

**CITY OF FALLS CITY. 299 MILL STREET, FALLS CITY, OREGON 97344**  
**COUNCIL MEETING MINUTES**  
**January 09, 2012**

The regular meeting of the Falls City Council was called to order by Mayor Houghtaling, at 7:34 PM, Monday, January 09, 2012 in the Council Chambers of the Falls City Community Center.

**1) Roll Call:**

Council Members Present: Julee Bishop, Lori Jean Sickles, Henry Hughes, John Volkmann, Erma Ferguson, and Mayor Amy Houghtaling  
Council Member Absent: None

Members of staff present were: Lane Shetterly, City Attorney, Gian Paolo Mammone, City Administrator, Mary Katherine Gaeta, Enforcement Officer and Domenica Protheroe, City Clerk  
The meeting was digitally recorded and the recording is on file at City Hall.

**2) Pledge of Allegiance**

Mayor Houghtaling led everyone in the Pledge of Allegiance.

**3) Agenda**

Councilor Volkmann moved, seconded by Councilor Sickles, to adopt the entire agenda, as presented.  
Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes  
Motion carried 5/0/0

**4) Consent Agenda**

Councilor Volkmann moved, seconded by Councilor Hughes, to approve the Minutes of the Regular Council Meeting of November 14, 2011 and the bills, as presented.  
Vote: Hughes-yes; Sickles-no; Volkmann-yes; Bishop-yes; Ferguson-no  
Motion carried 3/2/0

**5) Public Comments**

Kelly Morales discussed the benefits to the community of a food incubator or a community commercial kitchen. She asked Council if anyone knew what it would take to certify the Community Center Kitchen as a licensed kitchen. Councilor Volkmann told Ms. Morales to feel free to call him to discuss.

Paul Morgan asked Council to report on their findings for why residents must move their trailers every six months at the Green Haven RV Park. Mayor Houghtaling reported that on June 23, 2005 the Council determined that: Recreational vehicles (RVs) are permitted to stay at the Applicant's RV Park for a maximum of 180 days or 6 months, because they are temporary living quarters. After 180 days, consecutive or intermittent within a twelve-month period, the Applicant shall have the RV removed from the Applicant's RV Park. Recreational vehicles (RV's) that have left the Applicant's park may then re-enter, but must be established in a different RV space than was previously occupied during the previous 180-day tenancy. Mr. Morgan asked who was enforcing this rule and why the rule is not enforced at other RV Parks; he also asked how he could change the requirement. Councilor Volkmann stated that enforcement falls under the City Council and clarified that RV parks in areas outside of Falls City are enforced by the municipality where they are located. City Attorney Shetterly stated that it may take an amendment to the Development Code. Councilor Ferguson stated that in the past the City received a sheet of paper itemizing the movement of trailers every six months. Mayor Houghtaling stated that Green Haven RV Park continues to require RV's to move every six months and Councilor Volkmann added that the movement of RV is a condition of their permit. Council considered adding

Green Haven RV Park to the February City Council Agenda. Councilor Volkmann observed that the owners of the property have not requested this change, adding that the City may be better served working directly with the owners and thanked Mr. Morgan for his comments.

George Sperry spoke in opposition of the dismissal of City Administrator Gian Paolo Mammone. Mr. Sperry stated that he has lived in Falls City for five years and has seen improvements in the City in the two years since Gian Paolo Mammone was hired; he added that cheap work is not good and good work is not cheap. Councilor Hughes thanked Mr. Sperry for his letter to the editor of the Statesman Journal.

Bruce Garrett spoke in opposition of the dismissal of City Administrator Gian Paolo Mammone. Mr. Garrett reported that a prior County Commissioner alerted him of the possible dismissal after the Commissioner read Mr. Sperry's letter to the Editor. Mr. Garrett has lived in Falls City for ten years and has seen many changes, not all good. Mr. Garrett stated that he was proud to be part of the team that hired Gian Paolo Mammone. He stated Gian Paolo has saved the City money in countless ways; his contacts, his relationship with the National Guard. He stated that if you are going to bench the quarterback, you better have somebody you can put in the game.

Lilli Boettcher Ms. Boettcher reported that she has been coming to City Council meetings for about sixteen years. She voiced her concern that an explanation, for the dismissal of Gian Paolo Mammone had not been provided. She felt that City Employees should have the ability to defend themselves and it was for this reason that she felt this action was wrong. She would like to know why.

Rebecca Beebe spoke in opposition of the dismissal of City Administrator Gian Paolo Mammone. Ms. Beebe reported that she has lived in Falls City for ten years and has seen many changes, some not so good, some great. She felt Gian Paolo Mammone's organizational skills were amazing. Ms. Beebe stated that the public, which the Council serves, deserves to be informed; that the decision to terminate directly involves every citizen.

Jeff Propp spoke in opposition of the dismissal of City Administrator Gian Paolo Mammone. Mr. Propp reported that he has seen the City go up and down over the years, adding that there was turmoil in the past. He stated that the community had been calm, stable and moving forward since Gian Paolo Mammone had been in City Hall. Mr. Propp asked why the City should take steps backward when we are moving forward.

Pete Veronesi spoke in opposition to the dismissal of City Administrator Gian Paolo Mammone. He reported that he has lived in Falls City since June 1996 and he agreed with what has been stated. He added that things have been running smooth and does not understand why the City is considering getting rid of the person responsible for the smooth water.

Janelle Anzalone reported that she has lived in Falls City for twenty years. She has seen steady improvement and attributed it to every person that has been involved with the running of the City, and not just to one person. Ms. Anzalone added that she has found that Gian Paolo Mammone has a great personality and he is vibrant; but that is not the point. She stated that the City Council was in charge of this decision and that the public should let them do their jobs. There is no point to rush to judgment and referred to her letter to the editor of the Polk County Itemizer-Observer. It's not personal, it's business.

## **6) New Business**

### **A) Assign Street Address to residential/commercial building**

Councilor Volkmann moved, seconded by Councilor Hughes to read Ordinance 529-2012 An Ordinance Establishing an Address Number for a Newly Established Dwelling: and Declaring an Emergency, for the first time in its entirety.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

Councilor Volkmann moved, seconded by Councilor Ferguson to read Ordinance 529-2012 for the second time by title only.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

Councilor Hughes moved, seconded by Councilor Volkmann to adopt Ordinance 529-2012.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

### **B) Resolution 2012-01 Community Center Use Policy**

Councilor Volkmann moved, seconded by Councilor Bishop to read Resolution 2012-01 A Resolution by title only.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

Councilor Volkmann moved, seconded by Councilor Ferguson to adopt Resolution 2012-01.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

### **C) Resolution 2012-02: Community Center User Fees**

Mayor Houghtaling pointed out that the proposed rates are different than what was discussed at the December 2011 City Council meeting. Council considered the proposed rates.

Councilor Volkmann moved, seconded by Councilor Hughes to read Resolution 2012-02 A Resolution Establishing Rates for the Rental of the City Community Center by title only.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

Councilor Hughes moved, seconded by Councilor Volkmann to adopt Resolution 2012-02.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

### **D) Liquor License Application/Renewal Fees**

City Administrator Mammone reported that City Hall uncovered a policy from 2006 that lists fees for new Liquor Licenses and for the annual renewal of Liquor Licenses. He reported that Financial Director Keith Moes confirmed that Liquor License fees had not been collected in recent years; a reason for this was not known. The Staff reports requested that Council consider charging liquor license fees as defined by Resolution 05-06: A resolution amending fees schedules for City Services. The staff report recommended that new licenses granted over the last nine months be billed for the \$100 fee. This would include: The Bread Board, Hometown Grocery and Frink's General Store. Mayor Houghtaling clarified that the Boondocks Tavern would be charged only for renewal, as it was not a newly granted license. Mayor Houghtaling asked if all the fees in Resolution 05-06 have been collected by the City. City Administrator Mammone stated that had not been verified at this time. City Attorney Shetterly

clarified that the OLCC allows a City to charge a fee for staff time to prepare and present the recommendation of a new liquor license and for the renewal. He clarified that the OLCC considers non-action by a local government an approval and added that the OLCC prefers that a City take affirmative action one way or the other.

Council agreed with the staff recommendation to change liquor license fees as set forth in the Resolution 05-06.

#### **E) Frink's General Store Liquor License**

Councilor Volkmann moved, seconded by Councilor Bishop, to approve the application for Frink's General Store Liquor License as the City has determined that the location of the business complies with the City's land use requirements and that the applicant has a business license and has registered as a restaurant, if applicable. The City Council recommends that the OLCC now proceed in the matter.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 5/0/0

#### **F) Council Vacancy: Appointment Questions**

City Clerk Protheroe reported that approximately 15 applications have been distributed, adding that City Hall had not received a completed application, to date. City Administrator Mammone clarified that the staff report asked that Council consider the questions and adopt five or six. Mayor Houghtaling asked Councilors to review and prioritize the questions for consideration at the February City Council meeting. She encouraged Council to ask citizens to submit their applications.

#### **7) Executive Session**

Mayor Houghtaling declared that Council will enter into Executive Session Per ORS 192.660(2)(b) "to consider dismissal of a public employee"

Mayor Houghtaling called the meeting into open session at 9:20 PM.

City Attorney Shetterly thanked the public for their patience on behalf of the Council. He reported that City Administrator Gian Paolo Mammone requested that the Council consider the dismissal of a public employee in Executive Session. City Attorney Shetterly stated that Council asked him to explain to the public that an extensive discussion or explanation in the public session would not be provided, as matters discussed in Executive Session are intended to remain in Executive Session. He added that no decision was made, no vote was taken and no testament was taken during the Executive Session.

Mayor Houghtaling recommended to Council to terminate Gian Paolo Mammone, City Administrator of Falls City, effective immediately and stated that the decision was depended upon the vote of Council.

Councilor Bishop reported that she would vote with the majority.

City Attorney Shetterly stated that there was an employment contract in place that outlined severance provisions. The contract provisions had been discussed with Gian Paolo Mammone and that the City would comply with all the severance provisions in the contract.

Councilor Volkmann moved, seconded by Councilor Sickles to approve the Mayor's request to terminate Gian Paolo Mammone and that the City provide a letter of commendation and a thank you for service provided during his tenure with the City of Falls City within 60 days.

Vote: Hughes-no; Sickles-yes; Volkmann-yes; Bishop-yes; Ferguson-yes

Motion carried 4/1/0

Mayor Houghtaling declared that the motion carried 4 to 1.

## **8) Correspondence, Comments and Ex-Officio Reports**

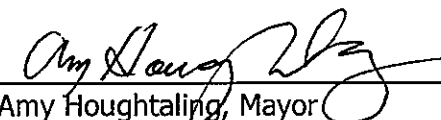
Mayor Houghtaling asked Council to refer to the Cash Balance Report as of December 31, 2011 which showed the beginning balances as of July 7, 2011 and revenue and expenditures through December 31, 2011. Mayor Houghtaling thanked Financial Director Keith Moes for providing Council with this quarterly report.

Administrator Mammone read a prepared letter: Honorable Mayor and Council of the City of Falls City, I would like to take this moment to thank you for the opportunity and honor I was granted to work with City Council and to serve you and the citizens of Falls City. I am very proud of our achievements over the past two and a half years. I believe the record shows, thanks to all of you, my staff and all who helped in a positive way making a positive difference we achieved a great deal of success, to benefit our citizens and our City. I wish the Council, the City and the Citizens of Falls City only the very best and much success in the future. Again, it has been an honor and a sincere privilege to serve you and the Citizens of our community. Sincerely, Gian Paolo Mammone.

## **9) Correspondence, Comments and Ex-Officio Reports**

Mayor Houghtaling adjourned the meeting at 9:27 PM.

Approved this 13 day of February 2012.

  
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Amy Houghtaling, Mayor

Attest:

  
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Domenica Protheroe, City Clerk