employment related/human

resource knowledge. City Clerk-Funding Specialist **Bregante-Candau** clarified that the previous city supervisor did not investigate complaints and indicates that issues were handled very poorly. Councilor **DePiero** asked the Mayor to provide Council with reports as the City supervisor with Councilor **DePiero** offering his expertise because he is a supervisor at his place of employment. City Attorney **Cleaveland** stated that only reports of information should be shared with Council and to avoid items that could be discussion items; those should be left for the City Council meetings to make decisions on. City Clerk-**Bregante-Candau** explained that she does not receive benefits as an unclassified employee in the handbook and cannot use City County Insurance Services resources. Mayor **Meeker** called for a motion for the job description review with Councilor **DePiero** requesting to table the item. City Clerk-**Bregante-Candau** requested to have Council set priorities for her as she has many duties and wants to have clarification for what is most important with Mayor **Meeker** able to provide those priorities as he is available to do so. City Clerk **Bregante-Candau** explained that prior Mayor asked that during the interim in the absence of the City Recorder, to fill in for her and if she needed to work 40 hours or more that was okay. For the month of March, she accrued ten hours of overtime but that she was originally assigned thirty hours per week from her original employment. Discussion heard for having the Clerk work part time for the City of Yamhill but that a contract is needed and hiring the Clerk full time would impact the City budget obligating the City to provide benefits for full time employees, but she did work full time during the Recorder's absence. Mayor **Meeker** requested to discuss this issue further at the budget committee meetings and continue the job description update. City Attorney **Cleaveland** clarified that the Council by consensus is to continue the status-quo while Council continues updating job descriptions having Mayor **Meeker** act as City Supervisor until further notice. Mayor **Meeker** informed Council that he is at and will continue to be at City Hall to address issues by staff that arise. Councilor **Richter** stated that persons handling monies for the City should be bonded with Attorney **Cleaveland** stating that after speaking with John **Zakariassen**, the City's risk management consultant, reviewed with Oregon statues indicating employees for Gaston (as per the charter) do not have to be bonded to handle cash, however, the City Recorder for the city of Gaston is the only employee at this time bonded in addition to having additional crime coverage offered through the insurance company.

Discussion heard as to removing previous Mayor Jerry **Spaulding** and adding Council President Bill **Martin** on the city's checking account having City Clerk/Funding Specialist **Bregante-Candau** and Mayor **Meeker** sign this month's bills payable checks. Motion made by Councilor **Branch** and seconded by Councilor **DePiero** add Councilor **Martin** to the bank accounts and remove former Mayor Jerry **Spaulding** from the accounts. Aye: **DePiero, Martin, Meeker, Branch, Carver, and Richter**. Nay: 0.

Discussion heard of having financial information submitted to the accountant for February and March with Councilor **Martin** indicating his conversation with the Accountant reflect that financials have not been submitted. City Clerk **Bregante-Candau** stated that she has not submitted the information the accountant needs for the month of March, but that since she has been doing two people's job; paid the bills and got a bunch of stuff caught up in the City Recorder's absence she feels unappreciated at this time. She stated that the Council should be appreciative for what she has done and disappointed at the Council for treating her this way. Councilor **Carver** stated she appreciates all the extra work she has performed and has been completely overlooked for all the extra responsibilities she has taken on when she shouldn't have had to. Councilor **DePiero** and Councilor **Branch** stated they appreciated all the extra work she has done during this situation. Councilor **Branch** said there are relational issues, job description issues, and things that haven't been dealt with by previous Council and now the Council is dealing with things, trying the best the Council can to serve employees as well figure things out on the fly as well as protect the City. City Clerk **Bregante-Candau** stated when she started working for the City in 2016 the City was behind in audits three for four years, so she doesn't think that having two months behind for reports submitted to the accountant would bring the city


crashing down. City Attorney **Cleaveland** at this time asked the discussion to stay on topic and move forward with the job description review.


**IX. OLD BUSINESS:** None. Councilor **DePiero** motioned to close the regular meeting to meet in executive session at 9:10PM. Councilor **Martin** seconded the motion passing unanimously. Aye: **DePiero, Martin, Meeker, Branch, Carver, and Richter**. Nay: None.

**X. EXECUTIVE SESSION:**

**Pursuant to ORS 192.660(2)(i)** Mayor **Meeker** opened this executive session at 9:15PM that allows the public body to meet in Executive Session review performance and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. Executive Session adjourned at 9:33PM.

**XI. ADJOURNMENT:** Mayor **Meeker** confirmed there was no further business and adjourned the meeting at 9:33PM.

  
\_\_\_\_\_  
Mayor David Meeker

Attest:   
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City Recorder Wenonah Blanchette