



City of Prineville

387 NE THIRD STREET ♦ PRINEVILLE, OREGON 97754

REGULAR MEETING BRIEF

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City Council Meeting Brief May 10, 2011

Council Members Present:

Gordon Gillespie
Jack Seley
Jason Beebe
Gail Merritt

Steve Uffelman
Dean Noyes
Betty Roppe

Council Members Absent:

None.

Mayor Roppe made announcement prior to opening the meeting, stating that she understood there are probably many people present to hear the decision on Resolution No. 1161. Mayor Roppe explained to the audience that they would have an opportunity to speak during the Visitors, Appearances and Requests at the beginning and end of the Council meeting. Also, respectfully requested to come forward to the microphone and state your name and address; to please limit comments to two (2) minutes, and please don't duplicate what has already been stated by someone else.

Additions to the Agenda

Move Resolution No. 1161 to right after the Consent Agenda and Public Appearances to Item A under Visitors, Appearances and Requests.

Consent Agenda

Councilor Gillespie made a motion to approve Consent Agenda as presented. Motion seconded. All in favor, motion carried.

Resolutions:

A. Resolution No. 1161 – A Resolution Establishing a Policy for Holiday Decorations – Carl Dutli

Carl Dutli, City Attorney gave an update to Council on research he had done since the last meeting on April 26th, where changes to the word Christmas were discussed. Mr.

Dutli stated that it would be his legal recommendation that the nativity scene be sited, cared for and displayed by one of the private groups that volunteered to do this, rather than the City Council or City of Prineville. The Plaza beside City Hall could still be used by a private group. Mr. Dutli added that given the financial standing of the City, that he doesn't recommend going into a law suit that has been promised if the City moved forward with the resolution.

Mr. Dutli said that he believes displaying the nativity scene could still be achieved as citizens said they wanted, if it were taken over by a private group and feels it would be an appropriate resolution to this issue. His recommendation would be to not pass this resolution, though there is an Executive Session scheduled for Council to discuss this further.

Mayor Roppe said that prior to opening this up to public input; she wanted to discuss letters that she had received with the rest of the Council, offering to have the nativity scene displayed by a private group or person.

Councilor Seley wanted to stress Council Policy and Goals, that the City is a welcoming place to all faiths and show no particular favor to any belief.

Visitors, Appearances and Requests:

A. Public Appearances

Don Henry of Prineville came forward and gave background on why he and his wife chose Prineville to live. Mr. Henry said that this is another opportunity for Prineville to define who it is. Mr. Henry felt the resolution is a good one and encourages the City to stand strong. He mentioned that he had talked with some of the groups that have offered to represent the City pro-bono and talked about these groups that had sent letters to City Council regarding same.

Mr. Henry stated that he didn't feel the nativity scene could be construed as a religious institution since it represents many beliefs. He said that in his conversation with an organization that offered to represent the city free of charge wants this fight and they are confident. Mr. Henry appealed to Council stating that he didn't want Prineville to be one of those towns to back away from this fight because we don't have the money to defend. He wants our community to stand up to the battle and that he would support it.

Mayor Roppe asked the minutes to reflect that a member of the audience spoke up and gave her two minute comment period to Mr. Henry.

Bert Deboe of Prineville came forward and said he is the President of Alliance of Secular Students of Crook County High School stated that he feels it is his obligation to remind the Council that this fight has already been fought and cited some case studies. He feels confident that there are private individuals that would be willing to display on their property, but it cannot be placed on government property.

Ken Taylor, property owner in Prineville introduced himself. Mr. Taylor stated this is a fight to fight and that Council should be free to fight and it is something they should do. Mr. Taylor then provided a follow up of the court case study Bret Deборе cited.

Mr. Taylor wanted to encourage Council to hold fast stating that this is a chance for the community to show that we are different.

Mr. Taylor asked Mr. Dutli what the losses would be using free counsel. Mr. Dutli explained that the loss would be damages paid, and would most likely be ACLU attorney fees if the city lost.

Don Hartsel of Bend came forward stating that he wrote a letter to Council. He said this is a wonderful opportunity to learn about government for everyone. Saying that the purpose of the constitution is to represent the minority not the majority who may not be able to represent themselves. He would hate to see the city get embroiled in something that isn't very productive for the community. Thought a presentation of all beliefs being represented and that each has their own valuable message to give as well as being unique to Prineville.

Lester Paris of Prineville came forward saying that he is on the Lord's side.

Cody Blankenship of Prineville came forward. Said that he feels this has become an issue of who believes and doesn't believe and that he is very respectful of all faiths. He asked to avoid being sued if it would be that much of a problem to move the nativity scene back?

Mayor Roppe asked Council if they would like to decide if they want a resolution, ask a private individual to display the nativity scene or discuss during Executive Session. Council agreed to discuss under Executive Session.

Mayor Roppe explained that no decision would be made on the resolution tonight, but it would be discussed further in Executive Session and said that there will not be an answer tonight since there will likely be more research required after Executive Session.

Carl Dutli, clarified that we can discuss this legally in Executive Session due to the legal threat made.

Mayor Roppe asked public to please give Council that extra two weeks to explore further.

Ken Taylor asked Council to talk to the other legal counsel that offered to represent the city.

Craig Oshlager of Prineville, addressed Carl Dutli and asked Mr. Dutli to clarify his question regarding the newspaper articles he has read and asked if Mr. Dutli has researched that.

Mr. Dutli stated that he does not have an obligation to answer his question directly. Mayor Roppe said that the question must be directed to Council.

Mr. Oshlager stated he objected to the public not being included in the Executive Session.

Josey Moss of Prineville said he would like to see religious tolerance, stating that is what is America is all about. He wants it to be shown that we are religious and tolerant of all beliefs, as long as it is respectful. It is just as wrong to take away the rights of the majority as it is the rights of the minority.

Darian Campo came forward and stated that he wants to have all beliefs counted, stating that we should either put nothing there or everything that has ever been humanly conceived up there.

B. Rimrock Health Alliance – Sharon Vail

Sharon Vail introduced herself and had a power point presentation of the Health Alliance's accomplishments since they have started.

Ms. Vail asked if Council would consider a contribution to their efforts.

C. Financial Presentation – Andy Parks

Andy Parks and Liz Schuette came forward with a power point presentation that illustrated the financial stability of rates and assets over the long term with existing conditions and modeling of same with restructuring the cities debt.

No one else came forward.

Council Business:

A. Poppy Days Proclamation

Mayor Roppe read the Poppy Days Proclamation into the record.

Staff Reports:

A. Managers Report – Steve Forrester

Steve Forrester stated that: they have had discussion with CEC and Cascade Natural Gas to extend franchise agreements; joint Executive Sessions with County have been cancelled for now; traveled to Salem last week regarding the Crooked River Legislation; congratulated Jerry Brummer and Eric Klann on receiving \$75,000 in funding from PGE towards wetland project; the Chamber's annual golf tournament is coming up; Meadow Lakes had 230 patrons for the Mother's Day banquet; and 4th Street is being paved and various other water line projects to be completed next week.

Ordinances:

- A. Ordinance No. 1179 – An Ordinance Amending Ordinance No. 1132 and Extending Cascade Natural Gas Corporation’s Franchise through June 30, 2013. (First Reading)**

Councilor Uffelman made a motion to approve Ordinance No. 1179 for its first reading. Motion seconded. No discussion on motion. All in favor, motion carried.

Resolutions:

- A. Resolution No. 1164 – A Resolution Approving a Solid Waste Franchise Rate Increase**

Councilor Noyes made a motion approving Resolution No. 1164. Motion seconded. No discussion on motion. All in favor, motion carried.

- B. Resolution No. 1165 – A Resolution Exempting a Contract From the Design Phase of the City’s Effluent Disposal Wetland**

Eric Klann came forward to answer any questions. There were none.

Councilor Uffelman made a motion to approve Resolution No. 1165. Motion seconded. Discussion on motion. All in favor, motion carried.

- C. Resolution No. 1166 – A Resolution Authorizing Full Faith Credit Borrowings to Finance Water System and & Golf Course Projects and to Refinance Debt Obligations of the City**

Steve Forrester presented the staff report.

Councilor Uffelman asked what risks there were if any. Mr. Forrester provided the explanation.

Councilor Gillespie asked about interest rates and if they are fixed. Andy Parks, Financial Consultant stated that they are planning 4.4% but they should come in better than that if Council decides to move forward now.

Councilor Uffelman made a motion to approve Resolution No. 1166. Motion seconded. No discussion on motion. Motion carried.

Visitors Appearances and Requests:

Mr. Henry came forward and asked for clarification on the role that Carl Dutli can play, stating that he has sensed a change in position since January. Mr. Henry asked why we can't we bring in the legal groups that have offered service free of charge to the Executive Session.

Steve Holliday of Prineville Disposal came forward and said that he believes the community will stand behind the Council in their decision regarding the nativity scene.

Meeting adjourned to Executive Session pursuant to ORS 192.660 (2) (h) - Legal 8:11 PM.

Open Session reconvened 8:43 PM.

Meeting adjourned at 8:44 PM.

Motions and Outcomes:

Motion:	Outcome	Uffelman	Gillespie	Bebbe	Merritt	Seley	Roppe	Noyes
Consent Agenda	PASSED	Y	Y	Y	Y	Y	Y	Y
Ordinance No. 1179 – Amending Ordinance No. 1132 and Extending Cascade Natural Gas Corp. Franchise through June 30, 2013 (First Reading)	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1161 – A Resolution Establishing a Policy on Holiday Decorations	POSTPONED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1164 – A Resolution Approving a Solid Waste Franchise Rate Increase	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1165 – A Resolution Exempting a Contract from the Design Phase of the City’s Effluent Disposal Wetland	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1166 – A Resolution Authorizing Full Faith Credit Borrowings to Finance Water System and Golf Course Projects and to Refinance Debt Obligations of the City	PASSED	Y	Y	Y	Y	Y	Y	Y

Public Records Disclosure

Under the Oregon public records law, all documents referred to in this session are available at the City’s website. www.cityofprineville.com. An electronic copy of the meeting packet is available for download at www.cityofprineville.com/packets. A full annotated voice recording of this meeting is available at www.cityofprineville.com/meetings