

GLADSTONE CITY COUNCIL MEETING MINUTES of April 14, 2015

Meeting was called to order at 6:31 PM.

ROLL CALL:

The following city officials answered role call: Councilor Nelson, Councilor Mersereau, Councilor Johnson, Councilor Sieckmann, Councilor McMahan, Councilor Reisner, and Mayor Jacobellis.

ABSENT:

None

STAFF: Jolene Morishita, Assistant City Administrator; Pete Boyce, City Administrator; Scott Tabor, Public Works Supervisor, City Planner Clay Glasgow; and Shane Abma, City Attorney

BUSINESS FROM THE AUDIENCE:

None.

CONSENT AGENDA:

Councilor Reisner asked that item #5 be pulled from the agenda.

Councilor Nelson made a motion to approve items 1 through 4 of the Consent Agenda. Councilor Sieckmann seconded. Motion passed unanimously.

Councilor Reisner wanted to pull the Oregon Accreditation Alliance section for further consideration. City Administrator Boyce advised that he had received communication from Interim Police Chief Jolley requesting that item be pulled so there can be further discussion on the matter.

Councilor Reisner made a motion to approve Item #5, the March Claims payments with the exception of the Oregon Accreditation Alliance. Councilor Johnson seconded. Motion passed unanimously.

CORRESPONDENCE:

None.

REGULAR AGENDA:

7. Presentation by West Coast Infrastructure Exchange:

Johnathon Trent, Program Manager, gave a slide show outlining who they are and what they work on. They are a not-for-profit organization working in collaboration with Oregon, Washington, California, and British Columbia. They are here to be an honest broker of information. He spoke about performance based infrastructure models versus traditional design bid builds. There were questions regarding financing. They are a free resource for the public sector. They can help with RFPs, RFQs, provide technical assistance, etc.

10. Public Hearing – Ordinance 1456 – Medical Marijuana Facilities as Conditional Use in LI Zoning District:

City Attorney Shane Abma gave some background on the issue. If the ordinance is approved it would basically say that if the City ever decides to repeal the other ordinance on business licenses rules this ordinance would take effect and dispensaries could be allowed only in the light industrial zones. This would only address medical marijuana dispensaries.

There was no public testimony.

Councilor Nelson made a motion that we have the first reading of Ordinance 1456 by title only. Councilor Mersereau seconded. Assistant City Administrator Morishita read the ordinance. Motion passed unanimously.

Councilor Nelson made a motion that we approve Ordinance 1456. Councilor Sieckmann seconded. Motion passed unanimously.

Councilor Sieckmann made a motion that we have a second reading of Ordinance 1456 by title only. Councilor Reisner. Assistant City Administrator Morishita read the ordinance. Motion passed unanimously.

11. Replacement of Water Main on Bellevue Avenue between W. Clackamas Boulevard and Arlington Street:

Scott Tabor, Public Works Supervisor gave a brief explanation of the project. We want to replace the water main before the street is rebuilt.

Councilor Nelson made a motion to approve the construction bid on the water main from Timberline Development for \$25,235. Councilor McMahon seconded. Passed unanimously.

6. Public Hearing – Appeal of Planning Commission Approval to Co-Locate Wireless Communication Antennae on a PGE Utility Pole Located in Front of 725 Portland Avenue:

Public testimony was opened at 7:37 PM. City Attorney Abma detailed the guidelines.

City Attorney Abma asked if any members of the Council had visited the site. They all had.

City Attorney Abma asked if any members of the Council had any other ex parte contacts. Councilors Nelson and Mersereau had not. Councilor Johnson received an unsolicited mailing at home prior to the Planning Commission meetings that was in opposition to the cell phone tower. Mayor Jacobellis said the topic came up at a Coffee with a Councilor but he did not have any information to share at that time. Councilor Reisner received a similar mailing and had seen postings on Next Door Gladstone regarding the Planning Commission meetings. Councilor McMahon also saw the information on Next Door Gladstone and read the minutes/watched the video of the Planning Commission meeting. Councilor Sieckmann had contact with a property owner next to the site. He has seen information on social media, he received the same mailing, he's been contacted by several residents, and was also contacted by Mr. Kato regarding an appeal and he advised him that he could not discuss it, but gave him information regarding the appeal process.

City Attorney Abma asked if any members of the Council had any bias. None had.

City Attorney Abma asked if any members of the Council had any conflicts of interest. None had.

City Attorney Abma asked if any member of the audience wished to challenge the jurisdiction of the City Council to hear this matter. None did.

City Attorney Abma asked if any member of the audience wished to challenge any City Councilor's ability to participate due to bias or conflict of interest. None did.

City Planner Clay Glasgow presented the staff report.

Mike Conners, representing the applicant, talked about some of the key criteria and briefly addressed the appeal. Their proposal is to mount six antennae on the current pole, which will increase the height from 60 feet to 80 feet. More than likely a new pole will be installed. The City code encourages co-location. They comply with all the criteria. They are providing an essential service. He went over the purpose statement and goals. They have agreed to use a battery back-up generator. It is their intent to use mature plants in the landscaping.

Audience comments:

Mindy Garlington – said she has not heard of anyone in favor of the project. They have not heard of an optional plan/location. She said the Fire Department had concerns. They have heard that the tree on the property will be taken down.

Peter Shearer – his wife did a pole on Change.org. He read some comments after providing the information to the Council – all the comments were against the project.

Cathy Stapleton – she said she didn't understand the process involved and thought it would go before the voters for approval. She didn't think Verizon customers were having issues.

Dave Kato – he is the property owner behind the project. He thought the Planning Commission listened to their concerns but he thought it was important for the Council to hear from the citizens.

Glenda Shearer – she is a Verizon customer and does not have any issues with service. She is opposed to the placement of a tower on Portland Avenue. She learned today that the property is zoned as R5 and not C2. She feels the Planning Commission based their decision on erroneous information.

Rebuttal from Applicant: Mike Conners said they try to choose locations that have the least amount of impact to the neighborhood. There is a need for a facility and the need is growing. He did not see the zoning difference that Ms. Shearer mentioned on the maps but it would not effect this facility. There will be no interference issues with the Fire Department radios. There was a discussion regarding the selection of the location. He has no knowledge of a tree being removed. He explained what "significant" impact means.

Staff Comments: Councilor Reisner asked if it would be possible to install a structure on Portland Avenue similar to what ODOT has on freeways. City Planner Glasgow said it is doable but there are limitations. PGE has an easement.

Mayor Jacobellis asked if Verizon is required to explore all the options and report on them. City Attorney Abma said no.

Mayor Jacobellis closed the public testimony.

Councilor Sieckmann asked if it was appropriate to discuss editing conditions for approval that the Planning Commission has put out. Do we need to start over and come up with our own approval criteria? City Attorney Abma said we could, but said we need to be cautious regarding adjectives. Councilor Sieckmann suggested removing the language pertaining to use of a diesel generator since Verizon has agreed to use a battery back-up. He suggested adding that the tree remain in place and be maintained. City Attorney Abma wasn't sure who has control of the tree. City Planner Glasgow felt that you could put that condition in.

Councilor Johnson said that we have to follow municipal code. He asked if there was anything the City Council of Gladstone could do to stop the installation of a cell phone tower in this instance. City Attorney Abma advised that if it meets the criteria for the local code it must be approved.

Councilor Nelson made a motion to approve the application with the condition of battery back-up power as opposed to diesel. Councilor McMahon seconded. Councilor Sieckmann wanted to clarify if a yes vote means a denial of the appeal. City Attorney Abma said that a yes vote means approval of the application. Assistant City Administrator Morishita poled the council: Councilor Nelson – yes, Councilor Mersereau – yes, Councilor Johnson – yes, Councilor Sieckmann – yes, Councilor McMahon – yes, Councilor Reisner – no, and Mayor Jacobellis – yes. Motion passed.

BUSINESS FROM THE COUNCIL

Councilor Nelson:

Received the bad news recently that Rose Johnson passed away in December.

Councilor Mersereau:

He would like the Council to have further discussion with Verizon regarding the location/installation of the tower.

He wanted to point out that it is Councilor Nelson's birthday.

He attended a training convention recently and learned that if you want Gladstone to grow that that action needs to come from the people. He feels we need to find out what the people want and start that communication soon. He suggested a town hall type thing or perhaps the Advisory Committee could look into it.

He attended the Coffee with a Councilor yesterday. There were six citizens there and they were very positive and supportive.

Councilor Johnson:

He was also at the Coffee with a Councilor and one of the questions that came up was what the status of our street maintenance program is. He'd like to get an answer in the near future.

He wanted the Council to be aware regarding the Tri-City sewer plant. He's come to understand that this is a big issue and we need to be aware of this. He would like to get some direction from the Council as to what they would like to see us do there and to help the Council better understand the issues. He has asked that this topic be included in a work session as soon as possible.

He also shared some kind words about Rose Johnson.

Councilor Reisner:

He asked City Administrator Boyce what his schedule was in the near future as far as various meetings.

He suggested including updates from the Planning Commission and Council in the newsletter.

Councilor Sieckmann:

The City Hall/Police Station Committee had one person resign so he wanted to ask if Council wanted to replace that person. There were several committee members in the audience and it was decided they would continue with the remaining eight members.

He attended the training with Councilor Mersereau and got a lot of good ideas. He explained the concept of "branding". He will bring the idea to Council.

He feels there should be a discussion regarding the possibility of fires on vacant properties his summer.

Mayor Jacobellis:

He is working on a letter of interest for a grant from Metro for planning. It includes a lot of public input.

He is hoping to have a town hall meeting sometime in June.
He wanted people to know that the Council is putting in a lot of time and effort attending meetings, writing reports, etc.

ADJOURN

Meeting was adjourned at 9:08 PM.

Approved by the Mayor this 9 day of June, 2015.



Dominick Jacobellis, Mayor

ATTEST:



Jolene Morishita, Assistant City Administrator