



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
TALENT COMMUNITY CENTER
February 1, 2012 – 6:30 P.M.**

*Study Session and Regular Council meetings are being digitally recorded and will be available on the City website:
www.cityoftalent.org*

The City Council of the City of Talent will meet on Wednesday, February 1, 2012 in a Regular Council session at 6:30 P.M. in the Talent Community Center, 206 E. Main Street.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

Mayor Cecil called the Council Meeting to order at 6:30 PM

Members Present	Members Absent
Mayor Cecil	None
Councilor Lamb Councilor McManus	
Councilor Cooke Councilor Auer Councilor	
Glendenning Councilor Brown	

Mayor Announcements none.

3. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

3.1 None

4. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items.

4.1 None

5. Citizens Heard on Non-Agenda Items- None

6. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- 6.1 Approval of City Council Minutes for January 4, 2012
- 6.2 Approval of City Council Minutes for January 18, 2012
- 6.3 Acknowledge Receipt of Talent Public Art Committee Minutes January 11, 2012
- 6.4 Acknowledge Receipt of Planning Commission Minutes for September 20, October 18, and October 27, 2011
- 6.5 Acknowledge Receipt of Payables – Denise Woodman

Councilor Glendenning moved to approve the Consent Agenda. Councilor Brown seconded. Discussion: Councilor Cooke and

Councilor Lamb abstained from the January 18th Council minutes due to absence. All Ayes. Motion passes unanimously.

7. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

NOTE: (handouts and audio can be found at City Hall and the City website).

7.1 Decision on Councilor Seat #6 (no agenda report for this item)

Mayor Cecil expressed the seriousness of removing a City Councilor other than in a recall. Mayor Cecil read Section 19 (2)(e) of the Talent City Charter. He explained that the Council will decide if Council Seat #6 is vacant as defined by section 19. He explained that the City Manager will give a staff report outlining options given from the City Attorney and the League of Oregon Cities Attorney.

City Manager, Tom Corrigan discussed the consultations with the attorneys. He explained that not only did the City consult with the City Attorney, Kurt Knudsen but also consulted with League of Oregon Cities (LOC) general counsel, Sean O'day, as well as the CIS attorney Kirk Mylander. CIS and LOC did not give written opinion but Kurt Knudsen did send an opinion letter. Mr. Corrigan explained that there was a common consensus of opinion from all three attorneys. He read the letter from Kurt Knudsen. *(See attached)*.

Mr. Corrigan explained that resignation and a recall by the voters would be the appropriate options. He discussed the options.

Mayor Cecil asked Council if they had any questions. Councilor Glendenning requested the right to reserve questions throughout the evening. Mayor Cecil granted this request and opened the floor to the public who wanted to speak on this item. He explained each speaker must limit themselves to 5 minutes.

Darby Stricker-221 East Rapp Road. Ms. Stricker distributed handouts which included a letter from William A. Mansfield, the attorney at the time the Talent City Charter was amended and adopted. And testimony from Lisa Shapiro, former City Councilor who served on the City of Talent Charter Committee and Joi Riley, served on the City of Talent Charter Committee. *(See attached)*.

Ms. Stricker thanked all for hearing her. She explained that her presentation isn't about Councilor McManus as a good person; this is about his poor choices, his oath of office and how they affect his standing as a City Council member in accordance to City Charter section 19 subsection (2)(e). She explained that it is the duty of the Council to assert what the voters believed when they adopted the section of the City Charter. She expressed that the Charter was for them to take action not to defer back to the voters for recall. Ms. Stricker read the letter from William Mansfield and the testimonies from Lisa Shapiro and Joi Riley.

John Olson-220 Rapp Road-Mr. Olson explained that Councilor McManus is a good guy. He continued that Talent will face a recall if Councilor McManus remains on the City Council. He explained the media attention would not be good and asked Mr. McManus to please resign and to Council please vote to remove Councilor McManus.

Sandy Nelson-833 White Oak Avenue, Central Point. Ms. Nelson is a Southern Oregon MADD Volunteer. She expressed that she is not here to judge Councilor McManus and is addressing this letter to the Council. Ms. Nelson read her letter. *(see attached)*.

Discussion: Councilor McManus expressed his disappointment during this process. He would have appreciated open feedback instead of this coming to the surface months later. He discussed the letter he sent to Staff and Council. He explained his interpretation of Section 19 subsection (2)(e). He explained that through his research he found there had been 3 instances since 2002 where unexplained absences have occurred within a 30-day period. In these instances Council did not vote for the seat to be vacated. He spoke in regards to the Oath of Office. He spoke to other actions that do not support the constitution and the laws thereof which don't become public. He expressed that he made poor choices and suffered the consequences but does support the law.

He explained that in his prior letter he stepped down from Council President. He explained that after speaking with Council and Citizens he chose to stay on as City Councilor because he had the majority of their support. He continued that Council can make a declaration but it isn't required. He spoke that he has and will continue to serve the community.

Councilor Auer questioned how many people were on the Talent City Charter Committee. Don Steyskal answered that there were 3.

Councilor Lamb spoke that with the interpretation of the City Charter and the legal opinions that it seems clear to him that the Council is not required to remove Councilor McManus as a result of his conviction. He discussed that it up to Council to vote to declare vacancy of Council Seat #6 or vote to retain Mr. McManus. He discussed if Council should vacate Councilor McManus and expressed his reasons of why Councilor McManus should remain on the Council.

Councilor Glendenning spoke that it is up to Council to make decisions without burdening the City with a recall. She continued that by Councilor McManus's making poor decisions for himself that it hard to believe that he can make good decisions on behalf of the City. She spoke in response to Councilor McManus's comments regarding bad decisions from past Councilors have made and that there is no reason to continue to make bad decisions because a past council has made bad decisions. She spoke that this is a decision that Council needs to make.

Councilor Brown discussed that this is not a personal agenda against Councilor McManus. She spoke that based on the Charter Mr. McManus resign. She expressed that she is here to serve the people and that it is the Councilors responsibility to make a decision.

Councilor Brown moved that there is enough cause for Mr. McManus to resign from office based on Section 19 subsection (2)(e) of the City Charter. Mr. Corrigan explained that there was a motion on the table. Mayor Cecil suggested that discussion be completed before a motion. Councilor Brown withdrew the motion.

Councilor Auer questioned how a recall would work. Mr. Corrigan answered that it would require signatures equaling 15% of the registered voters that voted in the last election where the governor was elected for a full term. City Recorder, Melissa Huhtala explained that there were 2044 votes in the last elections so therefore there would need to be 307 signatures of registered voters to start the petition for a recall. Mr. Corrigan spoke that the average cost of a recall is about \$1700.00.

Councilor Auer questioned Councilor. McManus if he intends to resign. Councilor McManus answered that he would like the opportunity to serve on the Council and that it is an honor to serve for the City of Talent.

Councilor Auer expressed that this is a big decision and spoke to his thoughts regarding the subject. He expressed his uncertainty about moving forward with vacating the seat and spoke to his reasons why. He spoke to the levels of morality regarding the situation and that it is not black and white. Councilor Auer spoke to the spirit of the law vs. the letter of the law. He expressed he would be more comfortable with a recall and it should be the decision of the people.

Councilor Cooke expressed her appreciation for Councilor McManus. She expressed that the voters should be the ones to vote Councilor McManus out since they voted him in and would be comfortable with a recall.

Mayor Cecil explained that it the City Charter does state that Council can make the decision regarding the Councilor Seat #6. He expressed that he has heard very little from the Citizens of Talent and does not know the will of the people; which is a concern. Mayor Cecil spoke regarding a recall.

Councilor Auer expressed his respect for what the other Councilors and public had to say and suggested Council come up with a way meet in the middle. He suggested instead vacating the Council seat that there be a warning of some kind.

The Council continued discussing options regarding vacating Mr. McManus's Council seat and thoughts regarding a recall. It was also discussed to have a press release censure formally expressing the decisions made by Councilor McManus's. Councilor Brown disagreed on this option.

Councilor Brown moved that there is significant cause for Councilor McManus to resign from his seat based on what is written in the Talent City Charter. Mayor Cecil explained that a motion cannot be legally accepted to have a Councilor resign but only to vacate.

Councilor Brown moved there was significant cause to declare Council Seat 6 vacant based on the Talent City Charter Section 19 subsection (2)(e). Councilor Glendenning seconded. Discussion: Councilor McManus spoke that he disagreed that there is significant reason with the information that was provided to Council and with the legal interpretations as well as actions from prior Council situations.

Councilor Auer spoke that he agreed that Council has the right to make the decision. He spoke that this seemed like a situation where the Council was interpreting the law. He expressed his decision is based on looking at all the factors and not black and white.

Roll Call Vote: Councilor Lamb, Councilor McManus, Councilor Cooke, Councilor Auer; NO. Councilor Glendenning and Councilor Brown; YES. Motion failed: 2-4.

Councilor Auer questioned if there was a conflict of interest with Council McManus voting. Councilor McManus explained the definitions in the ORS regarding actual or potential conflict of interest. And spoke that he is able to make a vote due to the definitions. Mr. Corrigan spoke that he consulted with Counsel and explained that there was one communication discrepancy. He read the email that the attorney sent regarding this topic. (*See attached*). Unfortunately, when asked about the conflict due to a stipend the attorney never communicated back.

Mayor Cecil suggested to discuss a letter of censure. Councilor Auer discussed that he wanted to make it clear publicly that the Council disagrees with Councilor McManus's actions and do not support drunk driving.

Councilor Auer moved to draft a letter of censure. Councilor Cooke seconded. Mayor Cecil repeated the motion. Discussion: Councilor Glendenning expressed that she disagreed and expressed this would be a poor decision by the Council. Councilor Lamb disagreed with Councilor Glendenning. Councilor Cooke agreed with Councilor Lamb. Councilor Glendenning spoke that this situation should have been discussed a long time ago. Councilor McManus spoke that the letter of censure should be more specific. Councilor Auer amended the motion that the letter of censure to be specifically addressing Councilor McManus. Councilor Cooke agreed to the amendment. Roll Call Vote: Councilor Lamb, Councilor McManus, Councilor Cooke, Councilor Auer; YES. Councilor Glendenning and Councilor Brown; NO. Motion Passes: 4-2.

Mayor Cecil explained that a recall has not been eliminated and if one wishes to do so they need to contact the City Manager for instructions.

There was Council consensus that Mayor Cecil and Councilor Auer would be responsible for drafting the censure letter.

7.2 Avista Gas Line Replacements-Jeff Ballard

City Engineer, Jeff Ballard gave the staff report and a brief background of Avista Gas Line Replacements. He explained that it was up to Council to decide whether to do replacements now or wait for a later date. He explained options and timelines.

Councilor Lamb questioned leverage if the project wasn't done to the City's satisfaction. Mr. Ballard answered that leverage could be set up before the work got started. Council discussed the options. Mr. Ballard gave his recommendations to Council. Mayor Cecil questioned if the moratorium was under Resolution. It was answered that it is under Ordinance. Mr. Corrigan spoke that he would like to review the Ordinance first and it was a consensus to review the Ordinance and bring this back to Council.

Mayor Cecil suggested to move item 8 to the end of the meeting. Councilor Auer suggested pushing item 9.1 to the next agenda. It was a consensus to allow the public input on this item and then continue the Dale Shaddox exit memo at the next Council Meeting.

8. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – (Mayor Cecil)

Together for Talent Committee – (Mayor Cecil)

Metropolitan Planning Organization – (Mayor Cecil)

Planning Commission – (Auer & Lamb)

Public Art Advisory Committee – (McManus)

Parks Commission – (Glendenning & McManus)

Traffic Safety & Transportation Commission – (Cooke)

Urban Renewal Agency – (Brown, Cooke & Lamb)

Rogue Valley Council of Governments – (McManus)

Medford Water Commission – (Lamb)

Bear Creek Greenway Committee – (Cooke) Talent Historical Society
(Glendenning)

9. Other Business

9.1 Discussion Dale Shaddox Exit Memo

Don Steyskal- 461 Arnos- Mr. Steyskal spoke in reference to Dale Shaddox's exit memo. He commented on the section regarding Commissions and Committees. He expressed that if another organization doesn't get involved the Harvest Festival will not happen unless the City does it. He also spoke that it is important for the identity of the City that Staff helps with various Committees. Mr. Steyskal commented on the Police Department section of the exit memo. He expressed that historically Talent has one of the best police departments in the history of Talent. He spoke that he does not think Talent should merge with the County and in order to maintain the identity of Talent we need to keep the Police Department in Talent.

Mayor and Councilor - Committee Reports and Councilor Comments

Councilor Cooke announced that Traffic Safety Transportation Committee needs another City Councilor.

Councilor McManus announced that he did not attend the last Parks Meeting. He announced he attended the Arts Committee Meeting and it was productive. They are working on drafting a Resolution to establish their committee. He announced he attended the RVCOG meeting and spoke that there are additional grant monies available for the area specifically for energy efficiency. Mr. Corrigan added that it was a great meeting.

Councilor Lamb announced Planning Commission passed an Ordinance governing drive-thru in Talent. The Ordinance will come to council soon. Councilor Lamb discussed that as his role as Council President he plans on meeting with Mr. Corrigan and other staff to make sure the Council Goals are progressing.

Councilor Glendenning announced she attended the Arts Committee meeting and agreed with Councilor McManus that it went well.

Councilor Brown announced Urban Renewal meets next week.

Mayor Cecil announced he attended a ceremony for volunteers at Phoenix High School. He announced he attended MPO and there is a list of projects that is to be discussed. He also attended the Safe Schools Committee.

Councilor McManus added that at RVCOG ODOT mentioned looking at monies to re-open the Siskiyou bike trail.

Adjournment

The Council Meeting was adjourned at 8:30

Respectfully Submitted by,



Melissa Huhtala, City Recorder
City of Talent

Witnessed by:

Attest:

City Clerk



Tom Corrigan, City Manager
City of Talent

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

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