

GLADSTONE CITY COUNCIL MEETING MINUTES – December 10, 2013

ROLL CALL

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

ABSENT: Kari Martinez, Thomas Mersereau

STAFF

Rhonda Bremmeyer, Senior Center Director; 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.

BUSINESS FROM THE AUDIENCE

Rose Johnson read a portion of the public records and meeting law, ORS 192.650 which governs the publication of minutes and recordings. The public meeting law requires that the governing body of a public body provide for sound to record the minutes. It shall include the following information. Members present, proposals, resolutions, etc., results of all votes, the substance of any discussion on any matter and a reference to any document discussed at the meeting. Whatever means of recording used it should have a true reflection of the matters discussed at the meeting and the views of the participants. At the October 15th joint meeting between the Council and Planning Commission, the minutes do not reflect her conversation, however many of the answers that were made to her during that discussion. In her opinion, this is a violation of state meeting law. She is pursuing this matter as a complaint.

Ms. Johnson is also concerned that the Planning Commission approved the minutes. They should have known that these minutes are not approvable because of the omissions under state law.

Mayor Byers explained the City Attorney has advised him to not approve the minutes until they have evaluated the complaint.

CONSENT AGENDA

Item(s) Removed from the agenda:

1. Approval of October 15, 2013 Work Session Minutes and November 12, 2013 Minutes
3. Approval of Personal Services Contract for Municipal Judge Linda Beloof
4. Janitorial Services Contract for Fire Department

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

2. *Senior Center Contract Amendment with Clackamas County Social Services Division*
5. *Payment of November Claims*

Motion carried unanimously.

1. Approval of October 15, 2013 Work Session Minutes & November 12, 2013 Minutes Councilor Reisner corrected page 1-5 of the November 12, 2013 minutes replacing "City Councilor David Doughman" to "City Attorney Doughman."
3. Personal Services Contract for Municipal Court Judge Linda Beloof. Councilor Reisner noted the Charter states that City Council is supposed to appoint municipal judges. He asked if Judge Beloof should be the one picking a pro-tem judge for her absences. City Attorney Heather Martin explained the Charter requires the City Council appoint the municipal Judge. When City Attorney David Doughman looked into this issue he determined that Judge Linda Beloof would be able to appoint a pro-tem to step in. Indicated in her letter today, she has a designated pro-tem. The Council could make a motion to accept him as the pro-tem judge to act in her absence. This satisfies the rules for Oregon law for a personal contract.
4. Janitorial Services Contract for Fire Department. Councilor Reisner asked if City Hall, Fire Department, Police Department and possibly the library each has its own janitorial service. Assistant City Administrator Jolene Morishita stated City Hall, Senior Center and the Fire Department both use the same service with a separate contract for each department. The library and Police Department use a different service. The rate is set by the state because this is a state-run contract. Each department has different demands for service. City Attorney Martin reported that City Attorney David Doughman is working on a policy for service contracts.

*Councilor Reisner moved and Councilor Busch seconded a motion to approve Agenda Items #1, Approval of November 12, 2013 as revised; #3, Personal Services Contract for Fire Department and #4, Janitorial Services Contract for Fire Department. .
Motion carried unanimously.*

*Councilor Busch moved and Councilor Jaren seconded a motion to approve Michael Haines as the pro-tem judge.
Motion carried unanimously.*

5. **CORRESPONDENCE** -- Mayor Byers acknowledge receipt of:
 - Several items of correspondence from Rose Johnson some of which is being evaluated by the City Attorney.
 - A letter from Steve Johnson regarding the Lynx cat.

REGULAR AGENDA

7. Rotary Gladstone Cultural Festival. Steve Lietz, owner of Gladstone Baskin and Robins, 19510 McLoughlin Blvd is here tonight representing the Rotary Club in regards to the Gladstone Cultural Festival. They made the event successful last year and he is here tonight to ask for approval to do the festival again this year. Mayor Byers asked Mr. Lietz to prepare a formal request for the Council to approve. City Attorney Martin noted that last year the City approved a contract that set out the terms for the festival. She asked that Mr. Lietz review last year's contract to revisit if they want the same terms and department contacts and bring that before Council for this year's approval.

Rose Johnson asked if the cultural festival made money last year and if so is that amount of profit available for use this year. How much did the City spend to support the festival last year. Assistant Administrator Morishita stated there were expenses that the City incurred; some based on the contract and others that that the Rotary paid for. The City Administrator requested that the City not ask for reimbursement from the Rotary for specific expenses. Ms. Johnson noted there may be a competitive bid this summer for an event and asked if the City will be putting the festival out to other bidders? Mayor Byers explained the festival is a private event, not a city event.

8. Discussion of Definition of Service Animal, Companion Animal and Therapy Animal. City Attorney Martin submitted a memo explaining the definitions of a Service Animal, Companion Animal and Therapy Animal. A "service animal" is a dog that is trained to help people with a disability (typically sight or hearing); a "companion animal" is a term for a pet, most always a dog or cat and a lynx does not qualify as a "domestic cat;" and a "therapy animal" helps with psychological issues like depression, anxiety, social phobias, etc. and are trained by a certified trainer (usually dogs, cats, rabbits, horses, goats and guinea pigs).

The state is not going to permit any more exotic animals. Originally they indicated they may make an exception in this case, however, the state veterinarian has indicated to her most recently that they would not. Regardless of what the City does, it doesn't appear that the animal would be allowed under state law.

Questions from Council

- Question: Has staff given a copy of the memo to Mr. Clark? Answer: Mr. Clark was given a copy. Mr. Clark stated he did not mean to put the City into this situation and appreciated all that has been done. He is tired of fighting this issue and he will put her down. He wanted to put on record that he is not irresponsible. City Attorney Martin suggested the Council motion to give Mr. Clark 30 days

*Councilor Jaren moved and Councilor Busch seconded a motion to allow Mr. Clark 30 days to debate the nuisance with no fine and in 30 days the Council could revisit the issue.
Motion carried unanimously.*

9. Utility Billing Proposal. Assistant City Administrator Morishita reported staff is proposing changes to the City's utility (water/sewer) billing process in order to more efficiently process bills and save money. They are asking for Council to review the changes and provide guidance to:
- Making utility bills to property owners only (grandfathering in current tenants)
 - Terminating utility billing to current grandfathered tenants if they are delinquent in three payment cycles.
 - Eliminating one of the three late notices

Elizabeth Taylor reported she has been the utility clerk for 21 years and with the City for 27 years. Staff is looking to streamline the notices from 4 to 3; not 4 late notices. The \$1 charge for notices does not pay the cost of mailing.

It was a general consensus that the Council supports staff's changes in the water department.

10. Discussion of Possible Inclusion of the Long Range Planning Tool and City Council Guidelines. Councilor Reisner asked if the documents are complete so they can include them in the Master Plan. Mayor Byers explained it was put on hold until the Master Plan is complete.

Rose Johnson stated that the forecast is based on the budgeted amount received for property taxes and it should be the actual amount in dollars in a year. It is always less than the budgeted amount. The forecast should be based on the actual numbers rather than the budgeted amount.

*Councilor Reisner moved and Councilor Busch seconded a motion to adopt the Long Range Planning Tool and City Council Guidelines as a means to help plan for the future.
Motion carried unanimously.*

BUSINESS FROM THE COUNCIL

- Councilor Nelson attended the Command staff meeting for the Police Department. Staff is constantly working to make the Police Department better. It was an honor to be invited.
- Councilor Nelson reported he attended a meeting on December 4th for the Fire Department. The department call-out number was 113 calls for the month of November.
- Emergency sandbags for City residents are set up at the City shops inside the gates.
- The new Fire Engine 101 will be on-site April 15th.
- The Fire Department has submitted a grant for new radios (34 portable and 7 mobiles) at the cost of \$250,000.
- There will be a Senior Center Christmas Luncheon held on Tuesday, December 17th at 11:30 a.m. Over 130 people will be attending. Please call for reservations. Volunteer servers are needed.
- Councilor Busch stated he received an e-mail from Clackamas County Coordinating Committee regarding approval of a gas tax. The timeframe was too short to include the proposal in the packet.
- Councilor Reisner reminding everyone of the Santa Library event on December 11th from 4:45 to 5:45 at the library.
- Mayor Byers announced the passing of Harriet Jorgensen. There was a celebration of life at their family house. Ms. Jorgensen contributed much to the community; she will be missed.
- Mayor Byers announced there are board and committee openings that will be appointed in January. Applications are being taken.
- The Kiwanis is having a breakfast on Saturday, December 14th at the Senior Center at 8:00 a.m.
- The Gladstone Business Association will be meeting December 11th at 5:00 p.m. They are asking that everyone attending bring a gift for a child. The Fire Department will include those gifts with their Christmas project.
- The Historical Society will be selling history books and honoring Herb Beals.

- Mayor Byers reported he attended a meeting at Head Start. It was its 40th Anniversary. They acknowledged the contribution of the Gladstone community. They acquired a church on River Road and made it into their headquarters.
- Mayor Byers stated he attended a meeting in Oregon City regarding "safe place." Craig Roberts acknowledged the contributions of Gladstone's police chief in helping with the Family Justice Center.

The Council wished everyone a merry Christmas and happy New Year.

ADJOURN

Mayor Byers adjourned the Council Meeting at 8:15 p.m. into Executive Session 192.660 (f) to consider information or records that are exempt by law from public inspection.

The next City Council meeting was adjourned to January 28 2014, at 7:30 p.m.

Approved by the Mayor this 14 day of January, 2014.

Attest:

Wade Byers
Mayor

J. Minin
Assistant City Administrator