

GLADSTONE CITY COUNCIL ADJOURNED MEETING MINUTES of January 27, 2015

Meeting was called to order at 8:10 pm.

ROLL CALL:

The following city officials answered roll call: Councilor Nelson; Councilor Mersereau; Councilor Johnson; Councilor Sieckmann; Councilor Reisner; Councilor McMahon; and Mayor Jacobellis.

ABSENT:

None

STAFF:

Shane Abma, City Attorney; Jolene Morishita, Assistant City Administrator; Pete Boyce, City Administrator; Stan Monte, Fire Chief; Jim Pryde, Police Chief; Sean Boyle, Code Enforcement Officer

BUSINESS FROM THE AUDIENCE:

None

CONSENT AGENDA:

None

CORRESPONDENCE:

1. Letter from Cheryle and Richard Rusaw Regarding License Renewal Fees:

Mayor Jacobellis – We received some letters from business owners regarding business license fees. I made a phone call last week because we got a letter about that, and all I'm asking is if anybody wants to step up and write a letter saying we got the complaint, we're sorry, we will be addressing this probably in March or April. Is anyone willing? Councilor Johnson – We are going to be addressing this? Mayor Jacobellis – Yes. Councilor Johnson – I know the Rusaws, I'll write the letters. Councilor McMahon – I have a question on it, for staff, what is the Home Occupancy License Fee vs why do they not just have a business fee? Or why do they have to have both? City Administrator Boyce – The home occupancy permit is there to integrate certain businesses into the neighborhood and maintain the residential feel. There are two types of permits, it has a lot to do with how many trips are generated so that why a home occupancy permit is issued. So if you're generating a little more traffic you have to notify more neighbors, they have input. Councilor McMahon – So that is just a onetime, when they apply? City Administrator Boyce – It's just the one time I believe unless the business would change substantially over time.

REGULAR AGENDA:

2. Planning Commission Municipal Code Review Request:

Planning Commissioner Kirk Stempel – I will read a letter from my wife, Planning Commission Chair Tammy Stempel. Mayor Jacobellis and City Council members. Planning Commission Chair Tammy Stempel is not able to be tonight because she had to

work out of her Seattle office but has asked me to present the commission's plan for the code and ordinance review. All of you should have a copy of the original intent and process review included in your packet. As part of the original charge from the City Council this review was to look at and review what we could do and what could be modified in order to make our commercial zones more appealing for development and redevelopment. We were to look at what barriers existed that could potentially prevent economic development in our core areas. To date we have done a cursory review of items one through six and are about to address the individual zones. With the completion of Portland Avenue redevelopment plan in 2009, we would like the review to include the development of design standards. At this time we would like your input on whether to continue with our original charge or is there a different approach you would like us to take. Mayor Jacobellis – So if I understand correctly, you are trying to go through and clean them up. Commissioner Kirk Stempel – Yes. Mayor Jacobellis – So how far have you gotten? Commissioner Kirk Stempel – Through item six of 17. Councilor McMahon – Yes but the first six are the easiest and 17 will be the biggest and hardest. Councilor Reisner – But it's needed, it's been years. Councilor Sieckmann – I think they need to continue, just like their doing. Actually Commission Chair Tammy Stempel put this together with the steps and everything. I think it's a good way to approach it. If we have them continue, as I recommend we do, there are two things I would like to open a dialog at some point. One being, the only time we can address curbs and sidewalks and such throughout the city is when they are starting a new development. Maybe we want to open an avenue, when something comes before the Planning Commission, is there a way to, depending on the size of the redevelopment, to get curbs and sidewalks then at a later date? I don't know what would be entailed in that, I don't know what that would look like, and it's just to start a conversation. The other thing is to see if there's a missing piece between the planning department and the completed project. And I don't know if it would be relevant for the Planning Commission to start this conversation, it was just a thought to take a look to see if you can break down where that missing piece is and maybe some thoughts to how we can fix that missing piece. Just some thoughts I had that could be started at the Planning Commission level. Councilor Reisner – In regards to the sidewalks, rather than just what comes before the Planning Commission, what comes before a building permit, for example, we have a house down here about three blocks that was built recently on a vacant lot and because it wasn't a development they didn't have to put in curbs and sidewalks, which shocked me. Mayor Jacobellis – Any thoughts on this? Councilor President Mersereau – The only thing I could say about this, is it's been going on for a while now and I would like to see a project timeline on this. Like expecting g, h and i to be complete on this date, and j, k and l to be complete on this date, etc. So we're moving forward with direction because several issues can come up with the results with code enforcement and such, can be tied with that and it's hard to force someone to do code enforcement, when in fact they don't know the true code. That was one of the reasons for going over all of these because codes that are ambiguous, are hard to interpret for people, especially the citizens, so I believe one of the goals for the Planning Commission was in fact to make the codes more straight forward. In doing that, it would help the code enforcement program to move on. Commissioner Kirk Stempel – In our meetings in the past we want to get Sean more involved in what's going on so he can recommend stuff and we can get his input because it's valuable. Councilor Mersereau –

So the comment about the goal for time is this going to be done in two months or is it going to be done in two years. Councilor Reisner – Thank you so much for all of your time. Councilor Nelson – I have a question, it's an easy one. When you're updating these codes are you having any special meeting to work on just the codes? Commissioner Kirk Stempel – Usually there is a time frame set aside at the end of the normal planning meeting, depending on how long the meeting is. Councilor Nelson – Because I was thinking if you have a big agenda you don't have much time to do it. Commissioner Kirk Stempel – Exactly, and you get to the end and you're so tired from going back and forth that you just end up putting it off till the next meeting. A work session would be a good thing. Councilor Nelson – That's what I'm thinking. That's what we're doing all the time now, in a work session you can get a lot accomplished. Commissioner Kirk Stempel – Two hours where you can spend just on this. Councilor Nelson – There's no interference with other stuff so you can get a lot done. Commissioner Kirk Stempel – Is there anything else? Councilor McMahon – Is she looking for a motion or did she just want to bring it to our attention. Commissioner Kirk Stempel – She just wanted to bring it to your attention.

RECESS TO WORK SESSION

WORK SESSION:

REGULAR AGENDA

3. WSC Insurance – New Elected Officials Training Video (no attachments):

City Council watched a training video from WSC Insurance.

Alycia Johnson, WSC Insurance – I am with WSC Insurance, your insurance broker with CIS. So did any of you have any questions I could answer for you on the program? Mayor Jacobellis – My question to City Administrator Boyce is, have we used them for assessments before? City Administrator Boyce – We use CIS heavily on employment matters, not only do we consult with the city attorney, we consult with CIS attorneys. When we reviewed the personnel policy they played a heavy role in that. We have annual risk litigation meetings, and so yes, we lean on them heavily. Alycia Johnson, WSC Insurance – Yes and that's what WSC does as well, with risk management, we work with Assistant City Administrator, Jolene Morishita as well and their employment policies, best practices and things like that the rest of the year. And there is a credit that you will get and that is 1% of the liability and that's a good amount of money and there's other programs we are working on as well. Councilor Reisner – So how do you work together? Alycia Johnson, WSC Insurance – So we're an insurance agent right, so we offer all of the negotiation and work with the city to make sure all of their risk management is in place and CIS is the actual insurance carrier so in the event there is a claim they're the ones defending and they're the ones paying out the dollar amount. And I'm helping you through the process, making sure that all the risk management is done up front and also through that process to help.

4. Code Enforcement Program:

City Administrator Boyce – I've asked Police Chief Pryde to put on a presentation and he has brought Code Enforcement Officer Sean Boyle with him.

Jim Pryde, Police Chief – This is a great opportunity to talk about the background of, the state of and what might be code enforcement. We've all heard wants, needs and desires from the Gladstone community. Stephen Covey, author of 7 Habits of Highly Effective People, one of his axioms is "begin with the end in mind". So as we move forward through this deliberate process of trying to figure out what we want for code enforcement in Gladstone that might be a good approach to be thinking about, what might it look like in the future? We're hearing lots of comments about needing more code enforcement.

As you know, Sean's role is split into two jobs, one as code enforcement, and two he's responsible for our evidence processing and property management, and also "other duties as assigned". We've gone through the process of looking at the program. When I came on board Sean was very helpful in bringing me up to speed on the past and present of code enforcement. We had a job task analysis conducted and out of that learned some things could be done better. We've implemented some changes to the program including better communication, better policy, better documentation, and better support from the supervisors. Sean has an extensive background in public safety, beyond his role here in Gladstone. He brings in a breadth of experience and will answer any questions you may have about his work.

I think one thing I would tell you about the code enforcement function, it's kind of unique depending on the size of your city. Larger agencies have designated person or persons depending on the size of the jurisdiction to deal with code enforcement. At my previous city, our planning department had a code enforcement function and had two people which was really nice to have. Sean gets pulled in many directions, and that's what happens in the smaller agencies like ours. Smaller agencies cover approximately 90 percent of the police departments across the United States. In the smaller police department's staff will be doing a lot of different duties because we don't have enough bodies to dedicate for specific functions. Such is the case with Sean. In the staff report there were three options that were noted and number 3 is a caveat, I'm sure there may be other possibilities we haven't even thought of and Sean may also present a couple that aren't listed as well.

It was mentioned that the public policy on policing might be discussed at the council retreat and it occurs to me that our current policy on policing doesn't have anything that talks about code enforcement. I'm not saying that needs to be in there but that could be added, talking about the service level desired in the code enforcement.

Sean Boyle, Code Enforcement Officer – There has been a push for the need of greater code enforcement and I understand the desire and want the same for my community. To lay the groundwork, like Police Chief Pryde mentioned, he has started that for me. My position is split into two positions, half time with code enforcement and half time property room, so that leaves about 20 hours a week for code enforcement duties. That code enforcement aspect has historically been in the nuisance area, with exception of counties and some cities, with smaller agencies. It's broken up into two elements, nuisance, and zoning and land use, and that is what this position has been broken into. My primary functions have been in the nuisance category. Prior to 2009, Jonathan Block

who was a city planner for the city of Gladstone, conducted all of the zoning and land use issues for the City of Gladstone until he retired. Upon his retirement that void has not been filled. We've taken a band aid approach to see if we can provide some of those levels of service, with a combination of me and Clay Glasgow, City Planner. But there's always a few hurdles there with no Intergovernmental Agreement (IGA) in place for the county to officially provide those services, but we've put that approach in place but it is hit and miss at best. 20 hours with some reactive code enforcement, based on complaints with some self-initiated activity in there and to throw on say zoning, at this point putting a lot of additional items on the plate, something is going to fall off at the end of the day. I'm here to do whatever council wishes but if you throw on additional functions, I'm going to do whatever the job description says, but just something to keep in mind. It seems like it's an easy job but some of these things can be very time consuming.

Councilor Nelson – I've talked to the Police Chief Pryde about this and we're provided with an administrative assistant, we're provided with a lieutenant, we're provided with cars and tasers but this is something we never did anything with all of these years it's stayed the same. The city has changed and your job, to do it in 20 hours, there's just no way you can do it and do it well. I think this is something we need to look at and bring this part of the police department up to date because we're still back in the 80's and 90's. We've got a lot of catching up to do, you can't do it in 20 hours. I think that is something the City Council needs to look at budget wise, I don't know how we go about that but make it a full time position. Code Enforcement Officer Sean Boyle – That is certainly one option. I've talked to City Administrator Boyce, my supervisor Sgt. Wayne Lawrence, City Attorney Doughman, and Clay Glasgow, City Planner, and yes one of the options may be expanding those services that are covered by the IGA through planning and building code. Maybe expanding to some zoning code violations. If I were assigned to zoning enforcement today, it's going to be a sometime before that program can be implemented because there is going to be a training element involved.

Councilor Johnson – My recollection is that prior to Code Enforcement Officer Sean Boyle we had a full time sworn police officer who did code enforcement, his name was Officer Brown, he was a the reservist and was called up to the first Gulf War. Not sure where he ended up when he came back but we really did have a full time code enforcement officer. Code Enforcement Officer Sean Boyle – He was full time but his time was split just like mine, 20 hours code enforcement and 20 hours property management. He was a reserve police officer and the code enforcement was not sworn. Councilor Johnson – Are you sure about that, I thought he was a full time police officer. Code Enforcement Officer Sean Boyle – He was not, he did not hold certification, and he was a reserve officer for the City of Gladstone. He went to Clackamas County.

Councilor Sieckmann – When I think of code enforcement I think there's two sides to it, if I'm incorrect please let me know, I look at one side being a public safety side, and the other side is a neighborhood livability side. What I hear most often is the livability side of it, and it's not that the public safety isn't important, it's more important but a lot of what I hear is the livability. What would help you right now, to do your job more effectively? Code Enforcement Officer Sean Boyle – I'm not perfect, I'm not going to say there's no room for improvement, there's room to be more efficient. Like I said, 20 hours, some of

these things are very time consuming. One example is 540 E. Arlington is an abandoned house, it had gone into foreclosure, and the people who were responsible for the property left the state. They allowed their nephew to reside in the home because the foreclosure had completed and the bank hadn't taken ownership. He started moving in some friends who were into drugs and theft and we started having a lot of problems over there, including garbage piling up on the property. There was the criminal aspect in addition to the code aspect. Through that process we went through an abatement process to get them vacated from the premise. And in trying to track down the lending institution who was responsible for it, the notification process, and the follow up the notification process that is required by the code. That was probably 60 man hours of my time alone. We got them out of there but it sits vacant again and is prime grounds for a squatter to move in there. But those are just some of the problems I've been dealing with. We can write code and speed up the process but they are still going to be time consuming. Councilor Sieckmann – Listening to you it sounds like there is a lot of research, administrative part to this, like trying to find out who the property owner is, what bank owns it. Would more administrative help to do some of the research for you? Code Enforcement Officer Sean Boyle – It's a possibility, under the right circumstances that might work, I'd have to see what the model would look like, because the right hand has to know what the left hand is doing. It's a possibility, I'm not going to say no, it's possible.

City Administrator Boyce – Something I've been hearing consistently is that folks want a more proactive code enforcement in the city. A lot of what I'm hearing is the livability. In order for that to happen, I do think we need more hours so that the code enforcement person can patrol and write up these violations that they see. As many of you know, neighbors don't like reporting violations of their other neighbors so by the time it does get reported it is most likely it's a pretty large problem, where as if we were a little more proactive we can head off some of things before they get to that level. So looking at the options Police Chief Pryde put in the staff report, I'm leaning toward two things. First of all we're going to be starting the process for the next fiscal year now and I would like to work a full time code enforcement officer with a half time property room specialist or whatever the term is. The other component that Code Enforcement Officer Sean Boyle talked about is the zoning enforcement and we do need to find a solution for that. Code Enforcement Officer Sean Boyle, Police Chief Pryde and I had a conversation today and we talked about training whoever the code enforcement officer is to a certain level so he has an understanding of zoning and planning and is able to take care of some of these violations. That's a possibility, it may take some time to train someone to that level, and the other option that Code Enforcement Officer Sean Boyle talked about is trying to contract that service out. I haven't come down one way or the other on that yet, but it would be one thing we need to address because it could represent a change in expenditures.

Councilor Reisner – Well in that vein, the report that was mentioned earlier that evaluated the code enforcement position, also at about the same time the records clerk was evaluated and at that point it was mentioned that that position could take over the evidence and that would free up code enforcement. And being we have a position open. City Administrator Boyce – So that's something to look at. The person who had been in that position was very good at the record keeping and worked at a certain level of

efficiency and the next person we hire may be some training involved to get them to that same level. Then the question may come, can we fit the record keeping duty in the 20 hours a week and be able to have the property management in 20 hours a week? I think it's definitely worth looking at. Councilor Nelson – The record clerk works the front window in the lobby so you'd have to have someone in the office who could fill in for the person who's in the property room. Code Enforcement Officer Sean Boyle – I don't know that you're going to get records into 20 hours. I'm not a records person but I did records when I was a 911 dispatcher here when we did records and 911. Records requirements have evolved and Barb who was our records employee who left was a special person and she was a master of records, one of those people who come in and fully understand the job and excel above the average person. You didn't see her often but she made the job look easy but she was doing full time work. And I would argue that the property room job is more than a 20 a week job. You have property coming in and property going out, and as a general rule, you should have about the same amount of property going out as is coming in, but we aren't quite meeting that yet. We are making improvements and trying to meet that, but those are things to consider. Councilor Nelson – But you do a good job with the property and you've been written up in the past for the good job you did. And I know that tracking that evidence is so important because if there is a break anywhere along the transfer of evidence then it can be thrown out because of that, so it's a pretty important job.

Mayor Jacobellis – So are you looking for direction at this point or is this just a discussion to see where we are with the program and we're going to wait till the retreat for suggestions? City Administrator Boyce – We can fold it into the retreat if you have some thoughts in mind right now about the program I would sure love to hear those. My assumption from what I'm hearing is that we need a more proactive code enforcement, if anyone disagrees with that let me know. It sounds like that is a want across the board, not just from the council but from the citizens also. So moving forward with that is trying to find a way to work a full time code enforcement officer into the budget going into the next fiscal year. We can discuss it further at the retreat this weekend and hash it out a little more there, but we're trying to get questions from council, trying to give you a better understanding of what the code enforcement program is doing right now, but we also want to hear what the councilors wants to see out of that code enforcement program, and some of that could come out of that retreat. Councilor Nelson – Do we need to make a motion right now to look into full time? Mayor Jacobellis – I don't think so, I would like to see some other options explored before we just budget for a full time position and I don't think we are there. Councilor Johnson – We're in work session anyway.

Councilor Sieckmann – I do think we need to discuss this more and we do have some time allotted in the retreat for this. We can do some brain storming, we've got some good information here, and it sounds like City Administrator Boyce has some other ideas as well. City Administrator Boyce I think you're right on the consensus on the more proactive code enforcement and we look at that direction of what the best way to get that would be, and I think that could be our discussion. City Administrator Boyce – Mayor Jacobellis brought up a good point to, are there certain code violations that we want to prioritize enforcement of, that could be a way of getting more bang for your buck also. Mayor Jacobellis – There are a lot of options out there and I don't think, or at least I

haven't heard what we have and haven't explored and that's kind of where I'm at with this thing. They're the police, they are responsible for code enforcement and maybe they have some ideas we need to look at without us saying do it this way, this way or this way. Police Chief Pryde – I'd like to jump in real quickly and comment on Councilor Reisner's suggestion about comingling the records clerk and evidence function. For us it's kind of an open canvas, we'll consider anything. One of the challenges we would have with that, keep in mind our evidence operation isn't on site, it's at a separate location, that adjacency would create some challenges there. The other thing I wanted to mention for what it's worth, and we talked about this in our meeting earlier today, that as you go to your retreat and have further discussions on the code enforcement function for the city I would encourage you to think in terms of a system. A system and a process, the system of code enforcement that starts with the code enforcement function, philosophy and style of enforcement that you really feel the community wants. And the planning, zoning component of how that's going to play into that, so it's a very smooth and fluid system, that then plays into the court system so you are looking at it holistically, that's all I would encourage you to think about.

BUSINESS FROM THE COUNCIL

Councilor Nelson – I've got one thing. This coming Saturday at 6 pm at the senior center, the fire department will be having a graduation ceremony for four firemen coming out of the academy and they will be there with their families. So if you've got a few minutes stop by and congratulate them they'd greatly appreciate it.

Councilor Mersereau – Last night I had a chance to be on the coffee with a councilor group and we changed the room location and it was a bit tight, but it was very informative. Lots of good comments, they seemed to really appreciate us being involved. Many topics came up, from Planning Commission issues regarding a cell phone tower, to business license was a big subject, and the rental license was a big subject. One concern was lack of transparency, asking questions regarding what the city does and some of their thoughts was a lack of transparency. Most of it seemed to be on the business license that all of the sudden they raised up and they didn't understand why. They talked about the website not being as clear as some would like to see it. The speed on E. Arlington was a real issue to one person. The water pump station was another issue. Communication to the city seems to be an issue, however they were communicating they were struggling to get an answer back, if they emailed the wrong person or whatever. There was a gentleman that really wanted the city to get more involved in the school board. It was a great conversation, everyone was very nice and they were glad we were listening. Councilor Nelson – I can get the speed trailer out to E. Arlington for him.

Councilor Johnson – So Councilor Mersereau, and Councilor Sieckmann and I had the opportunity today to tour our water intake, at Clackamas River water providers, I was not aware that we are a 10% owner in that. It's more than just sucking water in and just filtering it, it's an interesting facility. And one of the things they need from us is someone to sit in on the meetings. The other districts are there and we are not represented and we need to have a representative. Maybe we could add that to a future agenda so we can get that taken care of. City Administrator Boyce – In the past we had dedicated liaisons, one dedicated to regional

public works types of activities and that was Ray Jaren in the past, we'll be needing to do that soon. Councilor Sieckmann – Is that on our list? City Administrator Boyce – Yes, I've discussed that with the Mayor Jacobellis and there are some logistics that have to take place but yes, it's on the list.

Councilor Sieckmann – You guys are going to be real glad to hear this. These guys stole all my thunder, with the water intake system, and coffee with a councilor, they were good, that's all I've got.

Councilor Reisner – Unfortunately a long time member of our community died about a week and a half ago, Rich Holliman, also known as BEEF. He had coached at the high school for about 20 years, many youth and high school teams. We had a good celebration Saturday, pretty much filled the gym. He'll be missed.

Councilor Reisner – I was going to ask City Administrator Boyce, do we have any planned meetings with park and recreation coming up? City Administrator Boyce – I am looking at scheduling those now. I believe we are going to have the traffic safety on the fourth Monday of February. I'm looking at a date for park and recreation. I would like to do it in February but both committees are designated for the fourth Monday but I may try to pick a date, because I want them to have some input on the budget process. Councilor Reisner – And speaking of that, the elusive mid-year budget committee meeting. I've asked Tami Bannick to send an email to the budget committee to see if next Thursday, February 5th would work for folks.

Mayor Jacobellis – Just a follow up on the liaison positions, there's some vacant, there's some I don't know if we ever belonged, but they're asking us to belong, so just start considering where you might want to wind up so we can have that discussion. Some of them are time sensitive, C4 Profiling LLC asked us a week ago to appoint someone there, Housing Authority, so we've got to get on that and start picking liaisons. City Administrator Boyce – I will email a list of liaison positions and who previously held them. I'll email those tomorrow so the City Councilors can see that. Mayor Jacobellis – So C4 Profiling LLC and Housing Authority specifically. City Administrator Boyce – Right, and that wasn't a designated liaison position, I guess we could call it that, City Council had done that separately but I'll include that on the list. Councilor Nelson – That housing is that Clackamas County? City Administrator Boyce – Yes. Councilor Nelson – Because I worked on that committee for a while. Mayor Jacobellis – Let's talk about that at the retreat and get it done.

ADJOURN

Meeting was adjourned. No time stamp provided.

Approved by the Mayor this 10 day of March, 2015.



Dominick Jacobellis, Mayor

Attest:


Jolene Morishita, Assistant City Administrator