

## GLADSTONE REGULAR CITY COUNCIL MEETING MINUTES of May 13, 2014

### ROLL CALL

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

**ABSENT:** Councilors Hal Busch and Ray Jaren

### STAFF

Pete Boyce, City Administrator; Mike Funk, Fire Marshall; Irene Green, Library Director, Heather Martin, Legal Counsel; Jeff Jolley, Police Sergeant; Lee Jundt, Police Sergeant; 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. The New History Minstrels sang "God Bless America."

### BUSINESS FROM THE AUDIENCE

Craig Seghers, 1700 Webster Road explained his resignation from the Planning Commission was to allow him more time to spend with his family and starting a new job in land surveying. He will still be involved unofficially in civic affairs as his schedule allows.

Sherry Hall, 6820 Angus Way asked if rules have changed to allow political signs to remain up that are on right-of-ways. City Administrator Boyce stated he will notify Code Enforcement to remove the signs.

Ms. Hall noted that it is up to the Board to allow applause. After reading Resolution 1028, Adopting City Council Rules and the memorandum on the Council Guidebook, there is nothing in either that talks about applause. She submitted copies of Public Testimony Rules. Ms. Hall was disappointed when one of the city officials received an award and applause was not allowed. She worked in the District Attorney's office for 12 years where all cases were referred by police departments. The Police Department is the most visible department in the City. She appreciates seeing a police car in her neighborhood because it makes her feel safe and lets her know she can depend on them if she needs to. "National Night Out Against Crime" is coming up and asked that the City support this event.

Les Poole, recently talked to Scott Tabor about a massive chuck hole that has developed on one of the streets. The next morning he drove by and they were fixing it. He wanted to thank the City for their quick response.

In response to the no applause rule, he feels communication is allowing people to express themselves without abusing that right. Approval of something should be encouraged and he feels the question of applause should be revisited.

Jerry Miller, with Earth Crusaders which was established at the River Resource Museum submitted a handout to the Councilors. On April 26<sup>th</sup> they had their 10<sup>th</sup> annual Clean and Green for Gladstone and there were four target sites; Portland Avenue, McLoughlin Blvd, City Hall and the Library, color planting at Stocker Park, and removed dead cherry trees on Arlington. There were 48 volunteers, 192 personal man hours that were donated. He thanked the City for allowing them to do it.

## CONSENT AGENDA

Item(s) Removed from the agenda:

5. Declare Engine 101 Surplus Equipment and Allow Fire Department to Sell to Highest Bidder
6. Approval of Employment Contract – Jim Pryde Police
7. Approval of Employment Contract – Irene Green Library Director

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

1. *Approval of City Council Retreat March 15, 2014 Minutes, and April 8, 2014 Minutes*
2. *Approval of Liquor License Application for Happyrock Coffee, 465 Portland Avenue*
3. *Approval of Resolution 1035 – Extending Worker's Compensation Coverage to Volunteers the City Elects to Cover*
4. *Approval of Resolution 1036 – Amending Section 1.10.080 of Resolution 902 to Allow An Alternate Process for the Disposition of Surplus Property*
8. *Payment of April Claims*

*Motion carried unanimously.*

5. Declare Engine 101 Surplus Equipment and Allow Fire Department to Sell to Highest Bidder.  
Councilor Martinez asked if the engine being sold will have to be replaced. Fire Chief Monte stated the Council approved replacing the engine about five months ago. It has been ordered and purchased and should be arriving soon.

*Councilor Nelson moved and Councilor Reisner seconded a motion to approve item 5, Declare Engine 101 Surplus Equipment and Allow Fire Department to sell to Highest Bidder.*

*Motion carried unanimously.*

6. Approval of Employment Contract – Jim Pryde, Police.
7. Approval of Employment Contract – Irene Green, Library. Councilor Nelson noted the severance pay package for both Jim Pryde and Irene Green do not match. The Chief gets six month's severance and the Library Director gets three month's severance. They should receive the same. City Administrator Boyce stated the results of these contracts came after his consultation with each employee. Council expressed concern about the severance packages at the March 11<sup>th</sup> meeting and Director Green was more flexible on severance than Chief Pryde; hence the difference.

*Councilor Nelson moved and Councilor Martinez seconded a motion to amend (Page 7-9), Section 9 of Irene Green's employment contract to allow 6 months (instead of 3 months) severance pay and approve items 6 and 7.*

*Roll: Mersereau, Yes, Martinez, Yes; Nelson, Yes; Reisner, No; Mayor Byers, Yes.*

*Motion carried 4-1.*

Elizabeth Taylor stated she is a representative of AFSCME Local 353 and declared opposition to the proposed personnel contracts that are being presented tonight. They oppose the contracts regarding severance, vacation accrual and use of accrued leave. This is about benefits being granted to selected new hire management positions. They are concerned about how the contributions of employees are viewed and valued. They are the front line contact for citizens; they work at the senior center, library, public works, court, accounts payable and billing. They have worked for the city for years and are grateful to the citizens who have provided them an opportunity to earn a living. The language and tone of the new Personnel Handbook is very

offensive to many of them. It appears that the sacrifice of a requested \$.25/hr. cost of living increase (settling for \$.14/hr.) was solely for the purpose of increasing the benefits of management. She asked that Council reconsider the contracts and make them fair and equitable.

Shirley Scrivner, Senior Center employee stated the first page of the employee handbook states these personnel rules apply to all city employees and police reserves but do not apply except as noted to elected officials, trainees and independent contractors. She doesn't believe these management hires fall into that category; they are city employees. In the benefit section (vacation accrual) years worked 1-5 years, 10 days per year; 5-10 years, 15 days; 10-15 years, 17 days; 15-20 years, 20 days. It seems the Council is jumping way over in vacation days. All working hard for the city are not being treated fairly.

Chief Pryde explained when he competed and was offered this job in 2009, he researched the market for police chief and there was a market for government and private sector jobs. He tried to come in at what was fair for the City and what was fair for him and his family. During contract negotiations they were able to come to an agreement and in the five years hence he has never asked for anything in addition; just sustained what the Council had granted him. After the March Council meeting he contacted his peer chiefs in Clackamas County and there are only two chiefs in this county that don't have contracts (Oregon City and Molalla). Other peers are receiving about the same in this county.

Irene Green noted she contacted four other library directors in Clackamas County and all four do have contracts with their city (West Linn, Milwaukie, Oak Lodge, Sandy and Sunnyside). They were all similar to what is included in her contract.

**CORRESPONDENCE** – None.

### **REGULAR AGENDA**

- 8a. Gladstone Cultural Festival. Joe Kaufman stated he has a law office in Gladstone and is a member of the Rotary Club. Last year the Rotary Club sponsored the Gladstone Cultural Festival and will do so this year. A packet is available to Councilors informing them of what is planned for this year. Last year the Festival was a big success; lots of participation and a car show. This year they hope it will be the same or better.

In addition to the Cultural Festival, the Rotary donated \$2,000 in high school scholarships, \$500 to the Gladstone Fire Department for EMT training, and half of the proceeds of the car show were kept by the people who put on the show and the Rotary contributed their half to Northwest Family Services, Gladstone Center for Children and Families, and the Dornbecker Children's Hospital. All of the moneys raised goes back into the community.

Last year the City helped with the electricity, use of Max Patterson Park, police, fire department, and other staff personnel, which were put to good use. This year they are coming to the City to ask for approval of to waive the special events application fee; provide electricity to the vendors at Max Patterson Park; provide staffing to help monitor the parks; keep the bathrooms open at Max Patterson Park while the event is in progress; have Public Works and the Police Department provide, deliver, and take down barriers; allow Public Works to deliver and take down picnic tables; and, have the Police Department participate, as they did last year, with

officers and cadets supervising the parade and the car show. The insurer would like the Club to bump the insurance up to \$5 million (current \$2 million); however, they would like to keep the insurance down and are asking to have the same amount of barriers and more volunteers on both sides of Dartmouth and Exeter.

Kim Sieckmann, 145 W. Dartmouth stated he is on the Festival Board and he explained it was hoped the Council would agree to Rotary supplying \$2 million insurance, use caution tape and barriers to block off the area with several volunteers patrolling and the two cadet's, one at each end of the intersections.

City Attorney Martin suggested authorizing the City Administrator to enter into a contract that clearly spells out the terms that are listed in the memo and the preference for what will be done. Assistant City Administrator Morishita noted the insurance company is recommending \$5 million with caution tape, ropes, etc. or \$2 million with construction fencing.

Fire Chief Monte stated they planned on having an engine and rescue staff outside the station somewhere else in town (park, Meldrum Bar, or side street) so they can be responding already with an engine. If there is a major event they will need to pull their other engines out. They discussed coming out of the station and turning right to Exeter to the west or east.

City Administrator Boyce disclosed he is president of the Rotary Club. He has divorced himself from any of the responsibilities on the Rotary Club side. If Council feels more comfortable with the Assistant City Administrator entering into the agreement, it is acceptable. Council felt the disclosure was adequate.

*Councilor Martinez moved and Councilor Nelson seconded a motion to authorize the City Administrator to enter into a contract for the Cultural Event that contains substantially the same terms in the 5-8-14 memo, drawn up by the City Attorney with the provision of \$2 million insurance for this block with the yellow tape and other provisions outlined in the memo.*

*Motion carried unanimously.*

9. Ordinance 1444 – A New Chapter 15.32 of the Gladstone Municipal Code Regarding Maintenance of Private Fire Hydrants and Usage of Public Fire Hydrants. Mayor Byers asked for the first reading or the Ordinance. Assistant City Administrator Morishita read the Ordinance by title only.

*Councilor Nelson moved and Councilor Martinez seconded a motion to consider the first reading of Ordinance 1447.*

*The motion carried unanimously.*

**Discussion:** None.

*Councilor Martinez moved and Councilor Nelson seconded a motion to adopt Ordinance 1444 – An Ordinance Adopting A New Chapter 15.32 of the Gladstone Municipal Code Regarding Maintenance of Private Fire Hydrants and Usage of Public Fire Hydrants.*

*A roll call was taken with the following results: Councilors Busch, yes; Martinez, yes; Mersereau, yes; Nelson, yes; Reisner, yes; and Mayor Byers, yes.*

*The motion carried unanimously.*

Mayor Byers asked for a second reading of Ordinance 1444. Assistant City Administrator Morishita read the Ordinance by title only for the second time.

*Councilor Nelson moved and Councilor Martinez seconded a motion to adopt Ordinance 1444 – An Ordinance Adopting A New Chapter 15.32 of the Gladstone Municipal Code Regarding Maintenance of Private Fire Hydrants and Usage of Public Fire Hydrants.*

*A roll call was taken with the following results: Councilors Martinez, yes; Mersereau, yes; Nelson, yes; Reisner, yes; and Mayor Byers, yes.*

*The motion carried unanimously and the Ordinance is adopted.*

Pat McMahon, 175 W Berkley explained he talked to Chief Monte and Chief Funk and still has the same issues he previously had. He would not recommend approval of Ordinance 1444. He believes the City should not be doing work that the private sector does. The Fire Department has recognized that they need to adopt the State Fire Code which was something they really wanted to happen. He is glad the fire hydrant was fixed at Tall Oaks.

10. Ordinance 1448 – Amending Chapter 6.08 of the Municipal Code to Allow for Keeping Wild or Dangerous Animals Under Specific Circumstances. Mayor Byers asked for the first reading of the Ordinance. Assistant City Administrator Morishita read the Ordinance by title only.

*Councilor Nelson moved and Councilor Martinez seconded a motion to consider the first reading of Ordinance 1448.*

*The motion carried unanimously.*

**Discussion:** City Counsel Martin reported the state created an exception for wild or dangerous animals. Language under the second page, number three mirrors the same language that was put in the state statute. The City is using the same language to change their amendment.

Councilor Reisner stated he met with Mr. Clark and Sasha. The grounds are well kept and the animal helps him with his PTST. He feels, however, this is creating an opening for liability by the ordinance allowing exotic animals in the City where they shouldn't be.

Mayor Byers stated he feels this amendment should apply to this particular case and it does.

*Councilor Martinez moved and Councilor Nelson seconded a motion to adopt Ordinance 1448 – An Ordinance Amending Chapter 6.08 of the Gladstone Municipal Code to Allow For The Keeping of Wild or Dangerous Animas Under Specific circumstances.*

*A roll call was taken with the following results: Councilors Martinez, yes; Mersereau, yes; Nelson, yes; Reisner, yes; and Mayor Byers, yes.*

*The motion carried unanimously.*

Mayor Byers asked for a second reading of Ordinance 1448. Assistant City Administrator Morishita read the Ordinance by title only for the second time.

Councilor Nelson moved and Councilor Martinez seconded a motion to adopt Ordinance 1448 – An Ordinance Amending Chapter 6.08 of the Gladstone Municipal Code to Allow For The Keeping of Wild or Dangerous Animas Under Specific circumstances.

A roll call was taken with the following results: Councilors Martinez, yes; Mersereau, yes; Nelson, yes; Reisner, No; and Mayor Byers, yes.

The motion failed 4-1.

11. Ordinance 1449 – Removal from Planning Commission For Absences From Planning Commission Meetings. Mayor Byers asked for the first reading or the Ordinance. Assistant City Administrator Morishita read the Ordinance by title only.

Councilor Nelson moved and Councilor Reisner seconded a motion to consider the first reading of Ordinance 1449.

The motion carried unanimously.

**Discussion:** None.

Councilor Nelson moved and Councilor Reisner seconded a motion to adopt Ordinance 1449 – An Ordinance Amending Chapter 2.28.040 Of The Gladstone Municipal Code Regarding Removal From The Planning Commission For Absences From Planning Commission Meetings.

A roll call was taken with the following results: Councilors Martinez, yes; Mersereau, yes; Nelson, yes; Reisner, yes; and Mayor Byers, yes.

The motion carried unanimously.

Mayor Byers asked for a second reading of Ordinance 1449. Assistant City Administrator Morishita read the Ordinance by title only for the second time.

Councilor Nelson moved and Councilor Reisner seconded a motion to adopt Ordinance 1449 – An Ordinance Amending Chapter 2.28.040 Of The Gladstone Municipal Code Regarding Removal From The Planning Commission For Absences From Planning Commission Meetings.

A roll call was taken with the following results: Councilors Martinez, yes; Mersereau, yes; Nelson, yes; Reisner, Yes; and Mayor Byers, yes.

The motion carried unanimously and the Ordinance is adopted.

12. Ordinance 1450 – Amending Chapter 17.90 of the GMC to Establish a Planning Pre-Application Conference Fee. City Counsel Martin asked that this issue be removed from the agenda. This Ordinance must first go before the Planning Commission and they will make a recommendation to Council.

13. Update Regarding the Library Advisory Committee. City Administrator Boyce noted he has asked for a worksession on the fourth Tuesday of May to discuss the library issues. An adjourned meeting will be held first which will deal with the Ordinance that was not unanimously passed tonight.

The Committee met several times and they did a lot of work and asked a lot of good questions. He asked the Committee to consider three main questions: (1) Should Gladstone and Oak

Lodge Libraries be consolidated (majority voted yes); (2) Location of library (majority on Portland Avenue); (3) Four financial scenarios for Budget plus 13,000 sqft or 16,000 sqft: (a) people who were vocal about trying to limit the amount of city cash in the project that could be used for another project elsewhere in the city; (b) The budget numbers for the smaller square footage means about \$121,000 of cash that could go to other projects invested in this.

The Committee did their work and did a good job. There were respectful conversations at the meetings and a lot of good ideas brought forth. It will take time to go through all the scenarios. The worksession will give the Council the opportunity to review and discuss the information. In June the County has asked that Council take some sort of formal action that would lead to a ballot measure in November. By August Council needs to have the ballot title together and the information for the voters into the County Elections Office.

A special revenue fund was set up for the library; the intent is to operate it on library district funds which would eliminate the general fund contribution the City has upon consolidation.

### **BUSINESS FROM THE COUNCIL**

Councilor Mersereau thanked City Administrator Boyce for updating the City Administrators Project List.

Councilor Nelson reported the Police Department received their State Accreditation. The evidence section was deemed outstanding.

Councilor Nelson announced the annual bike rodeo is coming up Saturday May 17<sup>th</sup> at the Children's Center.

Councilor Nelson announced on May 17<sup>th</sup> the High Rocks Restaurant is hosting a benefit for the Family Stepping Stone Relief Nursery. There will be a rib dinner from 5-7 p.m. Chief Pryde and his band will be entertaining.

Councilor Nelson reported that Candy Lane School is starting a school-yard farm to teach kids how to raise vegetables, etc.

Mayor Byers observed that the benefits that High Rocks presents are fantastic and invited citizens to come out and enjoy.

Councilor Reisner thanked City Administrator Boyce for the email sent out on future meetings.

Councilor Reisner reported he attended the Clackamas Cities Association last month. Oregon City hosted and attendees took a jet-boat ride to the bottom of the falls. Seeing it from a different view was nice. A presentation was given by a consultant at the museum and the City was thanked for the support.

Councilor Reisner reported Traffic Safety met last month. There was a discussion of putting barriers down at the parking lot above the ramp to keep people from turning left into Wetten.

Councilor Reisner reported the Parks Board met and discussed moving the dog park to Meldrum Bar. They may put up signs soliciting suggestions as to a location for the dog park.

Councilor Nelson reported the Traffic Safety Committee wants the Police Department to monitor traffic speeds on Gloucester and Arlington. He finished monitoring about 60 hours of speeds on Gloucester which will be plugged into the computer and later begin monitoring on Arlington.

Mayor Byers reported that Connie Williams passed away this month and her service was yesterday. She was elected to City Council in 1975 and served four years. She continued to serve by helping form the Historical Society, the Chautauqua Festival, helped get the Senior Center built and spearheaded the first play structure at Patterson Park. She was an important thread in the fabric of Gladstone.

Mayor Byers announced that on May 21<sup>st</sup> the Clackamas County Historical Society is hosting a meeting on the Canby Ferry at 7:00 p.m. at the museum up above the falls. The Canby ferry is about 100 year old and one of first transportation links in this county.

Mayor Byers acknowledged the Senior Center for doing a super job recognizing holidays. He and Councilor Mersereau helped serve lunch for Mother's Day. People really appreciate it.

Mayor Byers read a City of Gladstone Older American's Month 2014 Proclamation to the audience.

Councilor Reisner announced ODOT is having an open house at Kraxberger Thursday, May 15<sup>th</sup> at 5:00 p.m. regarding the Strawberry Lane overpass.

Mayor Byers announced there will be a Lake Oswego meeting of the Senior Center on May 29<sup>th</sup> 7:00 p.m. There will be a meet and greet with the contractor for the pipeline.

Mayor Byers adjourned the Council Meeting into (1) Executive Session 192.660(2)(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent who does not request an open hearing, (2) Executive Session 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (3) Executive Session 192.660(2)(f) to consider information or records that are exempt by law from public inspection. 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 10 day of June, 2014.

Wade Byers  
Mayor

Attest:  
[Signature]  
Assistant City Administrator