

MINUTES
STANFIELD CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 2, 2016
STANFIELD COUNCIL CHAMBERS
150 WEST COE AVENUE

CALL TO ORDER

The regular meeting of the Stanfield City Council was called to order at 7:00 p.m. by Mayor Tom McCann at the Stanfield City Council Chambers, located at 150 West Coe Avenue, Stanfield, Oregon.

ROLL CALL

Members present were Mayor Tom McCann and Councilors Pam McSpadden, Don Tyrrell, Lynn Weathermon, Del Manley, Jack Huxoll, and Jason Sperr. Also present were City Manager Blair Larsen, Public Works Director Scott Morris, Librarian Cecili Longhorn, and Finance Director Jerry Carlson.

FLAG SALUTE

Mayor Tom McCann led the audience and members of the Council in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM JANUARY 19, 2016

Mayor Tom McCann approved the minutes for the January 19, 2016 council meeting as written.

COMMITTEE REPORTS

Police/Court: Councilor Tyrrell reported that the Police Committee met last week and recommended that Chief Zumwalt and Lt. Toombs be brought back to full duty, but that Mr. Toombs would no longer be a lieutenant, but a senior officer. He reported that Officer Toombs and Officer Poffenberger would be on a 6 month probation.

Mayor McCann asked for a motion to approve the report of the Police Committee. Councilors Tyrrell and McSpadden moved and seconded to approve the report of the Police Committee. Ayes: McSpadden, Tyrrell, Weathermon, Manley, Huxoll, and Sperr. Nays: None. Motion carried.

Public Works/Building: Mr. Morris reported that they are gearing up for spring. They have been fixing street signs, and will start aerating parks soon. He said that the roofers will start on 170 S. Main Street next week, then the mold will be taken care of after that. Councilor Sperr asked what the bids came out to. Mr. Morris said that the bid for the roof came to \$17,000 and the bid for the mold came in at \$13,000. Mr. Larsen said that the bids came in lower overall than what was estimated, and the supplemental budget would be sufficient to cover it.

Finance/Administrative: Councilors Sperr and Manley moved and seconded to pay the bills for the month of January 2016 in the amount of \$140,676.68 as funds become available. Ayes: McSpadden, Tyrrell, Weathermon, Manley, Huxoll, and Sperr. Nays: None. Motion carried.

Safety: None.

Library: Ms. Longhorn reported that the Library is working on spending some grant money for some nonfiction books from the hospital, she said that they had a new worker who is employed under a jobs program that will be working for the Library for 240 hours. She said that she is young, but is working pretty well so far.

Councilors Huxoll and Sperr moved and seconded to approve all committee reports. Ayes: McSpadden, Tyrrell, Weathermon, Manley, Huxoll, and Sperr. Nays: None. Motion carried.

SUPPLEMENTAL BUDGET PUBLIC HEARING

Mr. Larsen said that the supplemental budget was necessary to align the budget with the previously approved Council action to purchase 170 S. Main Street, fix the roof and remediate the mold. He said that this is not increasing the funds being spent, but it allowing the City to take the loan. He said that the building would be sold when the roof and mold were fixed, but it is unclear when that will happen. He said that the budget increase is \$141,733 in the General Fund only. He said that the current City Hall loan is folded into the new loan. He said that when the property is sold, the money will go to paying off the loan. He said that the budget was already in

place to pay off the City Hall loan, and if the property sells in time, that will probably happen. Councilor Sperr said that he fears that the building will not sell for a while and he asked what the City should do with the building if it does not sell. Mr. Larsen said that is an important discussion to have. He said that his opinion is that the City should not use the building permanently, because a business on Main Street is more important than an expanded City Hall. He said that the City has had some interest in the building, and he did not anticipate problems selling it. He said that the plan right now is to fix the roof and get rid of the mold and he does not have any proposal to do anything else with the property. He said that if the Council wants to decide on a timeline for the sale and another use, then that is a good conversation to have, but he didn't have any recommendations on a use. He said that anything that the City wanted to do with it would cost additional money, which is important to keep in mind. Councilor Sperr asked if Mr. Larsen would be listing the property with a commercial realtor. Mr. Larsen said that was his plan, but that the City had to follow Oregon State law for the disposal of surplus property, and so a public hearing would be necessary to legally sell the property. Mayor McCann recommended that after the roof and mold are fixed, then the City should give 120 days for it to be sold before doing anything else with the property. Mr. Morris said that the building will be just a shell when the work is done, because of the mold and water damage. He said that the City should go in and reinsulate after the work is done. Mayor McCann asked if the building was divided with several partitions in the building. Mr. Morris said that there were, but they would probably all have to come out, because they were all built on a false floor that has rotted and will need to be removed. Councilor McSpadden asked how many square feet the building is. Mr. Larsen said that it is about 3,500 square feet. Councilor Weathermon asked if any interest was saved with the refinancing. Mr. Larsen said that the City is saving on interest now, but the loan is a variable rate that may go up after five years, but the plan is to have the loan paid off by then.

Mayor McCann asked for comments from the public. After hearing none, he closed the public meeting and introduced Resolution 1-2016 enacting the Supplemental budget.

Councilors Huxoll and Sperr moved and seconded to approve resolution 1-2016. Ayes: McSpadden, Tyrrell, Weathermon, Manley, Huxoll, and Sperr. Nays: None. Motion carried.

COMMENTS FROM THE AUDIENCE

Jeri Fife, a resident of Echo said that she asked to be on the agenda, but was told by the City Manager that because she was not a resident of Stanfield, she could not be on the agenda. She said that she was present to comment because she has strong concerns about the police force. She said it was our police force, because the Police Department patrols both Echo and Stanfield. She said that she has been told that the City Manager has authority over the Police force, and she doesn't think that he has served Stanfield well, due to the mess the City is in. She said that she is sad, and is sad because the Council will become responsible. She said that the buck stops with City Council. She says that she has spent a long time going over the 38-page report, and she hopes the Council will too. She said she was hoping to have the Department of Justice report before this meeting, and the DOJ investigator said that if the City wanted, the City could share it, but it seems she has to wait. She said when the City put Toombs back on the streets, she felt she needed to come forward to share what she has found. She has prepared a report with comments and unanswered questions that she wants the Council to consider. She said she wanted to point out some very important things and give the conclusion that she and many reasonable people would find. She asked why Boardman Police were brought in to do an investigation when Oregon State Police were already on the scene? She asked what credentials Officer Dieter has? She said nobody was charged with trespassing, and the Sheriff's Office stated that no criminal trespassing charges were made. Officer Dieter said that McBride violated multiple policies. What are they? No trespass, no misdemeanor, no false or misleading statements and you fired him. Officer Plum was charged with one lone violation of careless driving, which is a traffic violation, not a misdemeanor or a felony. Why did Officer Freels leave the scene of the accident? If Freels thought it was suspicious, why did he drive up the road and call Toombs? Why was Megan Toombs not interviewed? She was riding along with Lt. Toombs. Is that normal procedure? She said that her conclusion is that friends who happen to be off-duty police officers spent an evening together. One had an accident driving home, and called the other to help get his vehicle out of the ditch. She said Ryan McBride did what any of us would have done. He called his next door neighbor who had a truck, and they went to the crash site to help. She doesn't think anyone would tell their friend no. Officer Freels noticed the activity, called Toombs, who showed up with his wife as a ride along, and called the Oregon State Police. The Oregon State Police took pictures at the site, determined that the driver was not intoxicated, wrote him a careless driving citation. The crash was on private property, and they need not file a report to the DMV. No

trespassing charges were filed, should have been the end of the story. The Oregon State Police were called, you have a copy of his report from the night of the accident. Lt. Toombs determination to get McBride fired, he decided to use this incident as a part of a witch hunt. The reason he used for the dismissals are false, and there is a copy of that in the handout. She said she can't say who rushed the story to the press to make it look like a cover up, but they sure helped shine a light on an already dysfunctional department. She said that she can only speculate on why the determination to get rid of the new officers. She said maybe they felt threatened by the act that they feel like the new officers knew their job better than they did. She said that she is most concerned about Lt. Toombs. She said that she was informed that a background check was done, yet she went on the Internet and found a lawsuit filed against Toombs in the City of Orofino. She said that her daughter called the Chief of Police of Orofino and asked if he had given Toombs an excellent recommendation, and he said that he received no request about Toomb's employment, and added that the most reputable places would have done a background check. She said her next question was how the City's insurance would cover any problems with this officer, under the should-have-known clause. She said to top it all off, Toombs was hired as a Lieutenant. She said nobody called his last employer, there was no real background check done, he is under a pending lawsuit against him. What will the insurance company say about this? She said the Lt. Toombs lives in our community, his personal life has been exposed. Some things are rumors, but a lot that she says she knows to be fact. Maybe not illegal, but not what she wants our youth to look up to. She said that most people won't come forward, and she understands; it's like putting a target on your back. She said that she is too old to care. She said that the City putting Toombs back on the street just proves them right, not to trust the system. She said that the City Council was elected to be involved in the City government and to oversee the working of the City. She said that the Council have been deceived by putting too much trust in the wrong people. She said that she is sorry to say that it will come back to haunt the Council. She said that she will work hard to see that Lt. Toombs does not continue to be a police officer in her community. She said that she wants to go back to Mayberry where you know and trust the police officer. She said that they are hired to protect and serve. She said that for the City to have hired two officers that have that attitude, pay to train them, and then run them off the force is very, very sad. She says she heard that McBride waves to everyone, as if that were a bad thing. She says she doesn't think we have throwaways. She said if we treat people as if we are better, we will have a lot more problems. She said that she had handouts and she gave a copy of the whole report, in case some of the Council has not had time to read it. She said that she hopes the Council pays attention because she thinks this is very important.

Mayor McCann said that he wanted to respond. He said that the City Manager does not make all the decisions, and a lot of his decisions were based on the Police Committee and the City Council and him. He said that he has been a police officer for 41 years. He said that the Department of Justice found no criminal activity, and the Sherriff's department found no criminal activity, and the City is fully aware of Toombs background now and the lawsuit and things that occurred years before. Jeri Fife asked if he was aware that nobody checked his background. Mr. Larsen said that is not true. Mayor McCann said that they were aware and that they have spent hours going through, they've got as much or more paperwork than she had. She asked why she was told that a background check was done and he had an excellent background check, and an excellent recommendation. Mayor McCann said that the lawsuit was not even filed until after he started work here, so he wasn't aware of it. Gena Sather said that nobody called Orofino for any information, she called them. Jeri Fife asked where the good recommendation came from, she asked if Chief Zumwalt knew. He said that he was not going to discuss it. Jeri Fife said that it seems strange to her, and she is not saying that Council members are falling down on the job on purpose, but if the City gets in a lawsuit, it comes back on the Council. Mayor McCann said that if the City terminated Officer Toombs, he would have the right to come back and sue the City, because the City doesn't have a legal reason to fire him, and this is based on the City's attorneys and the Department of Justice. Jeri Fife said that the reasons for firing Ryan McBride are false. Mayor McCann said that is not the reason he was terminated, and that he would let Chief Zumwalt answer that. Chief Zumwalt said that the incident is the reason for firing him. He said that there are policy violations and criminal violations. He said that while he agrees that Ryan McBride did not have any criminal violations, there were policy violations. Jeri Fife said that she couldn't see any policy violations. Mayor McCann said that the City has to be careful with discussing employees that are not present to hear what is being said, and that the City could be sued for that too. Jeri Fife said then put her on an agenda and have an executive session about it.

Susan Whelan said since the City Council has already made a decision about moving forward, maybe it was more appropriate for Jeri Fife to go to the Echo City Council to get Stanfield out of Echo, rather than try to change the mind of the Stanfield City Council. She said the job has been done here. Jeri Fife said the job is not done, and she is sad, but she will go back to Echo and make sure that they can do something different.

Mayor McCann said that he doesn't know what else the City could do. He said that he, the City Manager, and the Police Committee have gone over hours and hours of paperwork, and reviewed every piece of paper that has come before them, and compared it to the City's policy manuals, and there is nothing that says that they have the ability to terminate. He said everything is hearsay, there is nothing documented. Jeri Fife said that people are not going to come forward, because they are scared, and if the City puts him back on the street they are not going to come forward. She said her daughter-in-law saw him get in his car and drive drunk, she didn't have a breathalyzer test to slap on him, but they know it happened. She said what policeman do you call, it's a small town.

Kim Fife said that Mr. Larsen said that there was a background check. Mr. Larsen said that there was a background check conducted, that is the City's process on everyone. Kim Fife asked from whom? Mr. Larsen said that there are required background checks done for DPSST certification, and those were conducted for Ryan McBride, Dan Poffenberger, and Monte Toombs. Mr. Larsen said he doesn't know who talked to Orofino, but the required background check for DPSST certification was done. Kim Fife asked where that comes from? Chief Zumwalt said that Monte Toombs passed the background check. Mr. Larsen said that the State of Oregon does the certification. He said that if there is no background check done by the City, the State of Oregon will not issue any certification. He said that the background check is part of the certification. Jeri Fife asked why the City didn't go back to Orofino for information. Mayor McCann said that that department cannot release derogatory information. Mr. Larsen said that all you can find out is if he worked there. Gena Sather said that the Police Chief of Orofino told her that an agency submits paperwork for information with a waiver that the employee has signed. Mayor McCann said that you are walking a pretty tight rope when you do that, because you can get sued from both sides. Mr. Larsen said that he personally had not talked to Orofino. He said that he called the Police Chief there to ask about the pending lawsuit to find out what the status of the lawsuit was, but that was filed after Toombs started working for Stanfield. He said that lawsuit is only an accusation, and there was no judgment made. He said he could file a lawsuit against Ms. Fife, and say lots of terrible things, but that doesn't mean that they are true. It only means that the accusation was made, but the City cannot make personnel decisions based on accusations without anything backing them up.

Councilor Sperr said that the City recently hired a former employee of his, he said that he wasn't contacted, but if he was, he could not state much, and it's a tight line that even a private employer has to be careful with. Jeri Fife said that if the employee signs a release for information, which they should if they are up and coming, if she wanted a job, she would sign a release. Mayor McCann said that that still doesn't give the purview to go into their personal background or anything like that. He said that the laws have changed on what you can and can't do, even on an application. Gina Sather said that is why the Police Chief that she spoke with said that most places would have the employee sign a waiver. Mayor McCann said that if the employee refuses to sign the waiver, then you can't do it. She said then you probably not hire him. Mayor McCann said that it is still not a basis for not hiring him, because that is his right. Jeri Fife said that is his right, but she would hesitate to hire him. Mayor McCann said that the whole matter has been adjudicated and the City has made its decision and that's the way it's going to stand, until further...

Councilor Sperr thanked Jeri Fife for coming and speaking, he said that takes courage, and we all appreciate it. He said at the same time, the City needs to look at the Police Department and the whole staff, and how we bring on people, and we needs to do a whole review and figure out how to do things better. He said that is what this has brought about more than anything. He said he appreciates her concern, and he shares it, and we know we aren't doing things the best, and we need to get the best practices.

Mayor McCann said that these decisions aren't arrived at just by sitting around and saying well we can do this or we can do that, we have sought legal advice on what we can and can't do, and we abide by what the legal people tell us.

Kim Fife said that it goes back to the wreck. She said that OSP states that he was cited for this, this other person was cited, nobody else was cited, basically, it's done and over with within an hour's time, and then you get all this other garbage put into it that don't make sense. She said

OSP would have been done at 22:57, it should have been done, it should have been stopped right there. Mayor McCann said that the City does not run the state police. Kim Fife said that the State Police didn't do anything. Jeri Fife said that the investigation was Toombs asking for it.

Mr. Larsen asked Mayor McCann if he could clarify a couple of things. Mayor McCann said sure. Mr. Larsen said that first, the investigation into the incident of August 5th that led to Mr. McBride's termination has nothing to do with Lt. Toombs coming back to work, and has nothing to do with the investigation into Lt. Toombs. He said that they are separate incidents and they need to be treated as separate incidents. He said that second, several comments have been made that we are trying to get rid of our newly hired officers, which is plural. He said we are not. He said Officer Poffenberger works for the City of Stanfield and Mr. Larsen hopes that he continues to work for the City of Stanfield. He said that we do not throw anyone away. We can't afford to. He said that Stanfield has had a long history, unfortunately, of losing people to better paying jurisdictions. That's unfortunate. That is due to Stanfield's position as a relatively small, relatively low-income community. We cannot afford to pay what Hermiston pays, we cannot afford to pay what the county pays, and so inevitably we are going to lose officers. We try to keep them as much as we can, because we don't like paying to train new officers. We want our officers to succeed. But we have to make our personnel decisions based on officer performance, based on what officers do, and we attempt to do that as best we can. We are not trying to fire anyone else, we are trying to build an effective police department. Councilor Huxoll said and the trust between us and Echo, too. Jeri Fife said that she is hoping that she can convince Echo to pull out of the contract when it ends and not re-up it, because she doesn't want this kind of guy patrolling her town. Gena Sather said that we do want people like McBride, whom she doesn't know, but she knows of him and he is an upstanding police officer. Mr. Larsen said there are tons of people who will say the same thing about Monte Toombs. Jeri Fife said he is a great wrestling coach, but that doesn't make it good. Gena Sather said that her kid loves him, but he is not what she wants as a role model for her child.

Mayor McCann said that he tried to get some kind of documentation, and no one is going to give it. Jeri Fife said that we did to. She said that they are afraid. Mayor McCann said that he doesn't know what they are afraid of. He said that there are not going to be raiding parties of white-sheeted people coming around your house. Kim Fife asked if she could ask Chief Zumwalt a question. He said that he did not feel comfortable with this conversation. Kim Fife asked if it was public information of what policies were violated or if it was just because he was out and should have known better. Mr. Larsen said that she had mentioned the report of the crash, and there is a portion of that report at the end where the officer who did the report states his recommendations and states the policies that were violated. Kim Fife said that was from Boardman, not from OSP. Mr. Larsen said right, that Boardman investigation was done because Stanfield officers were involved in an incident. That is why Stanfield didn't do the investigation because we are obviously biased, so we have an outside agency do the investigation. He said OSP couldn't do the investigation, because they were already involved, they did the incident investigation, they can't do the personnel investigation, that is why Boardman was brought in. Mayor McCann said same with the Sherriff. Jeri Fife said she doesn't understand why any more investigation other than the incident. Mr. Larsen said that OSP investigated the incident to determine if there was a violation of law. He said that the City of Stanfield needs to make sure that its employees were acting in accordance with our policies. And so the City of Stanfield needs to have an investigation not to see if there has been a crime committed, or to see if anyone needs to pay a fine or anything like that, the City of Stanfield needs to look in to whether Stanfield policies were followed, and whether our officers have acted in accordance with their position, and that's why an additional investigation was necessary. And Boardman did it because we asked them to, because if Stanfield did its own investigation then outsiders could come in and say, well obviously, the Police Chief or Lt. Toombs are biased, and they put together this report because they want to get rid of him. He said that Boardman doesn't know who McBride is, they don't have a relationship with him to preserve. He said sure, there are probably officers in Boardman who know him, but they don't have a relationship based on their working in the same organization. The outside agency was asked to do it so that Stanfield can discuss this in public, and say, look, we had someone else looking into it, this is not because of our bias. He said that report has recommendations at the end, it has the findings, the conclusion that the officer found. He said that Jeri Fife has obviously read it, but it's there.

Jeri Fife said that she doesn't believe that it should have gone any further than that one night. She said when she talked to the Department of Justice agent, he said what he thought happened. She said there were two young officers who got out of school, they came to Stanfield and they realized that there were a lot of things that were wrong with the way the police department was

being ran and they were vocal about it. Mayor McCann said yes, but instead of coming to the Chief with the things they were concerned about, they went to the Department of Justice. Jeri Fife said that they didn't go to the Department of Justice right away. Mr. Larsen said but they didn't follow the chain of command either, because they should have come to him. Mr. Larsen said that he is his boss, and they are my bosses. He said if they didn't get anywhere going to the Chief, you go to the City Manager. If you don't get anywhere with the City Manager, you go to the Mayor and the City Council. There is a process for that, and it wasn't followed. Cecili Longhorn said that if she had a problem with the board or anyone else, she doesn't mind coming right to Mr. Larsen and telling him, so it's not like he is playing friends or anything, he listens. She said she believes there were things that probably happened, but now it is time to pick up the pieces and move on. She said they had a hard decision to make, they are the ones that had to read all of this and look into it, and legally they had to watch their you know. You gotta dot your I's and cross your t's she is sure they are doing what they can. Jeri Fife said that she is not blaming the Council, but she doesn't think they are being led right. Mayor McCann said he doesn't know how else it could be done. Jeri Fife said she hopes the Council reads the materials that she handed out, she highlighted some things that she wants them to pay attention to that don't seem like they are correct.

Dale Fife said he doesn't understand why an OSP officer was called in by Toombs, and right in the report it says he is called in because Officer McBride is involved. Where did that come from, number one? And number two, since when is an OSP officer a good enough witness to record what he—he was the one who was there, he was the one that saw everything that took place, he was the one who took the pictures, he was the one that arranged for the tow truck to come and clear the scene, so what is it about him that isn't good enough to testify? Mayor McCann said that is a good question, but what does he need to testify on? Dale Fife said it was a mere citation. Jeri Fife said it was a traffic citation. Mayor McCann said that he can't second-guess what the trooper actions were and what he did, number one he wasn't there, number two, we can't go back and question what he did and what he didn't do, that's not in our parameters to do that to the State Police. Mr. Larsen said he doesn't like the back and forth because he doesn't think that it is solving anything, but he said that he thinks it is important to let the investigative process go its course. He said it is important also to remember that what was known at the time when Toombs first arrived at the crash is not what is known now. When he gets to the crash, he sees Ryan McBride present, and Officer Plum present. He has no idea how they got there, he is just arriving, he sees a Stanfield Officer on the scene who is not in uniform who is not responding to the scene, and he sees a county deputy on the scene, who is also not in uniform, so what is he supposed to think? He can clearly see there is a crash that has occurred, and he can see his coworker there, and he can see another fellow law enforcement officer there, he knows that he cannot investigate his fellow coworker, and so he calls in OSP. Mr. Larsen said he would stand by that, there is no question in his mind that he did the right thing. Jeri Fife said he did the right thing. Mr. Larsen asked, why are you questioning now why OSP was called in? Jeri Fife said she is not questioning that. Mr. Larsen said, then what was the question? He said they just questioned why OSP was brought in? Dale Fife said the question is why did the first Stanfield officer on the site leave the scene? Why didn't he stay there? He called Toombs. Mayor McCann said we don't know, because we weren't there. Gena Sather said that Dale Fife was saying that OSP should have been good enough, why was Boardman called in? Mr. Larsen said that is a completely different question. He said we weren't questioning whether there was an accident there, we're not questioning whether someone was driving carelessly, clearly someone was, because there was a truck that ended up in the ditch, we're not questioning that. What we're questioning is did our off-duty officer follow correct policy in what he, in going on to private property to assist with an accident before any emergency services responded at all. That's what the question was, and that's why Boardman was asked to do that investigation. They are entirely different questions, and that is why you need a different agency to do it. Jeri Fife asked if she should call when she has a traffic violation. Mr. Larsen said that if you have a car wreck, you should call 911, and the responding law enforcement agency should take care of it. Jeri Fife asked if she should do that if it was on private property and no one is hurt. Mr. Larsen asked if it was her property? He said if it's not your property and you crashed on to someone else property, he thinks you should call the authorities. Jeri Fife said that she does not think you have to at all. Mr. Larsen said that he didn't know if you had to or not, but if you have a wreck, then you should call 911. Councilor Huxoll said you do that to cover yourself from later on. Jeri Fife said that she has had people crash into her in parking lots.

Mayor McCann said that his final say on this is that each one of us has our own personal reasons, but we can't put personalities over principles, bottom line. He said as a public servant, we cannot

do that. We uphold the statutes, the state laws, our county ordinances, our city ordinances, federal, state, all the way up the line, but we cannot use our own personal thoughts. Personally, I may feel totally different on this situation, but I can't use that, it becomes a case of morality and ethics.

Dale Fife said that he still wants to know why the first officer on the scene left the scene, Toombs knew he was there, he was questioned, why did he leave the scene? Why didn't he take responsibility? When Toombs showed up, he sent the rest of them away. Mayor McCann said that he doesn't think he was in uniform and on-duty. Mr. Larsen asked which person, Officer McBride or Lt. Toombs? Kim Fife and Jeri Fife said Officer Freels. Chief Zumwalt said that Freels was in an official capacity, he was in a City vehicle, he was not in uniform, but he was doing a City assignment on volunteer time. He said that Reggie is a volunteer reserve officer. He said Reggie did exactly what he would expect him to do. He said that Reggie notified law enforcement, he is the only one out there that notified law enforcement that night. [unintelligible Chief Zumwalt said, ok he was the first person that notified law enforcement. He said that Freels did stop and check to make sure there were no injuries, but he did not feel comfortable sitting out there or investigating, he continued on and contacted law enforcement, just like I would expect him to. Dale Fife said that Freels is a law enforcement officer. Chief Zumwalt said that he is, he was in official capacity but not on duty, he came in for a special assignment processing evidence, after his full-time job, so he wasn't in uniform. Dale Fife said, so he was in a City police car, and he was on private property? Chief Zumwalt said yes he was. Dale Fife asked, so why was he not subject to condemnation as well. Chief Zumwalt said this is what I mean, this back and forth, I'm telling you he was in official capacity, but not in uniform, again, this back and forth, that's why I am uncomfortable, you guys aren't going to change your minds, so us going back and forth is not working. Councilor Sperr said that he remembers from the report that Freels said he saw lights or something off in the distance, and that's why he went on private property.

Mayor McCann said that his biggest question about this whole thing has been, where was railroad security? Kim Fife and Jeri Fife said they were there. Dale Fife said, no it wasn't security. He said that railroad employees were there, and they weren't brought in as witnesses, and Mr. Toombs wife was there, and she was not brought in as a witness, so there were three witnesses that were not brought in, and I don't understand that. Mayor McCann said that whoever did the investigation out there was not from our department, and whatever they did and whatever course they took, we have no control over.

Jeri Fife said that she doesn't think we accomplished much, but at least you know our feelings. Councilor Huxoll said we thank you for coming. Mayor McCann said that we appreciate you coming and we appreciate your comments. Councilor Huxoll said we are going to work hard to get everything straightened out. Jeri Fife said that she hopes they do, and she wishes they would find a way to change on Toombs, because as long as he is on the police force, she is going to be working to make it so that we are separate. Councilor Huxoll said that everybody is on probation. Gena Sather said to put McBride back on, that would make her happy. Dale Fife said, like Mr. Sperr said, they are evaluating and looking at the situation, so it may bring changes. He said we thank you for listening to us.

Mayor McCann asked if there were any other comments from the audience. Susan Whelan said that everyone did a good job, that was awkward, but you really did a good job. Cecili Longhorn said that she was impressed. Councilor Huxoll said that they are trying to make things better.

OTHER BUSINESS

Mr. Larsen said that the personnel manual needs to be updated to comply with state law. He said that the changes are visible on the handout. He said that under new state law, all employees are eligible for sick leave, and Stanfield falls into the category for this to be paid sick leave. He said all employees accrue at least one hour of sick leave for every 30 hours worked. He said that the City complies already with the law for everyone who works more than 20 hours a week, but this change would help the City comply with the new state law. He asked for a motion approving the change to the personnel manual. Councilor Sperr asked if administrative or any other leave affected this. Mr. Larsen said no.

Councilors Weathermon and Sperr moved and seconded to approve the change to the personnel manual. Ayes: McSpadden, Tyrrell, Weathermon, Manley, Huxoll, and Sperr. Nays: None. Motion carried.

Mr. Larsen said that there would be a planning commission public hearing tomorrow, and a Main Street Revitalization Committee meeting next week. He said that a public works committee

meeting was needed to talk about SDCs and sidewalk grant applications. The public works committee agreed to meet Monday, February 8 at 9 am.

Mr. Larsen said that the next meeting would be on February 16th, and would include a presentation on the Eastern Oregon Trade and Events Center. He also said that City Hall would be closed on February 15th for Presidents Day.

COMMENTS FROM THE COUNCIL

Councilor Sperr thanked Chief Zumwalt for coming back. He said he knows it has been difficult, and wished him the best. Councilor Huxoll said he spoke with Chief last Sunday, and confident that everything will be corrected.

Councilor McSpadden asked about reserve officer Newton. Councilor Huxoll said that is no more. Mr. Larsen said that the policy for reserve officers from now on is that all reserve officers will go through the same background check as full-time officer, including all existing reserve officers. Chief Zumwalt stressed that these are volunteers, and they didn't have people lining up to do it. Mayor McCann said he attended the fair board celebration the other night.

ADJOURNMENT

With no other business to consider, Mayor Tom McCann adjourned the regular meeting of February 2, 2016 at 8:05 p.m., with the next meeting scheduled for February 16th, 2016.

Respectfully Submitted,

W. Blair Larsen, City Manager/Recorder

Attest: _____
Mayor

Date of Approval: _____