

## GLADSTONE CITY COUNCIL MEETING MINUTES -- October 8, 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, Rhonda Bremmeyer, Senior Center Director; Irene Green, Library Director; David Doughman, 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.

### BUSINESS FROM THE AUDIENCE

Steve Johnson, 1420 Manor Drive explained that he attended a Happy Valley City Council worksession where the main topic was annexation. They are moving forward to annex all unincorporated areas east of I-205. He read a sentence from a report from their consulting group that was part of the packet, "While a number of communication attempts were made to involve the City of Gladstone at that time, the Gladstone staff chose not to participate; however, in the interim period the Gladstone mayor and City Council has expressed interest in expanding Gladstone UGMA in geographic region." He submitted a copy of the report to staff.

Nancy Eichsteadt, 665 Barbary Place is president of the Library Foundation. She shared results of a poll on their website about the new library. During the week of September 22 through 28, a survey of registered voters in Gladstone was conducted by a Portland polling firm. The survey revealed the top priority for Gladstone City improvements should be road infrastructure at 34%; second place, library/new library at 25%. When asked about a measure similar to the one on last November's ballot 61% were in favor of a new library, 36% against and 3% undecided. Of those who opposed the library believed it was too expensive and 21% thought taxes would increase. Support went down to 52% for a project on the Oatfield/Webster property that included another service such as city hall. A library project alone has a better chance of passing in a future vote. They believe voters were given the wrong information last year. A new library will not only pay for itself and generate revenue; it will save citizens even more. She urged the City to continue to pursue a new library on the Oatfield/Webster Road property. Voters will support a new library once they have clear and accurate information.

Tammy Stempel, 6960 Winfield Court stated she is here speaking for the Clackamas Transportation Advisory Committee, Development Liaison Committee and the Economic Development Commission. The Regional Development Plan projects out all of the transportation projects for our region for the next 20 years. In order to get regional funding projects need to be on this plan. Jurisdictions are now getting the opportunity to add projects. Gladstone has nothing on this proposed regional transportation plan and she feels the City needs to seriously consider putting sidewalk improvements, Portland Avenue redevelopment, etc. to get funding from sources other than Gladstone's tax base. The deadline is April to get projects on this list.

## CONSENT AGENDA

Item(s) Removed from the agenda:

1. Approval of September 10, 2013 Minutes
2. Approval of Liquor License Application – Kristina D. Ragland, 470 E. Arlington

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

3. *Approval of System Development charge (SDC) Adjustment*
4. *Approval of Authorization for Library On-Call Shelver Position and Set Wage at \$8.95 (minimum wage)*
5. *Approval of Oregon Public Works Emergency Response Cooperative Assistance Agreement*
6. *Approval of Resolution 1030, Reauthorizing an Inter-Fund Loan From the Stormwater-Sewer Fund to the Water Fund*
7. *Approval of Resolution 1031, Forgiving an Inter-Fund Loan From the State Revenue Sharing Fund to the Water Fund*
8. *Payment of September Claims*

*Motion carried unanimously.*

1. Approval of September 10, 2013 Minutes. Requested changes were made to the minutes of September 10, 2013.

*Councilor Martinez moved and Councilor Busch seconded a motion to approve the minutes of September 10, 2013 as revised.*

*Motion carried unanimously.*

2. Approval of Liquor License Application – Kristina D. Ragland, 470 E. Arlington. Councilor Nelson questioned the traffic flow to the business will affect the surrounding neighbors; however the applicant is not here tonight. City Administrator Boyce noted that the paperwork has been submitted and the information on the surrounding neighbors is included. His understanding of the business plan is that the applicant is going to distribute wine to establishments that have license to sell. There will be no individual customers coming to the location.

*Councilor Nelson moved and Councilor Mersereau seconded a motion to approve the Liquor License Application for Kristina D. Ragland, 470 E. Arlington.*

*Motion carried unanimously.*

**CORRESPONDENCE** -- Mayor Byers acknowledge a letter from Save Gladstone to Clackamas County.

## REGULAR AGENDA

10. Presentation – Willamette Falls Legacy Project (Blue Heron Site). Mr. Tony Konkol, Community Development Director of Oregon City is here tonight to update the Council on their project. Since the closing of the Blue Heron Paper Company in February 2011 Oregon City has been working with many partners to determine what can be done with the site. He submitted four values that Oregon City and partners have been working under for over a year.

He showed a video of what they are looking at for Willamette Falls and why they feel it could be such a special place and opportunity.

When they look at the opportunities on this property they see it is much larger than Oregon City. There is over a half mile of Willamette River waterfront, there is potential access to the falls itself with the cooperation of Portland General Electric, and this resource has state and potentially national significance. They would like to take this site that has been closed off from public access for almost 100 years and reinvent it to fit in with the existing downtown. Willamette Falls is the second largest waterfall in North America. This could be a major economic driver for the region to redevelop the property.

For the last couple of months they have been engaging community members throughout the region asking for input on the project plans. The framework plan will identify general uses on the site, entitlements, larger infrastructure, transportation, and larger issues needed to take this property that has been general industrial for 150 years and turn it into something else. The Strategy document identifies funding sources to serve as a guide as to what projects can be done right away. There is a website, [Rediscoverthefalls.com](http://Rediscoverthefalls.com), to provide opportunity for public input.

#### Questions from the Councilors

Question: Councilor Mersereau asked what vision he sees of how Gladstone can help this project. Answer: Mr. Konkol stated the City can benefit from participating, providing input on what the citizens would like to see put on the site, and possibly public access from the bridge that connect the two cities from Gladstone across the bridge, around the cove through Clackamette Park along 99E out to the falls. There are also economic benefits in terms of jobs that could benefit the citizens of Gladstone. They may be asking for letters of support needed for different grants and funding.

Question: Councilor Martinez asked what ideas are being looked at in terms of economic development. Answer: Mr. Konkol said they have had resounding support for public access, parks and open space (87-89%). They see economic development as ways to provide wage jobs, mixed use with a residential component with office and retail, no big box, and that it fits in with Oregon City's downtown, not separate.

Mayor Byers asked staff to include information on this project in the next newsletter with contact information for residents.

- 11. Lake Oswego/Tigard Waterline Project Agreement.** City Administrator Boyce submitted an agreement to the Council documenting the responsibilities of all parties during construction and ensure City of Gladstone infrastructure is safeguarded. Public Works Department has outlined City projects that will be completed in conjunction with the Lake Oswego/Tigard waterline project and there is language in the agreement that outlines how the projects will be integrated.

Joel Komarek, Lake Oswego has been working out details of the cooperative agreement for the waterline roadway and waterline improvements with Gladstone staff. This is an opportunity for both cities to get their projects constructed and at the same time facilitate improvements to Gladstone's infrastructure, waterways and roadways. They have made a commitment to the

community that they will provide designs and construction management services for the replacement and upgrade of existing waterlines and roadways that are impacted by their construction project.

#### Questions from the Council

- The alignment was moved west through the park, because of Native American artifacts on the bluff from flooding and prior construction of the field, etc. Is that an issue on the lower level? Answer: Mr. Komarek stated that is what their recognizance tells them it is not an issue.
- Will there be construction (vehicles, equipment) on the north side of Meldrum Bar Park Road. Answer: Mr. Komarek said no. The plan is after they leave the ball field and go through the park they cross over Meldrum Bar Park Road and proceed westerly with the pipeline on the north side of Meldrum Bar Park Road until they get west of Dahl Road and then jog back and get into Meldrum Bar Park Road and continue to head west to the shoreline.
- Will there be improvements north of the road in the section of the park between the road and the trees. Answer: Mr. Komarek stated one of the improvements they are making for Gladstone is to extend the waterline westerly on Meldrum Bar Park Road for 700+ feet.
- How far is Lake Oswego's pipe from Gladstone's pipe? Answer: Mr. Komarek said Lake Oswego's pipe is 20 feet north of the new water line. Their pipeline would be within their easement area and Gladstone's pipeline is parallel within the roadway.
- Article 7 talks about a contractor's warranty; what is that? Answer: Mr. Komarek noted in the industry most public contracts require a one-year warranty against construction defects, but they are requiring two years on all of their projects under this program.
- Are you going to be in the park from November 2014 to February 2015? Answer: Mr. Komarek said yes; they do not want to be in the park in the spring, fall or summer when it is in use. The work that would occur in the roadway for the pipeline project is limited to night work only so as to not impede access to the boat ramp and shoreline.
- What about noise to the residential neighbors? Answer: City Administrator Boyce noted part of the problem with the neighbors hearing the model airplanes were that they were flown over the top of the mobile homes. The airplane owners have adjusted so they are not over the homes. Mr. Komarek stated they are a couple thousand feet from the mobile home park.
- Is it Gladstone's responsibility to notify residents when there is interruption of water service? Answer: Mr. Komarek stated that provision only pertains to the work that is done on the Gladstone water lines. Their contractor will build Gladstone's water lines and there will be a period of time in that construction when they have to transfer water services over to the new line from the old line, abandon the old line, and make connections of the new line to the existing system. That will require a temporary limited duration shutdown of Gladstone's water system to make those connections. They will give Public Works sufficient notice when they will need the shutdown to occur so he can notify customers.

- Will there be disruption of water service on Exeter? Answer: Mr. Komarek stated they don't expect disruption there; however, once in a while there is a water service that didn't get located properly and those repairs are made quickly.
- What is your definition of temporary in terms of water being shut off? Answer: Mr. Komarek stated typically for making connections of a new pipe to an existing pipe they require that the contractor have everything set up and ready to go before he shuts off the public water service to make that connection. Generally with these small diameter pipe lines these connections can be made in 3-4 hours and get water service restored. No interruption should go more than 8 hours.
- Will there be a time when the fishermen cannot get to the dock, ramp and bank? Answer: Mr. Komarek stated they will not impede access to the boat ramp, dock or gravel bar. They are seeking a grant for a temporary easement for that portion of the shoreline that is south of the Meldrum Bar Park Road for staging equipment and pipe for the directional drill under the River.
- Will Lake Oswego take care of labor and materials for the line that will be put in for Gladstone? Answer: Mr. Komarek stated the construction of the water lines for Gladstone as laid out in the agreement will have Gladstone pay for the pipe and the cost to install that pipe in the ground, the backfill, and the pavement restoration. The partnership would pick up all the other costs (design, construction inspection, bidding services, etc.).

*Councilor Nelson moved and Councilor Martinez seconded a motion to approve the Lake Oswego/Tigard Waterline Project Agreement as presented.*

*Motion carried unanimously.*

12. Lake Oswego Temporary Construction Easement. City Administrator Boyce reported the City of Lake Oswego is asking for a Temporary Construction and Permanent Waterline Easements. An appraisal was completed and the value of the Temporary Construction Easement has been put at \$52,725. A copy of the Agreement has been submitted. Staff is requesting the Council to authorize the Temporary Construction Easement. Cynthia Fraser, Attorney with Garvey, Schubert, and Barer stated she worked with Gladstone's City Attorney Heather on both easements and she was involved in the appraisal.

#### Questions from the Council

- Is the checkered area on Exhibit B the easement that would parallel field 5 and the parking lot? Answer: It's where the parking lot narrows down and comes back onto Meldrum Bar Road. The easement will be part of the parking lot not all of it. Mr. Komarek stated full access to the parking lot east of the ball field would be part of the temporary construction easement.
- Why can't the easement be extended east instead of taking over the whole parking lot? Answer: Mr. Komarek explained their pipeline goes through there so it will be an active construction area. The entrance to the parking lot will also be obstructed. In terms of public safety concerns they would like to keep people out of there while they are in the area. There will only be a period of 2-3 weeks when they are in this area and then they are heading west.

- Is there a fence around the entire area? Answer: Mr. Komarek stated they would put a fence around the whole area because at the end of the day the contractor would store excavators and other equipment there.
- Is it possible to fence off three-quarters of the area to allow access? Answer: Mr. Komarek stated they could try and accommodate both uses; however, again it would be an active construction zone as the excavation occurs. He would not like to have people parking there, it would not be safe.
- How did that easement amount come about? Answer: Ms. Fraser stated they hired an appraiser who complied with the uniform standards of appraisal practice which is required to do an appraisal for this project in the state. To come up with the amount the appraiser analyzed other properties, determined the value of the property, and because this is a temporary acquisition provided a percentage of the rental value fee.
- What about the fee for the permanent easement? Answer: Ms. Fraser stated the full percentage fee value is used; it is not a rental. They will pay more for a permanent issue.

*Councilor Nelson moved and Councilor Jaren seconded a motion to approve the Temporary Construction Easement as presented.*

Two councilors expressed concern that the City is not getting enough money for the easements. It was suggested that the City hire an economist to review the submitted material and indicate back to staff whether they feel the value of the easements have been properly done. Councilor Mersereau noted when the appraisal was done economic times were not good; appraisals of everything was down.

*Poll: Jaren, Yes; Mersereau, No; Martinez, Yes; Nelson, Yes; Busch, Yes; Reisner, No; and Mayor Byers, Yes.*

*Motion Carried 5-2.*

13. Lake Oswego Permanent Waterline Easement. City Administrator Boyce reported this is a request for a permanent waterline easement for the Lake Oswego waterline project.

*Councilor Jaren moved and Councilor Nelson seconded a motion to approve Lake Oswego's request for a permanent waterline easement for their waterline project.*

*Poll: Jaren, Yes; Mersereau, No; Martinez, Yes; Nelson, Yes; Reisner, No; and Mayor Byers, Yes.*

*Motion Carried 4-2 with one abstention; Councilor Busch did not vote on this issue.*

Recess was taken at 8:32 p.m. and the meeting reconvened at 8:42 p.m.

14. Discussion of Planning Commission Membership. City Administrator Boyce reported the Gladstone Municipal Code states that, "A member who is absent from two consecutive meetings without an excuse approved by the Planning Commission is rebuttably presumed to be in nonperformance of duty and the City Council shall declare the position vacant unless extenuating circumstances are determined at the hearing." A letter was received Sean McDonnell indicating that he would like to continue and apologizing for missing the last two meetings. Staff is asking for guidance as to remove Mr. McDonnell or allow him to remain on the Planning Commission. Staff's recommendation is to have Mr. McDonnell removed.

*Councilor Nelson moved and Council Busch seconded a motion to remove Sean McDonnell from his position on the Planning Commission because he has missed two consecutive meetings.*

Mr. McDonnell was aware of the meeting tonight and opted to send an email which was included in the packet. Since he was not in attendance at this meeting no hearing was held.

*Motion carried unanimously.*

Tammy Stempel, Chair of the Planning Commission asked the Council to advertise this position for a full month. City Administrator reported it will be advertised for a month in a newspaper and city newsletter.

15. Update – Library Letter from Clackamas County. City Administrator Boyce reported there is clarity needed about the June 2014 deadline as referred to in the letter from Clackamas County. Staff initially understood if the City is making significant strides towards a new facility that could serve both the Gladstone service area and the Oak Lodge service area, it would be enough to extend the consideration for obtaining the \$1.5 million. Now they are hearing information from the County Board that maybe by the June 2014 deadline the City will need to have a voter approved project.

Staff is recommending Council to allow staff to draft a letter for the Mayor's signature asking for clarification with a recommendation in that letter of submitting a project by November of 2014.

It was the consensus of the Council that staff drafts the letter, distribute a copy to council members for their input, and proceed with the Mayor's signature and sending the letter after responses have been received.

City Administrator Boyce asked Council on direction how to move forward with the project. He asked Council's guidance on his plan for staff to determine and report back to Council:

- What size the library might work for this project
- What size site is needed
- Putting together an estimated operating budget for the new facility
- Putting together a finance plan around what it may take to do that and presenting that to City Council in the near future
- Having Council putting a Citizen's Committee together
- Approaching THA, architect on the project to see if there any portion of the design the City has already paid for can be salvaged
- Requesting Clackamas County to determine if there is any additional capital they can contribute towards the project

It was suggested that a worksession be planned. If the worksession is to discuss how to move forward with the project, it should be soon. If the worksession is to discuss what staff produces as an idea of what can be built to meet the needs of the Gladstone service area and Oak Lodge service a couple of months is needed for staff to prepare.

City Administrator Boyce will email council members as to a date that will work for a worksession.

### BUSINESS FROM THE COUNCIL

- Councilor Jaren reported the North Clackamas Water Commission has had extensive pinning required on the membranes due to failure of the fibers. The same company that provided the membranes offered to replace one of the bays which are also having problems. There are other cities that have had problems with this company's membranes and have gone through settlement negotiations. The Commission has spent time over the last several years to get it resolved so the membranes are meeting their guaranteed performance under the contract. It has come to the point where there has not been a satisfactory resolution. The Commission has decided to go into litigation looking for 2-3 million dollars. It is not a matter of running out of water or running out of the capability of treating water, but they need to get some satisfaction under the contract. There are three other providers that could provide replacement units for the bays that do not have the problems this company has had. Council asked that Oak Lodge prepare an informational report on the situation.
- Councilor Martinez reported she attended the County Library Committee meeting. The group did agree that individual library policies with regard to checking out materials were to continue.
- At the last wind storm a Cottonwood tree fell at the intersection of Dahl Road and Meldrum Bar Road just missing a truck. Public Works was contacted and the tree was removed shortly after the incident.
- Mayor Byers reported he went on the Water Provider's tour and it was mostly PGE facilities dealing with salmon. It was very interesting tour.
- The Safety Fair was well attended. Demonstrations were given on Life Flight and the Fire Department demonstrated the burning of a car. It was a good event.

### ADJOURN

Mayor Byers adjourned the Council Meeting at 9:15 p.m. into Executive Session ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

The next City Council meeting was adjourned to 11/26, 2013, at 7:00 p.m.

Approved by the Mayor this 12 day of November, 2013.

Wade Byers  
Mayor

Attest:  
[Signature]  
Assistant City Administrator