

November 13th, 2023

The Enterprise City Council held a work session from 6:00pm to 6:30pm, for discussion between Staff and Council. Due to a large anticipated public comment period, Council President Yanke made a motion to allow Department Committee Reports during work session. Councilor Miller seconded the motion. Motion passed.

Department Actions and Updates

Administrative Department Report: Administrator Lacey McQuead provided the Administrative Report prior to the meeting. The council did not have any questions or comments.

Fire Department Report: Fire Chief Karvoski was absent; report provided to the council prior to the meeting.

Library Report: Liz Cedarbrook provided the library report prior to the meeting.

Police Department Report: Chief McQuead updated the council on two arrests that solved the graffiti crimes around the City of Enterprise. The Chief warned the City Council of the increase in thefts.

Public Works Superintendent Report: Spencer Shelton submitted his report prior to the meeting. Spencer discussed the main breaker at the well that continues to trip midway through cycles. He will continue to work with Enterprise Electric to resolve the issue.

Wastewater Operations Manager Report: Dave Wilkie submitted his report prior to the meeting. Dave read through the primary contents of the report submitted. Dave commented on the issues the sewer plant had after Ziply unintentionally shut down the plant when attempting to fix the Wi-Fi. Dave will work with Simtek to try to separate the Wi-Fi from the controls of the plant.

The Council meeting was called to order at 6:30pm.

Councilors Present	Staff Present-REGULAR MEETING	Guests Present
Mayor Ashley Sullivan	Lacey McQuead, Administrator	*See attached list
Council President Yanke	Dave Wilkie, Wastewater Op. Manager	
Councilor Brandon Miller	Kevin McQuead, Chief of Police	
Councilor Rick Freeman	Liz Cedarbrook, Library Director	
Councilor David Elliott	Spencer Shelton, Public Works	
Councilors Absent	Staff Absent	
Councilor Eric Stangel	Paul Kavoski, Fire Chief	
Councilor Corey Otten		

Agenda Additions

- Winterfest Discussion – New Business

Consent Agenda

Council President Yanke made a motion to approve October 10th, 2023, City Council Minutes, the September 25th-September 30th Accounts Payable Register, and the October 2023 Accounts Payable Register. Councilor Freeman seconded the motion. Motion passed.

Citizen Comments

**Due to the amount of public comments given, a recording of all public comments can be obtained by request through the Enterprise City Hall, or online at <https://www.enterpriseoregon.org/index.php/government/council-minutes/255-january-2023-december-2023-council-meeting-minutes>

Dr. Kayla Grover provided public comments on the concerns for dangerous and aggressive dogs in the City of Enterprise.

The following individuals provided public comment or written comment related to the LGBTQ+ Sex Ed Shame Free zine:

Terry Tollefson
Caitlyn Hostetter
Katy Nesbitt
Kasia Sword
Franz Goebel
Sharon Forester
Bob Pace
Silje Harlander
Randi Movich
Rodger Averbek
Angela Bailey
McKenzie Coggin
Bill Jepsen
Janis Carper
Andy Fairchild
Kathleen Bennet
Haley Thompson
Doug Sundman & Devon Sundman
Dave Ebbert & Linda Kruger-Ebbert
Reverence Dr. Craig S. Pesti-Strobel
Kristy Athens
Citizen (unknown name)

Hunter Weaver
Renee Grandi
Beth Estock
Jean Jancaitis
Dr. Emily Knudsen
Sara Averbek
Zac Hostetter
Kyle H.
Kate Forster
Elnora Cameron
Frank Helderman
Timothy Comrie
Matt Gonnella
Kristina Knecht
Opal King
Natalie Millar
Jean Pekarek
Taylor Miller
Meg Bowan
Steven Kliwer
JR Rymut

(Note: It is possible that not all speakers are listed, specifically those who did not introduce themselves or responded out of turn. Please listen for the recording for all public comments)

Mayor Sullivan made a recommendation to the Council that the Library Committee review the comments received and bring a recommendation or further discussion back to the council in December if necessary.

Unfinished Business

None.

New Business

Citizen Review Board- Tami Nuxall: Tami started by explaining her history here in Wallowa County as her kids are sixth generation. Tami explained that, while the Council thinks her presentation is reviewing a Citizen Review Board (CRB), but rather she hopes the council will help her come up with planning for a committee that will help establish a CRB. A CRB is very complicated, or can be, and there is a lot that goes into it. Tami believes that it is obvious the City needs a CRB. She explained that she does not want to serve on or manage the CRB and has no intentions or taking on the Enterprise Police Department, but it needs to be fair and safe for the community and the community not feel targeted. Tami spoke of her perception of alarming circumstances that she experienced in a situation that arose with the Enterprise Police Department. Tami urged council to listen to her recommendation of a CRB before things “become worse in the future.” She spoke of other citizens who have come to her with related concerns. Tami reiterated that she knows EPD is dedicated and respects the years of service from the Chief. Tami spoke of the popularity of CRB’s in other agencies, especially in the last two years. She spoke on the concern that she expects the council to have been that primarily of cost, budgeting for it, etc., which is the reason she is asking for assistance from the Council in the planning process. Why in Enterprise? There are three major areas of concern: unjustified use of deadly force, police officers have extreme powers (with potential of abuse of power- Tami spoke of personal feelings), day-to-day transgressions, profiling within this community (perfect storm with being a closeknit community). Tami spoke of the small issues being compounded, which leads to mistrust of the police. Oversight bodies vary greatly but the bare minimum is the intake of investigations and complaints. She would like to see the committee with subpoena power and the power to participate in the disciplinary process. Tami ended her presentation.

Mayor asked if Tami was open to taking questions. Tami stated she would, but she did not feel that the council was listening or open to it. Tami requested (prior to the meeting) to postpone it until next month. That request was denied because legal counsel was attending this meeting, which was requested for this presentation. Tami’s children spoke regarding listening to Tami’s presentation, as it is important, as well as the benefits of a CRB.

Tami shared her frustrations for communication being completely shut off once her complaint was received. She felt like communication was open and she was being heard and then it was

immediately shut off. She urged the council to assist as this is a serious problem in this community. She explained her desire for answers.

Mayor Sullivan asked Wyatt to help explain to Ms. Nuxall the correspondence issue. Wyatt explained that the complaint was heard and investigated by the City. Further, the complaint was submitted to DPSST, who have closed the complaint as well by supporting the city in its findings. Through said investigation was determined that proper process, protocol, and procedure was followed. That doesn't necessarily mean that the City will not listen to the concern or request for a CRB, but that would start with the Police Committee. It is up to the Police Committee to determine what oversight would look like and what oversight would involve, if the Police Committee were to decide to move forward with a CRB, or something similar. Wyatt asked Ms. Nuxall if that discussion was something she would like to be involved in. Tami stated, "not really," explaining that as a single mom who is busy, she doesn't have time for that, she just wants to City to understand this as a serious issue.

Tami stated that the council addressed Chief McQuead's handling of the situation yet did not do anything with Officer Curtis'. Rather, she was advised to "take it up with the court." Wyatt explained that what was intended by that recommendation (which was not worded "take it up in court") was that she could take the tickets and the concerns she had to the judge, as the council does not deal with anything on the criminal side. Wyatt explained the different courts and administrative law. Wyatt listed the members of the council who completed the investigation. Tami asked the committee members if they had obtained a copy of her request for an explanation. Wyatt explained the process for making a public records request, as there are laws that govern how the agency handles those requests.

Tami brought up wrongdoing on Chief McQuead's part. Mayor Sullivan reminded Ms. Nuxall that the subject was not being discussed. Tami brought up justification for the stop, at which point Wyatt explained that if there are concerns about the constitutionality of the stop, that has to be raised with the judge or the citation side.

Tami played a recorded phone call. Mayor Sullivan stopped the recording mid-way and asked that Tami submit that recording to the City Council.

Tami reiterated the urge to do something about the "out of control" issues with the Police Department.

Council President Yanke asked Ms. Nuxall if she really wants a CRB or if she is using this opportunity to arbitrate the prior complaint. Tami stated she wants this CRB because it is needed. Councilor President Yanke spoke of the structure of the Police Committee, the rotation, Chief McQuead's responsibility to the Police Committee, etc. Tami stated that according to Councilor Stangel, the first complaint that the Police Committee has seen all year, was the one she submitted. Tami states that dozens of people have informed her of complaints that have been filed that have not been seen by the Police Committee.

Council President Yanke explained that, as elected officials, he believes they are an oversight committee. Tami does not believe it is working and spoke of her thoughts of retaliation from the Enterprise Police Department.

Tami and the Council discussed her opinion of bias between the City Council and the Enterprise Police Department. Tami began speaking on the conflict of interest. Council ended the presentation.

Kasiah Sword asked the council to consider a CRB for the best interest of the community, as more oversight might be beneficial, as our community is click-ish, stating that this might be an opportunity to set precedence.

Tami asked if she can't speak about her concerns here, and the police committee won't respond, who is she supposed to talk to. Mayor Sullivan explained that this was an opportunity to propose a CRB, not hear complaints.

Council President Yanke explained that the Police Committee independently reviewed the complaint, it was then reviewed by DPSST, stating that the grievance was heard. He explained that they determined there was no evidence in her case that the controls and practices set for officers and for staff were not used properly. Council President Yanke explained that she has a

right to have her grievances heard, and that was done; however, they don't have a constitutional obligation to give you the answer you are wanting. It is closed and we are moving on.

Tami asked the council how they felt about a CRB. Mayor Sullivan stated that an idea really wasn't presented with information, therefore, she cannot form an opinion on it at this time.

Councilor Miller stated that the council was looking at her for information, as she came to the council wanting to present information to consider. Councilor Miller was hoping for statistics, program information, etc. Councilor Miller explained his knowledge of very mixed reviews nationwide, so he is hesitant generally, of the idea.

Wyatt explained that the Police Committee will discuss this and what the next best steps are moving forward, if any. Mayor Sullivan urged Ms. Nuxall to run for City Council, to help be a part of the decision making. Mayor Sullivan and Council President Yanke both reiterated their opinion that as officials, elected by the public, they are essentially a CRB in the positions they hold. Council President Yanke explained that he makes decisions that are in the best interest of the community, the individuals who elected him to do this job. Tami disagrees. Councilor Miller motioned to end the presentation and move on to the next agenda item.

Resolution No. 700

Spencer explained this resolution as one that allows for the expenditure of the replacement pump in the well. Mayor Sullivan read Resolution No. 700, a Resolution of the City of Enterprise, Oregon, approving Capital Asset Expenditure from Fund 16. With no further discussion, Councilor Freeman made a motion to approve Resolution No. 700 as submitted. The motion was seconded by Councilor Miller. Roll-call Vote: motion passed unanimously.

Resolution No. 701

Lacey explained this resolution as one that changes the approved expenditure for a police vehicle from a previously approved fund, to Fund 15. Mayor Sullivan read the title for Resolution No. 701, a Resolution of the City of Enterprise, Oregon, dispersing American Rescue Plan Act Funding in General Fund (to Fund 15, Capital Replacement Fund). With no further discussion, Councilor Freeman made a motion to approve Resolution No. 701 as submitted. Councilor Miller seconded the motion. Roll-call Vote: motion passed unanimously.

Winterfest

Lacey explained that she did not complete an Event Permit for Winterfest, but the only change this year was an additional street closure on First Street (between the WC Justice Center and Main Street), as we have had requests for food trucks during the event. The City Council agreed.

Future Meeting

December 11th, 2023.

With no further business, the meeting was adjourned.

****For signed minutes, please visit the Enterprise City Hall.**