GLADSTONE REGULAR CITY COUNCIL MEETING MINUTES of October 14, 2014

Meeting was called to order. No time stamp provided.

ROLL CALL:
The following city officials answered roll call: Councilor Nelson, Councilor Mersereau, Councilor Sieckmann, Councilor Busch, Councilor Reisner, and Mayor Byers

Councilor Martinez arrived at 7:40.

ABSENT:

Councilor Martinez did not answer roll call – she arrived late.

STAFF:
Shane Abma, City Attorney; Jolene Morishita, Assistant City Administrator; Pete Boyce, City Administrator; Stan Monte, Fire Chief; Scott Tabor, Public Works Supervisor; Jim Pryde, Police Chief; Rhonda Bremmeyer, Senior Center Director; Wayne Lawrence, Police Sgt.; Maria Aikin, Executive Assistant

BUSINESS FROM THE AUDIENCE:

Sherry Hall, of Gladstone, commented on a letter to the editor that appeared in the Clackamas Review on Wednesday, September 17, 2014. The letter, signed by Councilor Neal Reisner, was headlined "Not Worth the Paper It Is Printed On," referring to the Gladstone Police Department Accreditation. She asked if Councilor Reisner had viewed the website on accreditation. He said that he had. She went on to read the definition of the accreditation as it applies to the article.

Ms. Hall commented that accreditation is an achievement for any agency, and is a direct reflection of our own Chief Pryde with his ability to get things done and move the department forward. She added that the accreditation process insures that the department is in sync with "best practices," officers are required to review policies, and required to review any updates to policies. That means that they are staying at the top of the "best practices of law enforcement," which she says cannot be said as a wrong thing.

She asserted that some of the points in the letter were wrong, and that none of them reflect on Chief Pryde's management style. She also pointed out that no department head can control all actions of their staff at all times. She said that Chief Pryde sets a very high standard and a good example for others to follow, though some choose not to do so. She said that she thought it to be a sad thing that a Councilor would tear down a department head, and to do so in the form of a letter to the editor. She asked if it would be more professional to meet with the other Councilors and Mayor to discuss what he perceived to be a problem. Such a meeting would bring about new information so that everyone could work together to put their stamp of approval on the department or come up with ideas for improvement. She asserted that communications is key to the smooth operation of any organization; it should be done in an ongoing basis, and not in a letter to the editor. She pointed out that the letter was not a way to build unity in the city, and that

she was very offended by it. She stated that Chief Pryde is very respected by the people in the community, and by other law enforcement officials in the county and the State of Oregon, and he deserves the respect of the City and its governing body. She wanted to know why Councilor Reisner carried out his position as a Gladstone City Councilor in the letter and by signing it with his name and title.

Councilor Reisner responded that the department had not passed all of the 102 accreditation requirements. He asked if she had spoken with Mr. Boyd. She said no, then argued that the department had received the accreditation, and pressed to know why he had taken the matter to the editor of the paper and to the whole county instead of within the City. He said that he had talked with some in the city, but not as a whole body. He felt that the items that he listed out were true, and that she was the first to say that some of them were not true. He wanted to know which of the points she felt were not true. She refused to discuss the points of the letter and pointed out that her concern was that he handled it in a letter to the editor instead of taking the matter to the city governing body and coming up with some solutions in that manner. She wanted to know what was accomplished by the letter to the editor. Councilor Reisner stated that the citizens of the county now know that we do have some issues within the police department. Ms. Hall stated that she did not think so; he asserted that he thinks they do. She asked him as someone who was elected to make positive governing in the city, if he chooses to do it that way instead of within the government. He responded that he apparently did, since he had done it that way. He said that he appreciated her answering his questions and letting them know how she feels.

Les Poole, of Gladstone, wanted to thank everyone that had stepped up to run for office and put their name up for the election. He noted that it was a big step for someone to step up and put their name on the line when it is so challenging when we are not fiscally where we want to be in the region, and certainly in Gladstone. As someone who was on the Library Citizens' Committee, in spite of how the first part went, he supports what they are trying to do now. It is a much more involved process, and he thinks the current ballot measure addresses some of the issues about Oak Grove giving up their library. It was a real contentious issue, but he thinks we now have a way to make it work. He wanted to thank everybody for hanging in there, because he had been in situations where it had gotten so bad that people would not acknowledge their neighbors on the street – we never need to go there in Gladstone. He encouraged everyone to get out and vote and wished everyone good luck for stepping up and putting their names on the line.

Councilor Nelson spoke up and said that he supported what Sherry Hall had said 100%; he was also offended by what was in the paper, by what was said a couple of days later. He thinks there was a better way to have gone about it. He thought it was a slap in the face to the police department and to the City, and he did not think it was fair. He thinks that if the Councilors want to address something, go directly to the department heads, and leave it out of the papers – it is not the right place for it to be.

Councilor Martinez said that in her opinion, that they have a wonderful police department, very educated, and that we should be very proud of them.

CONSENT AGENDA:
Consent Agenda items:

1. Approval of September 9, 2014 Minutes
2. Approval of Increase of System Development Charge (SDC) Fees
3. Payment of September 2014 Claims

Mayor Byers solicited for a motion on the Consent Agenda. Councilor Martinez made a motion to approve the items. Councilor Mersereau seconded. Motion was passed unanimously.

CORRESPONDENCE:
None

REGULAR AGENDA:

4. Briefing – Feasibility Study to Consolidate Clackamas County Communications, Lake Oswego Communications, and Washington County Communications:

   Jim Pryde, Police Chief, introduced Bob Cozzie, Director of CCOM, public safety dispatch for fire, police, and EMS. Director Cozzie wanted to bring the Council up to speed on a study that had been done a couple of years ago and referred the Councilors to the study that was included in their packets. He introduced then played a 7 minute video that the County put together illustrating the components of the study and summarizing the results.

   He explained that the purpose for making his presentation was not to persuade, it was just to explain what the results of the study really were. They had received grant funding a couple of years ago and had contracted with a company called GeoCom Consulting to do the work. Their recommendation was the full consolidation of CCOM (Clackamas County 911) and Lake Oswego 911. Currently CCOM dispatches a majority of the county. LOCOM (Lake Oswego 911) dispatches Lake Oswego Police, West Linn Police, and Milwaukie Police under an agreement that they have had in place for quite a while. At one time Gladstone had its own dispatch center, but that was consolidated with CCOM more than nine years ago. Washington County has its own dispatch center that dispatches the entire county. The governance of each is structured very differently. CCOM is a county department. Director Cozzie reports to a member board, of which Chief Pryde is a member, or user agency. Lake Oswego Dispatch is a city department. WCCCA (Washington County Consolidated Communications Agency) is an ORS 190 organization. So the governance structures are drastically different.

   His intent was in presenting the results of the study, but recognizing all of the hurdles that we face if we move forward with the consolidation. One of the hurdles that he sees is in agreeing on a governance structure. I said that he liked his own agency, CCOM, and the way it is run. It has a governing board made up of police and fire chiefs, 15 user agencies – each of which has an equal vote at the table. In a different structure, it would not look like that. For instance, in WCCCA case, they have ORS 190, they have political leaders that are on their board of directors that run from a more representative perspective. Some

of the user agencies have a vote, and some don't, according to their pay structures. Lake Oswego is a city agency, reporting to the city council and through the police department directly. There would need to be a lot of work should that decision be made.

Though they completed the study a couple of years ago, he is presenting it now because one of the member board representatives suggested that they put a video together to explain the results, and it took a long time to complete because there are a lot of political wheels in process. Washington County 911 wanted to hold back a little bit so that they could time the release of the study. Director Cozzie has already made this presentation to his member board, discussed it with individual member agencies, but this is his first city council presentation. He will also be making the same presentation to the Board of County Commissioners. The County Commissioners are aware that the project existed, and they have seen what the results are, but they haven't seen the final product yet.

Councilor Nelson stated that this is a good time to look at putting this package together because of upgrading equipment. Rather than upgrading at three different locations, you can upgrade all at one time. It is going to be expensive, but at least you will have the state of the art and everyone will be using the same equipment. Director Cozzie concurred that it was a good point. We have three fairly old 911 centers; CCOM is over 25 years old. The technology that we have is as state-of-the-art as their equipment can be. We have a number of partnerships with Lake Oswego and Washington County 911 to include sharing the radio system. You are familiar with C800 and the C800 radio system used in Clackamas County. Well, they are in partnership with WCCCA in who runs the radio system in Washington County. For all intents and purposes, the radio system covers all of Washington County and Clackamas County with one zone controller, which is the brains of the radio system. The video mentioned the CAD system, which is the Computer Aided Dispatch. We have had for some time now, a partnership with Washington County 911, in that they bought into our CAD system, and are using the same system that we have. With that partnership, we have been able to expand it, because we are in the process of replacing our CAD system with a later version CAD system; Lake Oswego decided that they wanted to be part of it also. That brings the relationship between the three agencies deeper because we are all on the same CAD system. What that means is that Clackamas, County, Lake Oswego, and Washington County are all familiar with the same computer dispatch system. That means that in an emergency situation, which they have practiced in evacuation exercises, a dispatch worker who works in Washington County, but cannot get to work in Washington County, they can come to the CCOM in Clackamas County and use our computer system. They are already on the same radio systems, so it is not that difficult for them to get a crash course on policies in using the same computer systems that we have. That is probably the toughest job for any dispatcher – is learning the CAD system of another 911 dispatch center.

Councilor Nelson wanted to know what would happen if someone who is now working in Clackamas County, they are familiar with Clackamas County, and all of a sudden they are getting a call from Washington County, all of a sudden they are dealing with a different animal now, there is a need for familiarization. Director Cozzie stated that that is some of the hurdles if we decide to move forward with consolidation – what levels of

training would we require? Would we have a dispatcher certified in Clackamas County – they learn that, then they learn Washington County or vice versa. There are lots of different training models out there; some include training in only one discipline, like a call taker, where you are learning only a portion of the job. When you get good at it, you get proficient, then you learn the next portion, such as fire dispatcher, law dispatcher, what have you.

Director Cozzie stated that those are a lot of the unanswered questions. He said that one of his concerns is that he has a good job – the video said that the consolidation would mean about $2.5M savings. That does not mean a savings for CCOM, that is $2.5M for CCOM, LOCOM, and WCCCA all combined. So that means in CCOM there is a savings of $600K-$700k per year. If you look at the disruption in the governance structures, and the fact that user agencies have an individual vote in Clackamas County, and it would not necessarily be that way in a consolidated center we haven't developed governance for it yet. That could be problematic because that takes some of the local control away, and even though CCOM is a consolidated center with 15 agencies, there is still that sense that it is a small enough center to be fairly nimble – we are able to make changes very quickly when we need to make changes. When you have a very, very large mega center, and that would be larger than Portland's 911 center, making changes or having a voice at the table can be problematic. That is a big concern.

On the other side of that same coin, it is an incredible opportunity. We could be saving a little bit of money, relatively, and without a consolidation, all three agencies are needing to upgrade their facilities at sometime in the near future – probably within ten years.

Councilor Mersereau asked about the space requirement of 33,000 square feet in the proposal, but it mentions that it did not include the radio equipment, and he was curious about how much that is. Director Cozzie stated that the brains of the radio system that he had mentioned earlier are at the Washington County 911 Center. The concept that GeoCom presented was in leaving the radio equipment at WCCCA, keeping that facility in place as a backup center for the region, as well as keeping the radio center there. The new center would not house the radio center; it would only have the dispatch facility.

Councilor Mersereau asked if there was any estimated size for that (the radio equipment). Director Cozzie said that he did not know what the dimensions are at the facility right now, but basically they would just be leaving everything there.

Councilor Mersereau asked if the cost of the radios was included in the $27M in the proposal. Director Cozzie said that it is not. He stated that he does not want to confuse the matter. This would only include the dispatch facility. At this time, radio equipment replacement, or expansion of the system, is an entirely different project altogether. Councilor Mersereau clarified that the radio expenses were over and above that which was in the study. Director Cozzie stated that all three agencies are already working in those efforts.

Councilor Sieckmann recalled that one of the things the Director had mentioned was in not being able to get to the 911 center; with this type of system was built on the other side of the river and the radio rooms were in Lake Oswego, in the event of the big one hitting and we lose the bridges, how are you going to staff it? Director Cozzie explained that what he was referring to was that we have three agencies now, all of us being on the same radio system and same CAD system we can go to the other agency within the region. If we have one center and it is on one side of the river or the other, we are up a creek at that point unless we are able to establish partnerships with the other 911 centers. There is one in Portland. The problem with that is they are on a different CAD system and on a different radio system. It is the same type of technology, but a dispatcher could respond to that agency and have a steeper learning curve to get up to speed in an emergency. Case in point: one of our sister agencies in Southern Oregon, one of their dispatchers was killed in a traffic accident and most of their staff wanted to attend the services, we sent some dispatchers down there; our dispatchers are not familiar with their geography, not familiar with their radio system; we happen to have the same CAD system. We were able to assist them in some key function areas, so their staff could attend the funeral. Other agencies attended also that were not familiar at all with their CAD system they gave them about a four hour academy crash course, got them up to speed on what they need to do – they knew how to do the job, and they also warned the first responders that it would not be as efficient as they were used to, but it worked.

In that case, a dispatcher here, for example, living here in Gladstone isn't able to get across the river to this consolidated center, if it is over in Washington County. If that were the case, then they could report to Portland 91, or to Clark County 911, there is a 911 center in Salem – there is a lot of opportunity to assist where needed if it is truly that bad.

Councilor Sieckmann asked about the organization charts that they discussed in the video and also in the Councilor packets. It looked like CCOM would have a seat, WCCCA would have a seat, and the city of Lake Oswego would have a seat. Where would Gladstone sit in these organization charts? Director Cozzie stated that that is a part of the governance development – determining how the governance is going to be structured. His concept in that (GeoCom study) is in having a Washington County and Clackamas County perspective, and Lake Oswego would be rolled up into the Clackamas County perspective, although they do have some citizens in the city of Portland as well as in Washington County. At any rate, that would be his preference if he had any influence or it.

The reason that Lake Oswego was left in there was that they are an existing center now. There is not a lot of political will at this point for Lake Oswego to jump on board. They are open to the opportunity, but they are able to fund their center. They do not have a strong desire to be a part of a larger consolidated center, but they were willing to be a part of this study.

Councilor Sieckmann asked about the $2.5M savings a year; on a 20 year bond, that would be $50M and the building is going to be 27, so it looks like you can set it up so

that it would pay for itself. On paper, because of the expenses are about $2.5M less than what is currently being paid by the user agencies for all three agencies. That is where they came up with the $2.5M.

Mayor Byers said that because of these agencies – one is the Department of Clackamas County and the other is the Department of the City of Lake Oswego, does the study take into account that they are not going to have access to some of the systems in those counties like personnel and those kinds of things? Director Cozzie replied that they would and that the 150 or so employees included HR; Washington County 911 already has that because they are an ORS 190, they are not a part of the County. So, yeah, it is looking at it as a stand-alone organization without reliance – we rely on the County for a lot of our services.

Councilor Sieckmann asked City Attorney Abma that if something like this was to go forward, due to our ballot measures, would this building be considered part of Gladstone, and would it require a vote of the people to approve it? City Attorney Abma said that he would need to research that a little more, because it was in uncharted territory, considering that it is in your ballot measure. It is fairly new, so he did not want to say something off-the-cuff. He said he did not think it would apply, but he did not want to find out after research that it might be. Councilor Sieckmann said that he was not looking for a definite answer tonight, but it was something that he had thought about.

5. Update – Lake Oswego/Tigard Water (LOTW) Waterline Project/Intake Facility:

Joel Komarek, Project Director for the Partnership, thanked the Council and Mayor, then explained that they were in a partnership with the City of Tigard, and would also argue that they are in partnership with the City of West Linn, and potentially with the City of Gladstone in this project which will create opportunities for redundancies of supply sources throughout the region. He referred the Council to the brief summary that was in their packet that explained the status of their project to date.

He explained that the construction of their intake at the end of Portland Avenue and West Clackamas Boulevard is going along very well. We anticipate starting up that facility and commissioning that facility in January of next year. In the summer of the coming year, after the other intake is commissioned and in use, they will be demolishing the old intake that is just down river from the new facility – hopefully one that will present a better facade that what you have been viewing for a few years now. Regarding pipeline activities, we have quite a bit of activities going on. We started construction of our open-cut pipe line at Portland Avenue and West Clackamas Boulevard. We headed west along West Clackamas to Bellevue, now we are headed northward on Bellevue and we just crossed Dartmouth on our way to Exeter. Once we hit Exeter Street, we turn westward again and go to the dead end where we plan to construct about a 600 foot-long tunnel under several private businesses and Highway 99 and River Road. The termination point for that tunnel will be at Jensen Road, just on the west side of River Road. From there, we will proceed again with open-cut pipe line construction down Jensen Road and will proceed through Meldrum Bar Park to the Bar itself – near the boat ramp. The large

equipment that has been in that vicinity for a while is related to our directional drill under the Willamette River. The drill was completed successfully with no claims, no frack-outs, and no releases of drilling fluids into the river or anywhere else. That is quite an accomplishment to drill a 54 inch hole from Meldrum Bar to Mary S Young Park. That hole has been in that state now for about two weeks. Presently, the contractor that is doing the open-cut work in your city will be supplying the pipe that will be pulled through that hole. That pipe is now being assembled under the St. Johns Bridge by a marine contractor starting tomorrow. That pipe, in 240 foot-long segments, sixteen segments total, will be barged upriver from St. Johns to Meldrum Bar Park. That barge will be moored alongside the park with several other barges that have cranes mounted on them. Those 240 foot-long pieces will be welded together to form one single long string about 3900 feet long. Once that is done in about 10 days from tomorrow, about October 24, the pullback operation will start. That operation will be an around-the-clock operation because of the concerns that if they have to stop for some reason, the pipe could seize up in the hole – that would not be a good thing.

The plan is – once the pipe on the barge arrives, the contractor will be welding that up around the clock. Every time they weld a 240 foot section to the other section, somebody has to crawl into that pipe 240 feet to repair that lining where the weld occurred. That lining has to cure, then they can go to the next piece. It is quite an operation, but it will go on around the clock until pull-back. There will some generators that will be running to supply power to the welders; there will be some lighting on the barges to allow a safe work area for the folks doing the welding, the lining, and the coating. Toward the end of this month, the contractor tells us that they will be ready to start that pull-back operation. They anticipate that that can be about a two-day operation, in a worse case, about a week to pull that pipe all the way through the hole to the Mary S. Young side. At that point, that part of the operation is done.

Councilor Nelson wanted to know if they had notified all of the residents living in that area about the 24 hour operation. Project Director Komarek said that they had been working with a group of homes on the opposite side of the river at that point. They are working very closely with Clackamas County Sheriff's Patrol, Marine Patrol, Oregon State Marine Board, United States Coast Guard Service in terms of making sure that we are doing everything that we can to prevent a boating hazard in the river. This pipe line, as it is welded together and fed out into the river upstream to its full length will have lighting on it, will have tender barges affixed to it, anchored in place and keep it out of harm's way. Folks will still have the ability to get in and out of the Clackamas River while that piece of pipe is there, and, of course, up and down the Willamette River.

Councilor Nelson asked if the debris that comes from the tunnel that they bore under Highway 99 and River Road will be hauled offsite. Project Director Komarek said that all of the material would be disposed of off site.

Project Director Komarek explained that those were the major components of the work going on in the Gladstone area. Once the pull-back operation is complete, there is still another critical component that has to be completed. The pipeline contractor will come

back to the intersection of Clackamas Boulevard and Portland Avenue to basically open up that intersection and tie the new piping system together with our existing piping system. The reason they have to do that is to allow the new pumping station to be operated. They need a pipe to pump that water through for testing and commissioning purposes. Right now, all of the other segments of the piping system are not done. So this will use the existing piping system under the river and to the treatment plant as a means to test that facility.

He mentioned in the packet summary that their public relations folks are working very closely with our contractors and with your residents to make sure that we are apprizing them of changes in schedules, in events, and in impacts as timely as we can. We hope we are doing a good job; if we are not, we certainly want to hear that from you or your residents, and when we do, we will react accordingly. He opened the discussion for questions from the Council.

Councilor Sieckmann commented that he had the opportunity to watch them work for the last 5 or 6 days in front of his own house. The crews have been fabulous. When the school bus stopped today down a couple of blocks, the kids got out and knew where their house was, but were confused. The flaggers working on the site took the time to guide them around the construction area to get them home safely and without sending them on long detours to get around the area. They were using the radios between the flaggers and the equipment operators to get them through instead of just sending them someplace else. He had talked with a couple of the workers in the area, and they were very personable – it was a nice thing to see. Referring to Project Director Komarek, he asked him to pass that information on.

Mayor Byers thanks Mr. Komarek then commented that it had been a very well managed and operated project a very ambitious project.

6. Appointment to Planning Commission (three applications received for one vacant position):

Mayor Byers announced that they had received three applications for the position. He asked if Steve Bergeron was at the meeting; there was no response. Mayor Byers acknowledged that Les Poole was present. He asked if Elliot Veazey was present, then acknowledge that he was. Mayor Byers asked if any of the Councilors wanted to ask questions of the applicants.

Councilor Nelson asked Elliot Veazey if he had only lived in Gladstone for two months. Mr. Veazey responded that he had lived there for four months.

Councilor Mersereau wanted each of the candidates to introduce themselves and explain why they wanted to fill the Planning Commission position.

Les Pool introduced himself and explained that his answer was brief. He has lived in Gladstone a couple of years, been in the area for a long time, and had lived in Oregon his

whole life. He explained that he has always been involved with the community some way from the time that he was a kid. Because of his background, he has a life-long history of working with land use and property and contracting. So his hope is that he can provide a good, objective voice – and frankly, when it comes to the Planning Commission, it is apolitical, and he is not trying to get elected to something. He said he understands what the Council is looking for, and he thinks he would be a good asset to the community.

Elliot Veazey stated that they are new to the community, but he does have a 30 year commitment to the City of Gladstone – the purchase of a home and he was very excited to be living here. He said he has a young family who is going to grow up here, they are going to shop here, they are going to have their first jobs here, hopefully. He said that they had lived a number of places throughout the United States and that they had found themselves here in Gladstone for a reason. It is their second stint in Oregon – they had lived here in 2010, but had moved away. He said that they loved it so much that they moved back. He said that he feels that it is his obligation to serve the community that he lives in. He said that he was also in real estate and construction - that is what he does as a living with Nelson Capital, CPM. More importantly, he is a Gladstone resident. He said that he was incredibly happy to be here – it is home. He referred to something Councilor Sieckmann had mentioned – with the flagmen directing the kids home from school – that is what makes Gladstone – Gladstone. People are fantastic here – it is a sense of community, and that is what he hopes to contribute to in whatever way he possibly can.

Councilor Nelson welcomed Elliot Veazey as a new resident and commended him for wanting to be involved with the City public affairs. He encourage Mr. Veazey, win or lose, to continue to look at different projects – Planning Commission, traffic safety – get involved with those, as many as he can over his period of time here. He will find that he will move up from one to the other, and pretty soon he would find himself in one of the Councilor's seats. We have all been through this whole process – Mr. Veazey interjected that he had not lived here long enough to run for Councilor yet. Councilor Nelson told him that he was new to the community and that he was already wanting to get involved with the politics, and that he appreciates that. He commended Mr. Veazey for that.

Mayor Byers asked the Council if they were ready to vote. Councilor Sieckmann commented that he wanted to comment on something that Councilor Nelson was talking about – we've got three applicants – all three look like they are well qualified: one has been here for 16 years, and he just wants to continue to encourage involvement. We have three applicants and only have one spot available. He asked City Administrator Boyce if there were spots available on other boards right now. City Administrator Boyce said that appointments were coming up in December. Councilor Sieckmann encouraged the applicants, since they have come this far, to stay involved – it is very important. He thanked the applicants for applying.

Mayor Byers asked for a Roll Call to vote for appointment to the Planning Commission:

- Councilor Nelson – Les Poole
- Councilor Mersereau – Les Poole
- Councilor Martinez – Elliot Veazey

- Mayor Byers - Les Poole
- Councilor Reisner - Les Poole
- Councilor Busch - Elliot Veazey
- Councilor Sieckmann - Les Poole

Mayor Byers announced that Les Poole has been appointed to the Planning Commission by a 5-2 vote.

Newly Appointed Planning Commissioner Les Poole thanked the Council and Mayor Byers for his appointment.

7. Approval of Park and Recreation Board Recommendation – Park Rules Amendment:

Mayor Byers introduced the topic. City Administrator Boyce explained that what they were really asking tonight is what is before them. He explained that he had a discussion with Councilor Reisner today, who is the liaison to the Park and Recreation Board. He thinks that there is a general want for the Park and Recreation Board to do some additional work on this. After having talked with few of the Councilors, who had some questions and shared some insights, he thought it would be good to have that discussion than to refer it back to the Park and Recreation Board for some additional work and public comment. He deferred to Councilor Reisner.

Councilor Reisner said that when they met with Park and Recreation a couple of months ago, the desire was to update the rules. The suggestion was to mesh what we have with what Milwaukie – Sean Boyle, our Code Enforcement Specialist, had done some looking into different codes and thought that Milwaukie's was pretty distinct in that it covered a lot more precise wording, definitions of what, maybe, we would want to do. The Board went through, and as in the staff reports, bullet pointed some things that were concerns of theirs, then kind of handed it off and said let's let the attorneys work it out as to which was better, mesh them together, and present them to City Council. His thought was to save $200/hour and attempt to mesh them together and offer a proposal.

As he put it together and was looking at it, he did not do that. He apologized for not being very distinct. He had talked with City Administrator Boyce about this, and their original intent was to present this and have the Council make comments as you think changes may be made, and maybe where there were more concerns than others. The plan is that the Parks Board meets in a couple of weeks, and have them review again, and have them come back to us next month, where we can maybe have a hearing.

Councilor Nelson stated that the question that he had was on the concealed weapons permits – you say no firearms in the park; can we restrict them if they have a concealed weapons permit? Councilor Reisner said that he did not think so, but not being a lawyer, he just went with what was already in there. Councilor Nelson said that that was one that had popped up. Councilor Nelson said it was like the fire one for barbeques, where the fishermen have the little barbeques. Councilor Reisner stated that was something that they discussed quite a bit at the board meeting – was that fishermen are not coming down

with pits, they are coming down with pallets and building large bonfires and leaving them – not extinguishing them and leaving a mess, leaving nails. Councilor Nelson said he could agree with him on that – he was thinking small barbeques. Councilor Reisner said that was the case years ago, but not anymore.

Councilor Reisner said that he had the same concern as did Councilor Nelson regarding the firearms, but not being attorney, he did not feel that it was his place to rewrite it – he was just more meshing the two together. Councilor Nelsons remarked that they were really approved everywhere – can we restrict it? He didn't know.

City Attorney Abma said that it was interesting that he brought that subject up, because he wondered with a concealed weapons permit, if you could prohibit it. He doesn't know the answer to that without looking it up, and did not want to spend the City's attorney fees in looking it up unless that is how you are going. He deferred to Chief Pryde, saying that he might know more about this off the top of his head since the Chief has to deal with it a lot more than he would. But it could be that when this was originally written, especially if this was taken from an old ordinance in Milwaukie, that the laws concerning concealed weapons has changed and that you cannot prohibit it. Councilor Nelson stated that it looked pretty evident where they can go with that.

City Attorney Abma said that there were some other things when he was looking through it – no obscene language.. That could be a free speech issue right there. He didn't know that you can or cannot tell someone what they can say in a public park. There were some other issues that he noted as he was perusing where he thought as the Council moves forward we need to look into that, but he did not want to spend the attorney money until he knew that this is where the City is headed.

Councilor Reisner said that he was thinking where the firearms are was not in restricting, but in not allowing them to discharge firearms. Several members agree. Mayor Byers said that that was a given as far as where he is concerned. Councilor Reisner said it was a given in the City. Obviously, it was your concern, and in talking with Kim, it was his also. That is something that we definitely want to tweak a little.

Councilor Busch said he was going to ask a question: What of this is new…a discussion ensued with several speakers speaking simultaneously and the conversation became unintelligible.

Councilor Reisner said that when he typed it up, there was italics, but apparently, somehow when it got transmitted to you guys, those kind of went away. He apologized again for how it came out – it muddied the waters more than it clarified them.

Councilor Martinez said that she had a couple of questions – one of them was in definitions in park area needs to be clarified because it kind of makes it sound like all common space in Gladstone is.

City Attorney Abma said that when he is drafting definitions, he does not like to give words that create definitions that mean different things – like the definition of a horse. Is the definition of a horse a mule, a donkey, or another ride-able animal? All of a sudden you have something that is not really a horse and you are riding it. Again, if we proceed, there are a few things that he would tweak. Councilor Reisner said that was right out of Milwaukie's rules. City Attorney Abma said that he saw that in Milwaukie's and he thought the same thing – you know golfing is not necessarily involving a golf ball or anything. Councilor Nelson injected that they have them with golf balls down there. Councilor Martinez added that there is a great number of people in this are that are playing disc golf. So, if we say "no golfing", does that mean disc golf? Councilor Reisner said that he has a neighbor that would like us to set up a disc golf. Councilor Nelson added that there were even leagues for that now. Councilor Martinez added that you might not want to not eliminate golfing. City Attorney Abma said he would just define it as golf, or if you are talking about disc golf, define it in that way. Right now, it says to contact or attempt to contact an object which is designed and used for golfing. It is just an odd definition to him. He thinks we all know what the definition of golfing is – or have a pretty good idea. He stated again that he tries to be careful when he defines something in codes. Mayor Byers said we all know what a horse is, but if you don't put the rest in there, someone is bound to go riding something else – someone will go riding a zebra down there.

Councilor Mersereau stated that just for input, the park hours – you might want to have the group study that one a little bit more, to make a decision. Councilor Reisner said that because of vandalism and people hanging out in the parks late at night, especially in the winter months when it is dark, it was staff's recommendation, it was something that was pretty concrete from the board, that is was workable - the hour before and after. According to staff, and he had looked at a couple of others in our area, other jurisdictions use the same thing – the same time.

Councilor Nelson asked Chief Pryde, "Do we have patrols that go through there at two-three in the morning, one-two in the morning? I see cars down there by the garden early in the morning, and I wonder if they just stay down there all night." He was wondering if we have patrols that check that. Chief Pryde said that the answer would be Yes.

Councilor Busch added that before they put the fence around the garden the garden association was getting a lot of garden vandalism and a lot of stealing. So we even had our own people coming down during the nights during harvesting season just to lay low and catch people who were coming into the garden just to steal things. Now that we have built the fence, and we have it padlocked, we have a lot less vandalism, so we obviously don't need to be down there all hours of the night. Some people get down there before the crack of dawn because they want to get some time in before they go to work.

Councilor Busch said that his concerns were two things: (1) the fishers like to come in there early and stay late – they will come in there while it is still dark, get set up, and start fishing - if there is moonlight they will do that. Mayor Byers said that fishing has some regulations in there also. Councilor Busch added that during season they can still be

down there getting set up. Councilor Sieckmann said that he had done a little research and that all of our parks do not serve the same purposes. The research that he did this last year – the middle of June – sunrise was at 5:21 and sunset was at 9:05, so your park would be open basically from 4:30 to 10:30 – reasonable. Where he runs into an issue is in the winter months; in the middle of winter, it is almost 8:00, so the park would open at 7:00. The sunset is at 4:30, so the park would be closed at 5:30. In the case of Meldrum Bar, that makes sense; why would anyone need to be down there before sun up or after dark? When you turn around and think about Charles Ames Park, Cross Park – Charles Ames has a pathway going right through the middle of it – and the park would close at 5:30. So if somebody got home from work, grabbed their significant other, their dog, or whatever and went for a walk – walked to Safeway to get some groceries for dinner any time after 5:30, it would be illegal for them to be there. He thinks that a summer hours and winter hours might be appropriate. Councilor Martinez added that not only that, it could well be that it could vary with the park – it should be posted, and for example, no closing at all at Ames. Mayor Byers added that he does not have a problem with people walking through Ames Park at any time.

Scott Tabor, Public Works Supervisor, stepped forward to and said that he had talked with Councilor Sieckmann over this. Overall, the general modification to the rules here are to help the Code Enforcement Officer and the police be a little bit more accountable in how they treat offenders. It makes it easier for them to site people that with the ambiguity of the former rules that we have now. His position is that we need these rules changed so that so that we can make some of our signage for each park, which he had discussed with Councilor Sieckmann. Ames Park, you can walk through there – there are even street lights there. Basically, the rules for the time is mostly geared for Meldrum Bar because of the regionalness of its being there. It is a regional park and there is a need for having some kind of accountability for times. That also eliminates the people doing illicit activities down there at odd hours. You don't need to be there at 3:00 am. What the heck are you doing there at 3:00 am? Parks and Recreation Committee talked about this in length; they pretty much like Councilor Reisner said – they agreed whole heartedly. If you want to modify the hours for some of these parks, you certainly have the rights to do so, but overall, the codes that we have need to be modified to bring them up to date.

Councilor Sieckmann said that another thing about Meldrum Bar Park that he thinks about is that we look at it differently than other people. We look at it as we drive down into the park, use the park, and we drive out. There is that path along the south side that you see quite a few walkers use that comes up along the golf course there. Is that path different from the path at Charles Ames? Or along Cross Park? To us we may think of it as different, but to the people that use that, it may not be.

Councilor Martinez asked if a couple of people are out walking their normal evening walk, and it is in summer, winter, whatever, and they walk on that one at the other end of Meldrum Bar, is someone going down there and write them a ticket right away? Public Work Supervisor Tabor stated that if they were referring to the area along Jensen Road, they had to put a 10 foot fence around their light pole and power boxes because of the vandalism there. Vagrants would go down there and vandalize it to the point that they did

not want lighting down there. They would wreck it so that we didn't have lights. We spent tens of thousands of dollars on that. Park hours are park hours. It is up to this body to decide how you want to do it. The recommendation from staff is that we feel fairly confident that an hour before sunrise and an hour after sunset is pretty applicable to Meldrum Bar. With other parks you can modify those hours accordingly.

Mayor Byers summed it up in an example that he sees people riding bicycles on the path on the south side of the river 24 hours a day. Possibly we could designate paths as having a different distinction if people want to walk through Ames Park on the path is fine, and he knows that people walk through there at all hours. There is not anything in there that is particular to vandalize of do something, so possibly we could designate at least some paths without hours on them. Public Works Supervisor Tabor stated that maybe that is why City Administrator Boyce wanted the Council to talk about it. Councilor Reisner thanked public Works Supervisor Tabor and City Attorney Abma for their inputs at the meeting.

Councilor Martinez said that she had one more point that she wanted to make. That is this prohibitive games. She thinks we might consider not that we are going to indiscriminately have prohibitive games. She referred other members of the Council to page 7-14 of the Milwaukie code. She thinks we need some kind of procedure whereby, for example, there was a juvenile archery thing – they could set up those big straw bales and stuff. She pointed out that she took archery in high school – they did it right out on the field. It was not a big deal - if they are doing things in a structured, legitimate kind of way. She was not saying that they should just go out there and hang hay bales then shoot at them.
We need to look at those things.

Councilor Reisner added that Milwaukie permits everything in their parks. Their games, everything – for example, if a church group wanted to go down on a Sunday afternoon and play at Meldrum, they can play at Meldrum if it is not being occupied. If you went to North Clackamas Park, you can't do that; you have to go through a process and get a permit. This was out of Milwaukie's stuff which wasn't even discussed with us in our deliberations. Councilor Martinez asked why it was in the packet. Councilor Reisner said that staff gave them what we have currently and what Milwaukie has currently and asked us to mesh them together. Councilor Martinez clarified then that all of the Milwaukie stuff – none of it is in here. Councilor Reisner replied that she was correct. He explained that that was what he had attempted to do and had not done a very good job at it. Councilor Martinez said that they use those fields down there for soccer and ball, but there should be some other use for those fields – field hockey.

Pat McMahon, 175 West Berkeley, said that he had not heard the dog park being discussed yet. So 5:30 will be the cutoff time for the dog park at Meldrum Bar Park. So you guys haven't talked about that yet, so it is another point so you might want to keep your time open later in the evening just where that is concerned. It's just another time line to keep in mind. Mayor Byers said that the dog park is still in process. City Administrator pointed out that whatever adopted hours Meldrum Bar Park has would be associated with

the dog park. Councilor Reisner said that his thought on that is it would be after dark, and it would be hard to do anything with a dog down there after dark. A discussion ensued.

Councilor Sieckmann asked if the Parks and Recreation was going to work on this some more and bring it back with maybe some staff input. Councilor Reisner answered affirmatively, and said that that was there recommendation.

Councilor Martinez asked if the use of remote control stuff was in agreement with what they discussed. Councilor Reisner said yes, that it has not changed at all.

Councilor Busch said that one other thing that has to be clarified is that no fires of any kind. He said that they had just had, for example, their second to the last work party there at the garden, and they always have a barbeque afterwards. They go up to one of the shelters and set up a barbeque and cook burgers and hot dogs, and people bring food. He thinks that other people barbeque down there. There has to be a clarification of that.

Councilor Sieckmann said that regardless of some of the other chapters, the chapter that they have on fires is pretty good. It does allow fire pits, personal barbeques, and park barbeques. It does not allow unattended fires, and it tells you where you can and cannot have them.

8. Planning Commission Code Review – Noise Control

City Administrator Boyce said that they had mentioned this at the last meeting. The Planning Commission is reviewing City Code to make recommendations back to City Council. He believes that the City Attorney, during the discussion of this section of code, had a question centered around 8.12.070, Exceptions and Variances on page 8-6. There is some question about the extensive lists of exceptions and variances. The question was, "Is there any significance to why these were placed in the code in the first place? Was it borrowed from another city's ordinance or are there any exceptions or variances here that the City Council feels should stay for particular reasons?"

Mayor Byers said that some of them do have historical reasons. Idling motor vehicles – there was an issue with people parking over the highway, trucks with refrigerators on them. A lot of these things were probably may have been more than a one-time…He said that he did not know if all of them had precedence in Gladstone, he said that he thinks some of them were taken from other areas.

Councilor Sieckmann explained that he happened to be on the Planning Commission at this time, and there were a couple of exceptions and variances that a couple of Planning Commissioners wanted to look at and see if they needed to be changed or not. The City Attorney said that this was a pretty extensive list. His question was that he thought we could scale this down considerably, and that it was unusual for most jurisdictions. Before he did that, he wanted to make sure that Council did not have issue with looking at and possibly scaling down and condensing some of this. It sounds like one of them for sure,

the idling of motor vehicles would need to stay. Is there anything else that the Planning Commission should consider.

Mayor Byers said that they might want to take a look at the 8,000 pounds – there are some vehicles that are bigger than that now. You know that gross vehicle weight of 8,000 pounds is not that big anymore. He said that he did not have a suggestion for that, but many pickups surpass that if they have campers or something, as well as some motor homes. He stated that he thinks the level of noise is more critical than what the noise is. When that refrigerator or freezer box was running across the street here a couple of years ago, it was very loud. He doesn't know if that is why that chapter is in the code, but that is what can happen. He also thinks that for the most part, over the last couple of years, they have had a lot of voluntary compliance with the noise ordinance. At one time, the auto dealers had outdoor PA system, then cell phones came. For the most part, they are not doing that now. From the audience, Steve Johnson disagreed.

Councilor Martinez, referring to the refrigerator noise, asked if the noise level is just under the upper limit – do we have anything about the length of time?

Councilor Nelson said that there were some people down in the trailer courts were complaining because there were some trucks parking down on River Road. They would park the trailers there and then they would take off, leave them there all night, and go home. He said that he had brought that up about a year ago. Mayor Byers noted that that had come up a long time ago, too. Councilor Martinez said that she thinks the length of time should be part of it.

Councilor Busch pointed out that if they wiped most of the exceptions and variances, then all construction activities, regardless of time of day, would have to meet these dba levels. Councilor Sieckmann asked why they think they are looking at wiping them all out. Councilor Busch said that there is a reason for every one of them to be in there. He said somebody could complain that if Johnny Limbo and the Lugnuts played at the Cultural Festival next year, their decibel level is going to exceed this, and that is why the exception is in here – to exempt them from that because it is a festival. This is what is going on.

Mayor Byers said that what he has read over time about noise levels is that the meters don't measure what people think they are hearing. They are measured from a certain number of feet from the thing, and they are not over the limit, but they are still irritating, so that is subjective rather than objective. Councilor Nelson added that it is like a speeding car in a neighborhood. The car sounds like it is louder than it really is because it is going through a quiet neighborhood.

Councilor Mersereau said that one issue with sound, having been in that – noise sound is really a complex issue. Like Councilor Martinez said, "if time makes a difference", well it does make a difference. You can have certain levels for so long. One of the things that he has found in dealing with noise is you really needed all the rules when, in fact, you are looking at a specific problem. That may have been why they put that out there like that.

Councilor Nelson said that he thinks that it is kind of irritating in their house when it continues to go and they can't hide from it. It is there throughout the whole house.

Councilor Sieckmann explained that maybe the question that the Planning Commission is asking is do you want them to go through and look at the variances and exceptions and go through and condense them, or for historical reasons, should they just be left alone. Mayor Byers said that he thinks they need to go through and talk about them. He said that he believes that the majority of them are going to stay.

Councilor Nelson said that some of them are old, and he thinks they no longer apply, so there will be a few that we can knock out and eliminate. Probably most of them will stay.

Chief Pryde said that he wanted the Council to be aware that Lt. Jolly contacted Assistant City Administrator Morishita and asked to be put on the Planning Commission agenda for the upcoming meeting, where he will, with Sean Boyle, our resident expert on code (at least on the nuisance side of the house), will meet with the Planning Commission next week to try to provide some clarity, some help, some information about code related case law, about some decisions that the Planning Commission may not be aware of to kind of help in the process. He just wanted the Council to be aware of that.

Councilor Reisner asked Chief Pryde how many meters we have and how available are they if we do have a complaint. He said that he was not aware of any, they would have to get them from DEQ. Councilor Reisner clarified for the sound. Chief Pryde affirmed the response and Mayor Byers added that they would also have to get a qualified operator. He added that this was more for persistent sounds, like a diesel truck idling – about the third night, he thinks we could have somebody there.

Chief Pryde said that if they listened to Sean Boyle tell the story about how these tables have played out and DEQ's role in that, it has really changed over the years. That is why we thought it would be a good idea for him to hook up with the Planning Commission and try to lend a hand.

Mayor Byers solicited for any other comments. None.

BUSINESS FROM THE COUNCIL:

Councilor Nelson announced that tomorrow they had an Emergency Management Meeting scheduled in the conference room downstairs from 1:00 to 2:30. Everyone is invited.

Councilor Mersereau announced that he had a chance to review the public policy from the library and he thinks that it is nearly done and ready for the Council approval, to look at it and say what they think. He was very happy with what he saw and believes that she is putting more improvements into it and thinks that it will be very good. He knows also at the Senior Center,

they have one built and they are waiting for City Administrator Boyce to look at it, so he is hoping to see those soon. That is two of the big ones out of the way. Good job.

Councilor Martinez announced that a young man from Gladstone was seriously injured in an automobile accident a couple of weeks ago. He is still in OHSU, and the outpouring of support for his family from the community has been phenomenal. There is a Facebook page set up and she thinks that they have gotten almost $10,000 to pay for the expenses. Thank God he is on the Oregon Health Plan, at least he will be getting some help. Councilor Nelson said that they also had a donation jar at Burgerville for him. Councilor Martinez said that everybody knew him, that he played football so they are going to have a spaghetti feed sometime this month with an auction if anyone is interested in helping. She said that he had a problem with pneumonia and also his blood pressure, so they were not allowing anyone to see him. His girlfriend also had some brain injuries, but she is out of the hospital now.

Councilor Sieckmann announced that he had a couple of things. Mayor Byers and he had worked on some information for the newsletter on Coffee with the Councilor and that will go out before the January meetings. City Administrator Boyce helped out. Councilor Nelson suggested that Councilor Sieckmann might explain what that was about, since some of those present might not know about it. Councilor Sieckmann explained the program for Coffee with a Councilor. The other thing was that the project list that they get every month in information. Is it possible that we can put that in the Consent Agenda so that we are approving it every month rather than having it as information? Mayor Byers said that we would not approve it, but that we could accept it. We could probably acknowledge receipt of it and accept it, but there is a lot of detail in here as far as approving it. Councilor Nelson said he like the idea so he made a motion to move it to the front of the meeting. Mayor Byers said that it was not necessary; we could just move it to the Consent Agenda. Councilor Sieckmann said that as a new Councilor, he has been trying to meet with some of the neighboring elected officials. He knew that some of the commissioners up there had bad-mouthed their city a little, so he wanted to set about repairing some of the perception. He gave a detailed accounting of one of his meetings with another of the officials.

Councilor Busch announced that he just wanted to tell a story about a good neighbor to the Gardening Association. One day a woman that was employed at Lowe's drove by the garden and saw what was going on, and got interested in it. It turns out that she was in control of a pool of money that is of interest of the community. After the conversation, a couple of weeks ago, a whole crew of women from Lowe's came out and pounded in 133 new stakes to remark all of the garden lots. They also provided them with plumbing fixtures (faucets, bibs and the like), gave us a new lawn mower, a couple of new weed eaters, and got some gravel for us, and helped us do some work down there. They have come back and said that they still have some funds that they can help out with. He said that he was not aware of any other businesses in the area that help out so much. It is a good example that there are businesses out there that get involved in community projects.

Councilor Reisner announced that he had attended the League of Oregon Cities Conference, and in one of the sessions was about development and keeping citizens engaged. The two presenters were talking about development along rivers, so it caught his attention. They discussed some of the projects along the Willamette in Salem and had suggested that they just keep at it. They

discussed some of the resources that they had used, such as Americore. He said that in Salem, they had gone through many administrations, but that the vision never stopped – they just kept at it. They had advised that the City should try to take more advantage of its river front. He also said that it was fun to rub elbows with his counterparts around the state, and that it was eye opening.

Mayor Byers said that he had driven by Burgerville and they had a sign that was a fund raiser for Wetten School at 5:00 to 8:00 that night. He spoke with the vice-principal who said that they had raised about $1300, about 20% of the proceeds for the night. The Mayor said he was impressed and told them they should do this once a month. This was money that Wetten School could use for projects that otherwise they could not fund.

ADOURN

Meeting was adjourned at 8:49 pm.

Approved by the Mayor this 10 day of November, 2014.

ATTEST:

Wade Byers

Wade Byers, Mayor

Jolene Morishita, Assistant City Administrator