

## GLADSTONE REGULAR CITY COUNCIL MEETING MINUTES of March 11, 2014

### **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**

Pete Boyce, City Administrator; Rhonda Bremmeyer, Senior Center Director; Shane Abma, City Counsel; 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**

Bob Stuart, Superintendent of Gladstone School District submitted a gift to Council. There was a School Board Recognition Week in January and he is here tonight to declare this City Council Appreciation Night. He thanked City Council for the work they do; also to Jim Pride and Eric Graves who worked closely with the School District for more than a year now as they have revamped all of the safety procedures within the school district. Irene, the City's librarian has been working closely with the schools as they are looking how to incorporate more library services to the kids within the school.

Pictures were included in the submittal of a joint meeting of the City Council and the School Board. In the picture is Principal Lu from China. At the end of the month Mr. Stuart stated he will be going to Mr. Lu's school in China to develop a memorandum of understanding between their school and our schools that will potentially involve the exchange of students, staff and others in the future.

An auction was held on February 15<sup>th</sup> at the Clackamas County Fairgrounds. It was a great success; there were over 350 attendees. They designated a special event for that night to support families in need. The churches are working closely with the schools to convert two of the portable classrooms that are no longer used into bases for a clothes closet and food pantry for the community. The church will staff them with volunteers and a lot of people who contribute to how it works. As part of the auction they asked for a focused item of support for these events. Within 10 minutes they raised slightly over \$10,000. Overall the auction brought in over \$50,000 that can be turned back into programs for the kids within the community.

Four to five years ago graduation rates were recalibrated and recalculated within Oregon into four year graduation rates (all the kids that start within a school as freshman and what happens to them over the next four years and whether they graduate with a regular diploma or not). In the first data Gladstone's graduation rate was 71%; the state average was 66%. A year later Gladstone's graduation rate jumped to 77%, the next year 79%, and the graduating class of 2013, 86% (one of the highest ten school districts in the state of Oregon).

Les Poole, Cornell agrees it is good news about the schools. He is involved in the Library Committee. While it is a non-binding process, there has been really good dialogue and good ideas. There is a real tight timeframe and there has been more input from Oak Grove and the community than they have had in the past. He is hopeful they can meet the deadline. Everyone knows that if something viable hits the ballot in November, maybe Oak Grove and Gladstone can both come out alright. In his opinion with the problems and cost at Webster Road, it may never happen. Unlike in the past he feels they are having a real process now. It is his hope that the citizen input the Council gets is taken to heart.

A lot of people are upset about the Trolley Bridge. Residents are speculating that the pile driving, the water project, the coffer dam, and the deflection of the River finished off the bridge. Unless someone makes a serious legal case it would be a waste of time to speculate. He hopes that some effort is made to appeal to Metro to secure the \$200,000 grant that was received. Rather than just have it go away there may be a Gladstone project that would allow those funds (flexible transportation funds) to go into Gladstone and not lose it.

Mr. Poole stated he attends a lot of public meetings and appreciate the opportunity to talk. There seems to be more and more issues for Gladstone and he suggests that in the future the Council consider having the meetings at 7:00 p.m. Mayor Byers explained the Charter requires them to meet at least once a month in the City at the time and place Council designates so it is discussable.

## **CONSENT AGENDA**

Item(s) Removed from the agenda:

1. Approval of February 11, 2014 Minutes
3. Approval of Library Director Employment Contract – Move to Regular Agenda (Item 14)
4. Approval of Police Chief Employment Contract – Move to Regular Agenda (Item 15)

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

2. *Appointment to Traffic Safety Committee*
5. *Approval of Special Event Winery Permit – Latus Motors – 870 E. Berkeley*
6. *Approval of Full On-Premises Sales License Temporary Use Application – High Rocks Restaurant and Lounge – 915 E. Arlington*
7. *Payment of February Claims*

*Motion carried unanimously.*

1. Approval of February 11, 2014 Minutes. Councilor Reisner asked that the minutes be revised to change Page 1-3, Ordinance 1145, passed unanimously 6-0 and Page 1-5 corrected to state the City be exempt from paying fines.

*Councilor Reisner moved and Councilor Nelson seconded motion to approve the minutes of February 11, 2014 as revised.*

*Motion carried unanimously.*

**CORRESPONDENCE** – None.

**REGULAR AGENDA**

8. Lake Oswego/Tigard Water Partnership – Request for Night-Time Hours in Meldrum Bar Park. Joel Komarek, Project Director for Lake Oswego/Tigard Water Partnership stated he is here tonight to start a discussion to say how appreciative they are being in partnership with Gladstone, for the support this Council has shown in granting easements that are necessary for the project to move forward, to make land use approvals, and to entertain him tonight as he comes to Council with a request to extend work hours in Meldrum Bar Park.

In a letter to Mayor Byers and the Council dated March 5<sup>th</sup> it describes the self-imposed time limits they committed to after community outreach, understanding how the park is used, by whom and when for pipeline work in Meldrum Bar Park Road. The self-imposed time constraint is for work hours from 10:00 p.m. to 3:00 a.m. As he understands these are the hours that the park is closed thus having the least impact on park users.

Contractors who bid for the work have commented they have a 5-hour period of time and it takes them an hour to set up and an hour to tear down. This leaves them 3 hours to conduct productive work. Based on conversations with the contractors it will take 5-6 weeks to install the pipe in the 700-ft. long stretch of road.

If their request for an extension of work hours is granted, they can cut the time in half. With the recent issues with the trolley bridge, while he was in the incident response room he heard complaints about the lights that were on at night. Lighting at night is one of the things they would like to minimize. Night work does need light and the noise disrupts resident's sleep. They are here tonight to request an extension of work hours. Instead of 10 p.m. to 3 a.m. they would like the hours of 8:00 p.m. to 5:00 a.m. They will do their best to make sure that the word gets out to fishermen who use the bank ramp during those early morning and late evening hours. The intent is to get out of the roadway and get done with the night-time work as quickly as they can.

*Councilor Nelson moved and Councilor Martinez seconded a motion to allow the change of night-time hours in Meldrum Bar Park for open-cut pipeline construction from 10:00 p.m. – 3:00 a.m. to 8:00 p.m. to 5:00 a.m.*

An audience member asked about the timeframe of work. Answer: Mr. Komarek stated they can only work in Meldrum Bar Park between November 21<sup>st</sup> and February 28<sup>th</sup> (winter).

Councilor Mersereau asked if any residents have been talked to about the change. Answer: Mr. Komarek said yes, they talked to residents in the pre-design phase when they determined what stakeholders used the park, when they use it, etc. The November to February timeframe was what they heard from residents about when they used the park the least. The additional constraint of the night-time only work hours for anytime they are in the roadway was out of respect for the sportsmen who use the boat-ramp.

Councilor Mersereau asked if neighborhood residents have been informed about how they are affected by the noise. Answer: Mr. Komarek stated they have held open houses with residents in the surrounding area of the park and throughout the City about this work and specific to the park they understand that the November to February is when the park is used the least. They understand that the fishermen use this road in the early morning hours and late evening hours to get their boats in and out of the water.

Councilor Reisner asked if there is a restriction as to how loud the construction people can be. Answer: Mr. Komarek stated the noise restrictions were covered in the land-use process; he cannot quote the exact noise limits.

Councilor Reisner asked what mechanism is in place for people who want to comment on the noise. Answer: Mr. Komarek stated their contract documents address a number of requirements; equipment with mufflers and silencers in good condition and the opportunity and ability to direct other measures like using noise blankets or sound walls should it be necessary. Residents can get in touch with project staff at any time. There is a project website with phone numbers and a hot line they can call 24/7.

*Motion to change night time hours carried unanimously.*

9. Public Hearing – Expense Report for Sewer Lateral Repair at 170 W. Arlington Street. City Administrator Boyce stated last month he reported on the cost incurred by the City in taking care of the sewer lateral repair. City Council scheduled the hearing for this evening. The property owner is here and would like to address Council. Included in the packet is background information. Staff is asking Council to review the expense report and written protest in order to adjust and finalize the report. After the report is finalized, the property owner will have 60 days to pay the final bill. If the bill is not paid by that timeframe, a lien will be put on the home by the City.

Councilor Martinez asked if the fees assessed (besides the cost of repair) were necessary fees. Answer: City Attorney Shane Abma explained under the normal nuisance abatement procedures, it allows for cost of the repair plus 20% administrative costs as needed. This particular nuisance abatement was under Chapter 15, Dangerous Buildings. It doesn't have the same language about administrative costs; it states the City may impose costs to repair. The City Attorney's office believes that the City Administrator's time should be included because of the phone calls that were made to get the repair project going. The City Attorney fees however, probably should not be included if it is under Chapter 15. The reason the City went under Chapter 15 in this instance is because it allows the City to remove the occupants if necessary. There was concern that the occupants may need to get out of the building in order to fix the problem. Regular nuisance abatement does not require removal of the occupants.

The City Attorney's recommendation is to reduce the abatement by \$982. Going forward the City Attorney's office recommends Chapter 15 is amended to put the same language in that is in Chapter 8, Regular Nuisance Abatement so the administrative costs, as well as interest costs are included.

*Councilor Martinez moved and Councilor Nelson seconded a motion to bill for the Timberline Development Company costs, the City Administrator costs and staff time costs.*

Councilor Reisner asked when the City Administrator initially talked to the Ms. Davis was there mention of the additional fees. Answer: City Administrator Pete Boyce stated there were several conversations over the phone and in person. Initially he gave her copies of the code and indicated that the City had to be reimbursed for the expense of making the fix. Ms. Davis waived her 10-day period of when she could fix the problem on her own before the City would take action. She was informed the City would be looking for a contractor. When the City received the bid from Timberline he telephoned Ms. Davis and told her that the bid came in at \$4,625, less than what Timberline had quoted her personally. He did talk about the other fees involved. In hindsight he would have been more specific when he talked about the bid; however, they had given Ms. Davis a copy of the Code that talks about the City being reimbursed for all of its expenditures. She was aware that he was working with her to resolve the situation and Public Works staff was also at residence at that time.

Rochelle Davis, 170 West Arlington Street noted that the City Administrator never once mentioned attorney fees, City Administrator fees, nor staff fees. His last words were that she would be very happy that the bid came in at \$4,604 and that is what she owed. It is a hardship for her to come up with the \$4,604, not to mention the additional fees.

Councilor Martinez explained that if this was not paid there would be a lien placed on the property and Ms. Davis would not have to paid the lien until the house was sold. Ms. Davis stated she wanted to leave the house to her two children one with autism and one with a severe learning disability. She wants to leave them a place to live. She has contacted an attorney to help recover these costs from the previous owner who did not disclose this problem when she purchased the home. She stated she appreciates what the Council is doing for her and asked how much her final bill will be? City Administrator Boyce stated the bill will be \$4,974.69.

*The motion carried unanimously.*

10. Discussion regarding Changes in State Law – Exotic Animals (Lynx). City Attorneys Shane Abma reported recently the State changed their permitting procedure to allow a second chance at permitting exotic animals under very limited circumstances. A person has to prove they have owned the animal since 2010, that they have a disability as described in the disability statutes, a physician has recommended that keeping the animal would help that disability and they get a permit by December 31, 2014. The State veterinarian called the City and said they are willing to go forward with a permit but not if Gladstone still prohibits exotic animals.

If Council wants to go forward with allowing this Lynx in Gladstone they will have to amend their code. The City Attorney's office recommends if the Council chooses to do that they will mirror the same limitations as the State Law. Mayor Byers requested a revised Ordinance be presented to Council at the next meeting.

11. Senior Center Updates. Rhonda Bremmeyer, Senior Center Director stated she submitted reports to the Council on the activities going on at the Senior Center. Jaime Southworth is a new part-

time employee at the Center. She has played an important part of getting all the new programs put together. She asked if the Councilors had any questions.

Councilor Martinez noted the newsletter stated that community leaders have been invited to deliver meals during the month of March. She did not receive a letter and would be happy to volunteer.

Jaime Southworth, Office Assistant at the Gladstone Senior Center shared some of the events happening at the Senior Center:

The Senior Center is participating in a national campaign put on by the Meals On wheels Foundation called March for Meals. This campaign includes events all through the month of March. The March for Meals campaign presents an opportunity for everyone in the community to come together and help make our community stronger and healthier. Ways to participate are:

- Donate your change. There are buckets around town where you can contribute to Meals on Wheels.
- On March 20, 2014 between 5:00 and 8:00 p.m. Burgerville will give a percentage of their proceeds that evening to the Meals on Wheels program.
- Invitations have been sent out to all the City's local leaders to participate in this event by delivering meals a couple days this month to homebound clients.

Another event is the Senior Center's Annual Spring Fling Craft and Collectible Bazaar on April 12, 2014 from 9:00 a.m. to 4:00 p.m. There will be over 40 tables with a variety of items. The event is free; come down and support the local community and vendors.

Conversations on Aging is a new program being offered at the Senior Center. The conversations are facilitated by VIEWS (Volunteers Involved for the Emotional Well-being for Seniors). These will be free informal interactive discussion groups on topics that are important to people over the age of 60. The next conversation will be held on March 19, 2014 at 10:30 a.m. and the topic is "Talking With Your Doctor." The next conversation will be held on May 21, 2014 at 10:30 a.m. and the topic is "Oregon's Advanced Directive."

Mayor Byers reported that March 12<sup>th</sup> the Senior Center is holding a St. Patrick's Day lunch. After the lunch the Gladstone Historical Society is having a program at 1:00 p.m.

12. Appointment to Park and Recreation Board. Mayor Byers reported there are three vacant terms on the Park and Recreation Board. Two terms expire December 31, 2014 and one term expires December 31, 2015. Three applicants have applied: Stephen Dormer, Gerald (Jerry) Herrmann, and Michael Villanti.

*Councilor Martinez moved and Councilor Jaren seconded a motion to appoint Michael Villanti and Stephen Dormer to terms on the Park and Recreation Board that expire December 31, 2014 and Gerald Herrmann to a term that expires December 31, 2015.*

*The motion carried unanimously.*

13. Planning Commission Suggested Gladstone Municipal Code Changes. City Administrator Boyce explained the Planning Commission has started the review as requested. The first report has been submitted to Council. Staff is looking for feedback from Council as to what direction they would like to go.

Mayor Byers suggested changing the current wording to read, "A member who is absent with no excuse from two consecutive meeting will be considered to be in nonconformance."

Kim Sieckmann, Gladstone Planning Commission, speaking for himself stated one of the concerns brought up was if a Commissioner is absent, the following meeting the Planning Commission would hold a hearing to determine if that absence was excused or not.

Councilor Reisner asked who created the rankings that are listed on 13-4. City Administrator Boyce stated City Attorney Martin came up with the rankings.

In regards to 5-16, cable television franchise applications are very complex and analysis for performance is beyond the scope of this review. Councilor Jaren suggested that the Planning Commission contact other cities to see if policy changes are needed.

Rose Johnson, 548 Abernathy Court suggested the Commission go with three strikes and you're out. It sounds like something that should be at the discretion of City Council or the Planning Commission.

14. Approval of the Library Director Employment Contract. Councilor Reisner voiced concern about Section 9, second paragraph, second sentence through the end where if an employee is asked to leave without cause, he is paid six month's severance pay. Citizens don't have the ability to receive such payment. He would like to see that restricted.

Councilor Reisner asked why in Section 5 in the opening, the additional impact would be \$338.50 more than what would be for the first year contract. Answer: City Administrator Boyce explained it was a request from the employee when the contract was being discussed. This has been done with other contracts.

Steve Johnson, 1420 Manor Drive is concerned that neither of these employment contracts specifies that these are full-time positions. He suggest that a paragraph be added to Section 10 of the Library Director's contract and Section 11 of the Police Chief's contract to specify the full-time nature of these positions and that the existing paragraph be modified to read, "Hours of Work; this is a full-time position. City of Gladstone defines full-time employment to be a minimal of 40 hours per week minus paid holidays, accrued vacation, and accrued sick leave. The parties recognize the employee must devote time outside of normal business hours for City business. Employee shall be allowed to work a flexible work week subject to the City Administrator's review and direction so long as the employee does not work less than full-time."

City Administrator Boyce stated he saw no issue with the requested changes. City Attorney Abma stated he will check with City Attorney Martin, however, he does not feel it will be an issue.

City Administrator Boyce asked to table both contracts until staff gets information from the City Attorney and staff researches information from other cities and jurisdictions. This issue will be brought back to the April meeting for approval.

## BUSINESS FROM THE COUNCIL

Councilor Nelson reported last Saturday he attended a luncheon at the Senior Center. It was well attended and it was a great event.

Councilor Reisner reported he attended the Clackamas City Association meeting dinner. A local economist spoke and talked about more manufacturing jobs in the County and that Gladstone isn't dying and isn't growing. It was a great dinner.

The Two Girls Catering restaurant is moving to Portland Avenue. The restaurant will be serving mornings, afternoons and no evenings.

Mayor Byers announced that last Friday he attended a town hall with Congressman Kirk Schrader. Most of the cities and school districts were represented. The common theme is no more mandates. Congressman Schrader is in concurrence with that.

Mayor Byers stated he sat in on the emergency management meetings that started Thursday morning within a couple hours of the bridge event. There were meetings Thursday afternoon, Friday morning and afternoon, Saturday and Sunday morning. He felt the performance of the Fire Department, Police Department and Public Works was especially exemplary. The residents can be pleased that the City did such a fine job.

Mayor Byers adjourned the Council Meeting into Executive Session 1921660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed; Executive Session 192,660(2)f to consider information or records that are exempt by law from public inspection, and Executive Session 192.660(2)(i) to review and evaluate the employment related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. The Council will not be coming back into open session.

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

Approved by the Mayor this 8 day of April, 2014.

Wade Byers  
Mayor

Attest:

[Signature]  
Assistant City Administrator