GLADSTONE CITY COUNCIL MEETING MINUTES – September 10, 2013

ROLL CALL
The following city officials answered the roll call: Mayor Wade Byers and Councilors Hal Busch, Ray Jaren, Kari Martinez, Thomas Mersereau, Lendon Nelson, and Neal Reisner.

ABSENT: None

STAFF
City Administrator Pete Boyce, Irene Green, Library Director; Heather Martin, City Attorney; Stan Monte, Fire Chief; Jolene Morishita, Assistant City Administrator; Jim Pryde, Police Chief; and Scott Tabor, Public Works Director.

Mayor Byers led the flag salute.

SWEAR IN NEW POLICE OFFICER
Honorable Linda Beloof, Court Judge, Gladstone swore in Police Officers Mark Herkamp and Casey Newton.

ROTARY
Walt Fitch, Rotary Club thanked the Council for their support of the Gladstone Cultural Festival. He requested the City of Gladstone cover the cost of the Portland Avenue PGE bill of $142.30 and miscellaneous in-kind expenses for a total of $1,690.05. Mayor Byers thanked all the great people in the community who worked on the Festival.

BUSINESS FROM THE AUDIENCE
Kevin Johnson, 6970 Winfield Court asked that Commissioner Schrader stay and participate in the agenda item for the library since she is involved with the Oak Grove Library decision. He is speaking tonight regarding his concern of the loss of investment income from the Oberson property. He would like to see the property sold and the City receive tax revenue from the site.

Craig Seghers, 17400 Webster Road wanted to speak on the Oberson property and the library; however, these are agenda items and can be addressed later.

Chuck Gustafson, 6635 Buckingham Drive asked who owned the compost refuge center at Meldrum Bar. He was told it was a recycling program for the City and asked if there are times when it is available to the public. Public Works Supervisor Scott Tabor stated the City is now a section of the center that is available to citizens to get materials.

CONSENT AGENDA
Item(s) Removed from the agenda:

1. Approval of July 9, and August 13, 2013 Minutes
5. Authorize Removal of Underground Storage Tanks at Public Works

Councilor Nelson moved and Councilor Martinez seconded a motion to approve Consent Agenda items:

2. *Authorize City to Cover Gladstone Cultural Festival Expense – PGE $142.30 and*

Miscellaneous In-Kind Expenses

3. *Request to Place Signage Identifying Jennings Lodge at River Road – City of Gladstone Boundary*
4. *Authorization to Close Library Capital Fund and 911 Excise Tax Fund*
6. *Payment of August Claims*

Motion carried unanimously.

1. Approval of July 9, and August 13, 2013 Minutes. Changes were made to the minutes of July 9, 2013.

5. Authorize Removal of Underground Storage Tanks at Public Works. Councilor Mersereau stated he is in support of the removal of the underground storage tanks. After the tanks are removed there may be further expenses if the site is contaminated.

Councilor Martinez moved and Councilor Nelson seconded a motion to approve item #5 on the Consent Agenda.
Motion carried unanimously.

Councilor Martinez moved and Councilor Nelson seconded a motion to approve item #1 with corrections made tonight.
Motion carried unanimously.

CORRESPONDENCE -- None.

REGULAR AGENDA

7. Clackamas County Commissioner Martha Schrader. Ms. Schrader explained she is here tonight to inform the City that they have launched a pilot project in Clackamas County that assigns County Commissioners to help cities in various zones in the County. Gladstone is in her zone. She submitted a written copy of their commitment to working with this zone (includes Oak Lodge) as needed to help find a solution on the local area library issue.

The purpose of the library district is to have the libraries governed by citizens and cities that serve outlying unincorporated areas as well. Gary Barth, Business and Community Services, is the person that heads the department that handles the library piece for the County. The County would like to see libraries situated geographically to maintain the computer systems that interconnect all the libraries and organize and deliver the retail service of the library (check-in, check-out, computer systems, media distribution, etc.). She will be moving to a different zone in six months as this will give all the commissioners a chance to work with all the districts.

Another issue the County is involved with is a move to enforce the banning of alcohol on the Clackamas River. They have received a lot of support from the citizens as a way to make the Clackamas River more family oriented, safe and clean.

Question: There was talk that the commission would go from three to five members and districts would be formed. Is this part of that process? Answer: Ms. Schroder said yes that this is an effort to see if zones work and a chance for all commissioners get familiar with each district.

8. Discussion of Valley View Dog Park. City Administrator Boyce reported he met with Mr. Yielding regarding some legitimate concerns that the City needs to address before reopening the dog park.

- Install additional fencing ten feet from Mr. Yielding's property line to insure the dog's behavior cannot affect Mr. Yielding's property.
- French drainage of the dog park to keep water from adjacent properties.
- The City takes a more active role in enforcing park rules.

City Administrator Boyce asked the Council for direction on the dog park. Should the park remain where it is and allow the City to make the necessary changes to make it more compatible to the neighborhood?

Councilor Nelson stated he visited the site and agrees there needs to have a fence that creates a barrier along the north side. He also suggests modifying the park hours to allow the neighbors a chance to sleep. Councilor Jaren suggested plantings along that property line to absorb sound and block the view.

Applicant Presentation

Ken Yielding, 7000 Oak Ridge Drive stated his house abuts the property line of the dog park. When there were original discussions about the dog park he talked with Public Works Supervisor Scott Tabor regarding a 10-foot buffer zone from his property line and drainage of the park and nothing has been done. There is no other dog park that is next to a residence. His entire family gets charged through the fence by aggressive dogs. They are always subjected to dogs whenever they go into the back yard. He is afraid that the feces in the flooding water from the dog park will come into his yard. He is asking the Council to close the dog park; he is not against a dog park in Gladstone, but against the fact that the dog park is next to his house.

Discussion among the Councilors

Question: Can the dog park be relocated to Meldrum Bar.

Question: Could a brick wall solve the problem? Answer: Mr. Yielding says the brick wall would solve the attacking problem but it would not affect the smell, the dust, water, the disturbance of his use of his back yard, and health and welfare of his family.

Question: Can the Nick Shannon Park and dog park locations be switched? Answer: switching the parks is not feasible.

City Administrator Boyce stated the City needs to provide a buffer and a solution to the drainage if the park is to remain. The City cannot meet all of Mr. Yielding's needs leaving the park in place; however, the City needs to make sure there are no health hazard concerns. Mayor Byers explained he talked with City Administrator Boyce about this issue and there needs to be more time to get more information on what needs to be done.

Public Input

Jan Premo 6968 Oakridge Drive lives next to the Yielding's property. She agrees with the issues of maintaining better hours. People come after dark and do not clean up and people come before 7:00 a.m. and they are very diligent about cleaning up even after other people's dogs. A benefit of the park is that she has met many new friends, neighbors and found it a wonderful way to socialize their dogs. She agrees there needs to be a buffer to Mr. Yielding's property and suggested trees that grow to provide a privacy shield, and the green fence with a 10 foot buffer. The dog park is a neighborhood builder, people builder, and a good place to socialize your dog.

Chuck Gustafson, 6624 Buckingham Drive does not believe a dog park should be next to a residential area. The field is constantly wet during the winter and drainage can be run over to sewer system on Valley View. He feels that moving the dog park to Meldrum Bar Park is a good idea. No one should have to have to put up with the smell and noise.

Carlene VanOrsdel, 17445 Via Del Verde walks her dog by the park at all times of the day and let her dog play in the park. She has never smelled anything at the park except for around the garbage cans. She has walked by Mr. Yielding's yard and has never seen a child or adult in his yard. She understands his concerns and fears and believes there are issues but hopes the City can find what is necessary to keep the dog park.

Donna Cancio, 6861 Oakridge Drive stated there are a lot of people with dogs in the neighborhood. Dogs will go in that area whether there is a park or not. This dog park is a valuable asset to the community. She encourages the City to address the drainage and sanitation issues whether the park stays or not.

Kristy Karsten, 6943 Oakridge Drive is a responsible dog owner, 2 dogs. She frequents the dog park daily and is sad to see it closed. She attended the original planning meetings and there were discussions of a barrier. For the 8 years she has lived here there has always been a drainage problem regardless of the dogs there or not. Prior to it being a dog park, dogs used the park daily. For the most part people pick up after their dogs and she has seen kind people come in with buckets and scoop and clean up after others. She does not smell anything except around the garbage can which could use a weighted top. She doesn't hear excessive barking from the park; she can hear the kids playing in the park. It has been a great community builder; it gets people talking and you get to know your neighbors. She asked that the City consider fixing what they can and reinstating the dog park for the larger community.

Laura Rash and daughter Morgan Rash, 18325 Petit Court go to the dog park together with their two dogs. She is grateful for the dog park; she has not had any fear being there and is comfortable taking her daughter there. She has never seen aggressive dogs. She always picks up after herself and picks up after others. After hearing Mr. Yielding's concerns, it seems reasonable to have a barrier for his property. Daughter Morgan asked the Council to not close the park.

Larry Rice, 6825 Parkway has been a resident of Gladstone for 40 years and has always had dogs and has taken them to the park long before it was a dog park. He picks up after his dog

and others. He feels for Mr. Yielding and suggests that the barrier be 25 feet and put in a drainage ditch that drains away from the neighbor's property. He would like to see slats put in Mr. Yielding's fence and build an addition fence 25/30 feet back from his house. He too would like to see the park closed after dark.

Ken Yielding, 7000 Oakridge Drive is not opposed to having an additional 25/30 buffer to his property line. He would like to have Oak Lodge contacted to see if they would give larger access to that larger part of the water tower area to have a fenced off area for larger dogs and smaller dogs on the other side of the fence. People would be happy about that along with the other suggestions mentioned tonight.

Galen Chapman, 17305 Crown View Drive visits the park frequently. He has lived here a long time and suggests putting in green shrubbery that goes up 8-10 feet. He has never heard a dog bark in the park and the dogs do go to the fence when they first arrive at the park. The answer is not Meldrum Bar; the citizens have a dog park now and would like to use it.

9. Registration of Exotic Animals. City Attorney Martin reported she has researched the issue of whether the City could allow a resident to keep a Eurasian lynx and has submitted a memo summarizing applicable State and local law. A lot of cities in Clackamas County and beyond do not have any regulations on exotic animals, they default to State law.

Under State law there is a permitting process; the State is not issuing any more permits. To be in compliance a person would already have to have a permit. If the Council decides to allow keeping Eurasian lynxes, it will need to revise the Code to create an exception or a local permitting process which should require compliance with state law, including providing proof of a state permit to keep the animal.

There are alternatives:

1. Keep the code; a ban on exotic animals
2. Conform to State law
3. Prohibit exotic animals with exceptions
4. Prohibit animals that are not domestic pets with allow City Administrator to grant special permits to allow special pets

Pat Clark, 7650 Ridgewood Drive stated when he got the cat there were no permits required in Clackamas County. The fact that his cat is less than 100 pounds does not classify her as an exotic animal. He does not have a current State permit. In order to get a State permit he has to have a determination from the City that they allow exotic animals. The cage he has was built to comply with Clackamas County exotic animal rules. He has not had any problems since he moved in; all the neighbors, children and adults are comfortable with the cat. There is one neighbor who has expressed concerns and he has talked to her. He has never been cited or broken any rules because of his cat either here or at his last residence in Milwaukie. The cat is 16 years old with a life expectancy of 20-21 years. She is about 30 pounds in the summer and 35-45 pounds in the winter. He brought pictures of the cat and the cage that she lives in.

Kelly Clark, 5964 SE Oetkin Road, Milwaukie has lived close to her brother for some time in Milwaukie. She is Pat's sister. They have had family gatherings at his house with adults and

kids. They play board games outside and the kids play soccer and the cat has never been a problem. She has never been in the cage, nor has her two kids been in the cage. People have come over and are interested in the animal, but do not go in the cage. When her brother goes camping, he makes sure the cat is well cared for. In the summer he makes sure someone comes to make sure the cage and cat is hosed down.

Nate Hazen, 13958 SE Oetkin Road is Pat's friend. He has been over his house many times and seen how he interacts with Sasha and seen the quality and construction of his cage. Two weeks ago he was comfortable enough to bring his two daughters 6 and 3 over to see the cat. The girls got to be very close and Pat was very informative and careful with the cat. He is a very responsible person.

Bill Clark, 19391 Pease Road, Oregon City is Pat's older brother. They did not have pets when they were growing up. He has been around the cat for 16 years. Pat drove to Utah to pick up the cat when it was 3-inches long, specifically for his pet. The cat has never escaped in the 16 years and he has never bit anyone he knows of. He asked the Council to consider an exception for someone who loves his cat.

Jay Barbo, 15378 SE Parktress Road drove with Pat to Utah to pick up the cat. He has had exotic animals all his life; he has had cougar, lynx, bobcats, and others. Pat takes very good care of his cat. There are no dangers with this type of cats. People fear what they don't understand. Pat never lets anyone go into the cage. He asked that the Council allow Pat to keep the cat until she dies.

Lucy Stoiber, 7670 Ridgewood Drive lives in the cul-de-sac. Most of the information she has received has been from others in the cul-de-sac. She has not seen the cat, she hasn't seen the enclosure, and she has not been on Mr. Clark's property. The information she received was that there was a cat, it was permitted, and the former owner, a police officer, said it was okay to have the cat. After several conversations with the neighbors she decided to check the code and found that there is a strict list of animals allowed in Gladstone. She has found a sanctuary where the cat can be kept. She does not feel these types of cats should be in neighborhood.

Molly Clark, 7650 Ridgewood Drive is Pat's wife. Sasha helps with his PTSD; when he is upset he goes into the cage and the cat calms him down. Sasha is no threat to anyone, they have had her since she was 10 days old; it is their baby, their pet.

City Attorney Martin suggested that an exception be drafted based on Mr. Clark meeting the federal and state criteria with additional documentation that it is a service animal. She will bring more information to the next meeting.

Recess was taken at 9:55 p.m. and the meeting reconvened at 10:00 p.m.

10. LED Street Lighting. Public Works Supervisor Tabor introduced Lori Swanson, PGE, who is here to talk to Council regarding PGE's proposal of selling the City owned poles to PGE in exchange for one lump sum payment of $20,666.24. Ms. Swanson stated the scope of their program only includes yard lights and cobra lights. Staff has recommended that everything be turned over to PGE.

Councilor Martinez moved and Councilor Nelson seconded a motion to approve Option #1 of PGE's proposal by selling the City-owned poles to PGE in exchange for one lump sum payment.
Motion carried unanimously.

11. Library – Proposed County Letter/Current Building Improvements. City Administrator Boyce reported the City has until June 30, 2014 to draft a project that would provide enough building space to consolidate the Gladstone and Oak Lodge service areas. This will allow the City to permanently add approximately another $800,000 - $900,000 annually in Library District funds from the additional service area being served. He will meet with Gary Barth, Clackamas County to discuss the project.

Repairs of the current library are going to cost about $17,000. Contractors have pointed out several issues that would dramatically increase the cost of the project including asbestos floor tiles. Staff is reassessing the repairs and will report back to Council after consultation with a professional engineer/architect.

12. Approval of Resolution – City Council Guidebook/City Council Rules. City Attorney Martin reported that the corrections from the last Council meeting have been made to the Guidebook/Rules. The document is ready for approval.

Councilor Nelson moved and Councilor Martinez seconded a motion to approve Resolution No. 1028, A Resolution Adopting Council Rules for the Gladstone City Council as presented tonight.
Motion carried unanimously.

13. Water Department Inter-fund Loan. City Administrator Boyce reported in 2001 the water fund borrowed money from the Storm Water Sewer Fund ($150,000) and the State Revenue Sharing Fund ($496,000). To date the water fund has not repaid any of these loans. Staff is recommending that the City write the debt off. The fund is healthier now than the original fund.

Councilor Nelson moved and Councilor Jaren seconded to write off the $150,000 for the Storm Water Sewer Fund and $496,000 for the State Revenue Fund as presented tonight.

Discussion: Council asked questions which City Administrator Boyce answered including reiterating fund balances, amounts borrowed, utilization of amounts, audit notes,

Councilor Martinez moved and Councilor Nelson seconded a motion to amend the previous motion revising it to state that we pay back the $150,000 for the Storm Water Sewer Fund and assume the almost $500,000 was an appropriate use for revenue sharing.

City Administrator Boyce will bring a resolution back to the next Council meeting if required.

Vote on the amendment carried unanimously.

Vote on the main motion as amended carried unanimously.

Mayor Byers stated if we need a resolution, it will be brought to the next meeting.

14. Urban Growth Management Area (UGMA) Consultant. City Administrator Boyce is expecting a Scope of Work from Winterbrook Planning for $2,500 to look at the City's consideration of increasing its Urban Growth Management Area (UGMA). Staff is asking direction from the Council to move forward with the project should the proposal look complete.

15. League of Oregon Cities Designation of Voting Delegate. Mayor Byers asked if there were any councilors who wanted to attend the League of Oregon Cities annual conference to be held September 26-28 at the Red Lion on the River (Jantzen Beach) in Portland. No one will be attending the conference from the Council.

BUSINESS FROM THE COUNCIL

- Councilor Mersereau asked staff to schedule a time when the Council and the Planning Commission could meet.
- Recognition should be given to the Ministerial Association for the successful "Servant Sunday." Three hundred people participated and work was done spreading bark dust at all three schools, cleaned up and did yard work for 5 citizens, cleaned up Cross Park in Meldrum Bar Park.
- The Fire Department and Police Department will hold a Safety Fair on Saturday October 5th at the John Wetten School field.
- Gladstone Fire Fighters went out to Hoodland Fire on the "Fill of Boot." With the help of our firefighters they made $5,031. A letter was received thanking them for their support.
- Mayor Byers reminded people to take a moment and remember the 2,000 victims on the 911 anniversary.
- PGE has prepared a movie about Willamette Falls, "The Legacy Project." He will try to get a copy for Gladstone to see and encouraged people to see it if possible.

ADJOURN

Mayor Byers adjourned the Council Meeting at 11:00 p.m. into Executive Session ORS 192.660(2)(h) to consult with Council concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

The next City Council meeting was adjourned to _____, 2013, at 7:30 p.m.

Approved by the Mayor this 8 day of October, 2013.

Wade Byers
Mayor

Attest:
Assistant City Administrator