

GLADSTONE REGULAR CITY COUNCIL MEETING MINUTES of June 24, 2014

ROLL CALL

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

ABSENT: Kari Martinez

STAFF

Pete Boyce, City Administrator; Rhonda Bremmeyer, Senior Center Director; Shane Abma, City Counsel; Irene Green, Library Director, 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:

Alison Zumwalt, 142 E. Dartmouth Street reported with the recent storms she has had a lot of water problems. For the third time in a year and a half they have had to call out Roto-Rooter and they say the problem is not ours on our property line; it is the City's main water line. Roto-Rooter will send pictures to confirm that there are roots all through the line, and a broken pipe. Every time it rains heavy it floods her front yard and house. She asked the Council what they can do to alleviate her situation. Mayor Byers referred her to the City Administrator and Public Works. City Administrator Boyce will have Public Works give her a call. If she has a claim to pay for previous work done she was asked to submit that information to the Assistant City Administrator.

CONSENT AGENDA

Item(s) Removed from the agenda: None

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

- 1. Approval of Temporary Use of an Annual Liquor License – Vogies Bar, 464 Portland Avenue*
- 2. Authorization for 0.5% Cost of Living Increase (COLA) for Non-represented employees as of July 1, 2014.*

Motion carried unanimously.

CORRESPONDENCE: None

REGULAR AGENDA:

3. Lake Oswego/Tigard Water Line – Request for a Temporary Construction Easement in Meldrum Bar Park. City Administrator Boyce reported the City received an additional request for a temporary construction easement from the Lake Oswego/Tigard water line representatives. A copy of the temporary construction easement is included in Council's packet. The easement expires on December 31, 2014 with consideration for such is \$14,877. He introduced Joel Clamarick who is here tonight to help answer questions.

Questions from Council:

Question: Is it possible that these funds could be transferred to the park fund. Answer: City Administrator Boyce stated the monies from the easements in Meldrum Bar Park are going to the general fund where the park draws from. They do not specifically earmark the revenue at this time for that purpose; however City Council could take that action.

Question: Where is Parcel E? Answer: Joel Komerek, Project Director, Lake Oswego/Tigard Water Partnership, explained there is an area that the contractor has fenced off labeled Parcel B. Parcel E would connect and be contiguous with that and then extend further east about 200 feet and west of the bluff 100 feet. They are outside of the drip-lines of the trees to avoid any damage to the trees.

Question: In exhibit B is the line on the upper corner the drip-line? Answer: Mr. Komerek stated any fencing that is put up will avoid the drip-line.

Question: What is the requirement regarding the land after the construction project is completed? Answer: Public Works Director, Scott Tabor stated the area is currently used for overflow parking for boats. The applicants will be grading that and will leave a rock base. There will be parking without mud. The applicants are also going to put up a pole at the corner with a light so in the future after they leave there will be a pole with a light and an electrical source. They are willing to do whatever the City asks them to do.

Question: The construction is in the middle of the area of the proposed dog park. Answer: Public Works Director Scott Tabor stated yes it is in the area of the proposed dog park; however, once they are done with construction and this site is selected the applicants would be more than happy to level off that area and re-seed it.

Question: Is the extension to 2015 the original plan? Answer: Mr. Komereck noted the other easements that Gladstone granted the partnership extended through March 31, 2016; so actually this one is shorter by three months.

With the Rinearson Natural Area project approved, there will be a lot of activity down at the park in 2015.

Question: Are there any other anticipated easements or amendments coming? Answer: Mr. Komereck said no, they are done.

*Councilor Nelson moved and Councilor Busch seconded a motion to approve the request for a temporary construction easement as presented.
Motion passed unanimously.*

4. New Library Discussion. City Administrator Boyle reported after June 10th Council meeting he made changes to the ballot title and explanatory statements. There are still things that need to be discussed and adjusted. He suggests the following changes:
Explanatory statement changes include:

- Page 4-3, 1st paragraph, 2nd sentence change "...will be located on Portland Avenue" to "...will be located in the Portland Avenue area."
- Page 4-3, 1st paragraph 2nd sentence change "...will be between 13,000-16,000 sqft" to "...will be approximately 13,000 to 16,000 sqft."
- Page 4-3, 3rd paragraph insert the number of committee members. Originally 37 were appointed. Change "...how many people ____" to "...how many people 37."

Resolution Changes include:

- Under the summary on Page 4-6, second paragraph, second to last line change: "...on Portland Avenue."

Clackamas County is expecting some formal action by City Council to let the Board of County Commissioners know that they intend to place a project on the ballot in November. He would like to have the changes made by the first Council meeting in July.

Council Discussion: Discussion followed on whether the library location should be on Portland Avenue or located in the Portland Avenue area. City Counsel Abma suggested changes to cut down the wording to allow "...in the Portland Avenue area" as suggested by the City Administrator:

Summary changes:

- 1st sentence change, "It authorizes the Gladstone City Council to incur debt through the issuance of..." to "It authorizes the Gladstone City Council to incur debt by issuing..."
- 1st sentence at the bottom change, "It would be constructed in the Portland Avenue area."

Councilor Nelson moved and Councilor Busch seconded a motion that the City Council intends to place a ballot measure on the November election for the construction of a library in a format substantially similar to the draft resolution.

Public Comment: Ed Gronke, 4912 SE Rinearson Road, stated he lives in the Jennings Lodge area and was on the library advisory committee. He noted the library advisory committee was only given a limited number of location choices. They were asked to say which one they preferred not to pick a random location.

Nancy Eichsteadt, 665 Barbary Place, read a statement about her concerns of the newest plans for the Gladstone library. There is no one in Gladstone that doubts the City needs a new library, not many know how to accomplish this. The current plan to site the library on Portland Avenue is inherently flawed. The attempts to move forward by City staff have no research and quite a lot of noise from a vocal group of individuals who do not have the wants and needs of a larger population of Gladstone in mind. There is much more to Gladstone than Portland Avenue. She feels the library project was voted down at the last election because of lack of information provided to residents. Citizens only understood that the taxes are already too high and the library would increase them. \$60,000 was spent by Save Gladstone on their anti-library campaign. She asked if the City had considered a survey to find out how citizen feel about Portland Avenue or where the library should be located. If not, why not; a survey is not expensive. By tying the location to an undisclosed location on Portland Avenue there are several errors. The proposal abandons the design by THA and the substantial efforts of the original library design committee appointed which included Oak Grove citizens. Is it reasonable

to throw way \$1.2 million and all the citizen hours? The original plan can be modified incrementally to reduce the cost by 10% without a costly design change. There is no available plot of land large enough on Portland Avenue for the building or the parking. The plans also abandon the Webster Road property after the City twice designated it for a library. The Webster property is already owned by the City and is available now. Webster Road Nature Park is a beautiful setting and an important asset to the City.

Purchasing another location when there is a suitable one doesn't make sense. The property is available and paid for which is not the case for Portland Avenue. It has been suggested that the property be sold and used to help finance the library. The new library committee was asked to disregard the Webster Road property as a library site in their process. She asked Council to think about the needs of the entire City of Gladstone before they make the decision.

Chuck Gustafson, 6635 Buckingham Drive, stated he is concerned about Portland Avenue. If this is put on the ballot and there is no location and approved, how long can it stay approved without suitable property to build it. He asked if there was any effort by the City so far in acquiring property. City Administrator Boyce said not yet.

Mr. Gustafson stated he has been in favor all along of the larger sized library. If this is shoe-horned in on Portland Avenue, the City is not going to be able to expand it. He likes the idea of using the words "Portland Avenue area." If you don't have the land how can you put this project on the ballot measure?

City Counsel Abma stated if the ballot measure is approved, it authorizes the City to go forward whether there is funding. It will be a Council decision each fiscal year. There are some restrictions on what Clackamas County is going to do and how long they are willing to go. There will be more of a funding problem than an authorization problem. Mayor Byers stated if the project is approved, it doesn't necessarily have a sunset date.

Mr. Gustafson stated the library regardless of where it is built will be a very good asset for the City of Gladstone.

Drucilla Weiland, 7550 Ridgewood Drive, stated that it doesn't seem like the library is very important to the Council. How many people need to have their houses condemned? It doesn't make sense to her to build a library by condemning the people who want to use their houses. The library is used for a myriad of things; much more than coming and getting a book. Kids need the library; the whole town needs a library. She doesn't understand why the City cannot use Webster Road. Mayor Byers stated the members of City Council are very avid about building a library. They have listened to the committee and the committee developed a recommendation. The Council is proceeding with that recommendation. Everyone may not get all they want, but there will be a new library. The Council is not setting out to condemn any property.

Motion as stated above carried unanimously.

5. Public Hearing FY2014-15 Budget and Tax Rate. City Attorney Abma reported stated this is not a hearing; comments can be accepted and a time limit set. Mayor Byers opened the public hearing at 8:13 p.m.

Public Comments: None

Seeing no testimony Mayor Byers closed the public hearing at 8:15 p.m.

6. Resolution 1039 – A Resolution Adopting Budget and Setting Tax Rate for FY 2014-15. Mayor Byers asked for a motion.

Councilor Nelson moved and Councilor Busch seconded a motion to adopt Resolution 1039 – A Resolution Adopting Budget and Setting Tax Rate for FY 2014-15.

Discussion: Councilor Reisner raised concern about adding staff at the library versus here at City Hall. The auditor has brought concerns about checks and finances. The last three years, it has been a monetary issue and there have not been funds to hire someone to help out with getting things taken care of. Councilor Mersereau reported he looked at Olympia's website and there are several policies on dealing with cash and/or funds in an appropriate manner. He agrees there should be more discussion on other ways to handle cash finances. City Administrator Boyce stated that Jeff Anderson is retiring and plan on the replacement having the skills where they can close the books eliminating the need of a separate auditing firm doing that. There is an immediate plan to add staff.

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

The motion carried 4-1 and was adopted.

Mayor Byers recessed the City Council meeting at 8:30 p.m. to hold an Urban Renewal Agency Meeting and reconvened the City Council meeting at 8:35 p.m.

7. Resolution 1040 – Elect to Receive State Revenue Sharing Funds. Mayor Byers asked for a motion.

Councilor Busch moved and Councilor Reisner seconded a motion to adopt Resolution 1040 – A Resolution Declaring The City's Election to Receive State Revenues.

Discussion: None.

Motion carried unanimously.

8. Resolution 1041 – Certifying Provision of Four or More Services for State Shared Revenues. Mayor Byers asked for a motion.

Councilor Nelson moved and Councilor Busch seconded a motion to adopt Resolution 1041 – Certifying Provision of Four or More Services for State Shared Revenues.

Discussion: None.

Motion carried unanimously.

9. Resolution 1042 – Closing 911 Excise Tax and Library Capital Fund. Mayor Byers asked for a motion.

Councilor Nelson moved and Councilor Busch seconded a motion to adopt Resolution 1042 – A Resolution Closing the 911 Excise Tax Fund and the Library Capital Fund.

Discussion: None.

Motion carried unanimously.

10. Fire Department – Proposed Amendment to Gladstone Municipal Code 2.32.010 Membership Requirements. Fire Chief Monte submitted a letter to Council giving the reasons for this amendment.

Council Questions: Why was the sentence “In addition all members must meet any additional requirements specified in Fire Department Bylaws” on Page 10-2, last part of the paragraph in (1) struck. Answer: Chief Monte explained that this refers to their department bylaws. When the department was originally formed they created their own bylaws. The bylaws are no longer valid. The department is now run by rules and regulations.

Question: Paragraph 4, last sentence regarding reimbursement for call-outs (city employees). Is this in conflict with State Law? Chief Monte said he didn't think so. Back in 2011 when they went to on-call paid employees the same question came up. What it came down to was they are under the minimum hours for a fire fighter; and, Chief Monte stated they are hanging their hat on the fact that they are exempt employees. Chief Monte reported that three years ago he and City Counsel Heather Martin agreed it was not a conflict.

City Administrator Boyce stated that the Code was written a while ago with the frame of mind that they were members of the department, not on call employees. We will need to look at the fire department codes in general and tweak some of the language to accurately reference employees since we no longer have volunteers. This has not been a priority, but will happen in the future.

The question was asked twice more if reimbursement was a conflict for state laws. Answer reiterated each time was no. City Administrator Boyce stated staff will draft an Ordinance and place it on the July agenda for review and adoption.

Chief Monte announced that on Saturday, June 28th they will be having an Open House to officially bring in the new engine and put it into service. He invited all to attend.

11. Resolution 1043 -- End of FY 2013-14 Line Item Transfers. Mayor Byers asked for a motion.

Councilor Nelson moved and Councilor Busch seconded a motion to adopt Resolution 1043 -- A Resolution Making Transfers In The City of Gladstone Budget For Fiscal Year 2013-14.

Discussion: None.

Motion carried unanimously.

12. Requesting Authorization to Purchase Automatic Defibulator (Life Pac 15) -- Fire Department. Mayor Byers asked for a motion.

Councilor Nelson moved and Councilor Reisner seconded a motion to authorize purchase of an Automatic Defibulator (Life Pac 15).

Discussion: None.

Motion carried unanimously.

BUSINESS FROM THE COUNCIL

Mayor Byers announced there is volunteer event at the Senior Center on Wednesday, July 2, 2014 at 11:30 a.m. The staff will do a patriotic skit.

Mayor Byers adjourned the Council Meeting at 8:40 p.m.

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

Approved by the Mayor this 12 day of August, 2014.

Wade Byers
Mayor

Attest:

[Signature]
Assistant City Administrator