

## GLADSTONE CITY COUNCIL MEETING MINUTES OF MARCH 12, 2024

Meeting was called to order by Mayor Milch at 6:30 p.m. – (Via Zoom and In Person)

### **ROLL CALL:**

Mayor Michael Milch, Councilor Huckaby, Councilor Alexander, Councilor Reichle, Councilor Cook, Councilor Roberts, Councilor Garlington

### **ABSENT:**

None.

### **STAFF:**

Jacque Betz, City Administrator; John Schmerber, Police Chief; Heather Austin, Senior Planner; Darren Caniparoli, Public Works Director; Chad Jacobs, City Attorney; Tami Bannick, City Recorder;

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### **INTRODUCTION:**

Chief Schmerber introduced and Administrator Betz administered the Oath of Office to Gladstone's two new police officers, Officer Richard Storm and School Resource Officer Robert Teague.

### **AGENDA ADDITIONS OR CORRECTIONS:**

None.

### **CONSENT AGENDA:**

1. Approval of January 23, 2024 Special Meeting Minutes and February 13, 2024 Regular Minutes
2. Approval of January Bank Balances
3. Budget Report for Period ending 01-31-2024
4. Approval of January Check Register
5. Legal costs for December 2023
6. Department Head Monthly Reports for February 2024
7. Approval of Oregon Liquor & Cannabis Commission (OLCC) application for Gladstone's Pizza, 439 Portland Ave

*Councilor Alexander made a motion to approve the Consent Agenda. Motion was seconded by Councilor Huckaby. Ms. Bannick took a roll call vote: Councilor Garlington – yes. Councilor Roberts – yes. Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

### **CORRESPONDENCE:**

None.

### **8. REPORT – CLACKAMAS FIRE DISTRICT UPDATE**

Division Chief Rick Huffman and Community Paramedic Neil Clasen discussed the community health issue of overdoses and Narcan (naloxone) availability and use.

Narcan is an opioid overdose treatment that is available to the public without a prescription. Community members can receive nasal spray applications of Narcan through the fire department, AMR, or a public safety office to have on hand in cases where one may encounter

a person in crisis. There are also vending machines that give out doses for free out in front of the Oregon City County Jail. Council was shown what an application looks like, how to administer it, what a potential patient in need may look like, and how to dispose of the package material. They were reassured that this is a safe medication that does not generally have adverse effects unless given in large quantities and that the person giving the dose is protected under Good Samaritan laws. Even though it is a fairly safe drug, it was advised to call 911 after giving a dose to someone.

**9. PRESENTATION – CLACKAMAS COMMUNITY COLLEGE BOND PROPOSAL FOR NOVEMBER 2024**

Clackamas Community College President Tim Cook talked to City Council about the College Bond proposal they are considering for the November 2024 ballot. The college is requesting feedback on some projects being reviewed with a goal to look forward 10-30 years to make sure the facilities have high-quality instruction for the future.

The college created a master plan for all three campuses as they looked at higher education, how learning is changing, and how to prepare facilities for that change. After much research of what was needed and narrowing the full scope of \$335 million down to the immediate priorities, they were able to come to an agreement of the need for \$110-120 million which is the renewal rate for the current bond. They will also continue to pursue federal and state grants to leverage the bond funds. This bond will not raise current property tax. The college bought an 11-acre parcel of land for \$1.5 million which is their only bond debt.

Three themes were identified for focus: Preparing students for success in modern learning spaces, community connections, and preserving and maintaining assets.

Preparing students for success in modern learning spaces looks like designing a Center of Excellence for their farming, welding, and wildlife fire program. In addition to that, modernizing student learning space is necessary to handle a combination of in-person, online, and recorded classes.

Community/partner connection opportunities may include a Challenge Center which allows for outer space simulations, a work force training center at the Wilsonville campus, athletic fields, and large spaces with grandstands.

Preserving and maintaining assets is seen as upgrading technology and computer labs, improving safety and security, and putting HVAC in older buildings to save money.

The college is very keen on being good stewards of the money they receive. They are visiting different parts of the county to talk about this bond and ask for feedback which can come to them from a City Council meeting, open houses, or at [cccbond.org](http://cccbond.org).

**10. GLADSTONE CITY EVENT ANNOUNCEMENTS**

None.

**REGULAR AGENDA:**

**11. PUBLIC HEARING: ORDINANCE 1528 – AMENDING GLADSTONE MUNICIPAL CODE (GMC) CHAPTER 17.78 HOME OCCUPATIONS**

Mayor Milch called the public hearing to order for Planning File TXT-23-02. The proposed amendments would provide a new definition and new terms for home occupations in the City of Gladstone.

Heather Austin, Senior Planner, is discussing changes to the GMC Chapter 17.78 with regard to Home Occupation standards. The proposed updates have gone through several iterations, a hearing with the Planning Commission, and a review with the City Attorney's office. The proposed updates will apply to permits moving forward from the date of adoption.

Background given for the change was to offer clarity on applying and administering standards and create understanding on rules and regulations for home occupation businesses. Several departments within the City worked together on making the language better. These departments were Administration, Code Enforcement, Police, Public Works, Economic Development, and Planning.

The language looked to simplify the permit process. The home occupation permit was reduced from two types to one type and clarification was made on who can and who cannot participate in a home-based business.

This proposed amendment is consistent with Oregon statewide planning goals, Gladstone Municipal Code, Metro's Functional Plan, and the Transportation Planning Rule as well as submission of findings to the Department of Land Conservation and Development (DLCD) in preparation for the public hearing process. The staff recommends approval of the ordinance.

#### Council Questions:

Councilor Garlington pointed to a duplicate phrase on Chapter 17.78.040 (13), "Affixed directly to the dwelling." Staff acknowledged the typo and will remove the duplicate. Her second question was in Chapter 17.78.050 (2) concerning the notification distance of a home occupation being 100 feet and believes this should be 200 feet. Heather Austin responded that this 100-foot distance is consistent with Development Code 17.94.050 and type 1 administrative permits.

#### Public Testimony:

In Favor: None.

Opposed: None.

Neutral: None.

The Council was asked if anyone will abstain from the matter or declare a conflict of interest. Councilor Cook advised that they had a home occupied business through 2023 but not currently and asked if anyone believed this to be a conflict of interest. The response was that this was not believed to be a conflict of interest.

Correspondence Received: None.

Staff Comments: None.

City Attorney Jacobs had a member of his staff review this and make adjustments for clarity. No more clarifications were suggested.

*Councilor Huckaby made a motion to close the public hearing on this matter. Motion was seconded by Councilor Roberts. Ms. Bannick took a roll call vote: Councilor Alexander – yes. Councilor Reichle – yes. Councilor Cook – yes. Councilor Roberts – yes. Councilor Garlington – yes. Councilor Huckaby – yes. Mayor Milch – yes.*

#### PUBLIC HEARING CLOSED

Council had a discussion on changing the notification distance in Chapter 17.78.050 (2) from 100 feet to 200 feet. A clarification was made that the distance change is only for notification purposes and not for hearings that could include/exclude the permitting decision.

*Mayor Milch called for a roll call vote for amending language in Gladstone Municipal Code Chapter 17.78.050 (2) to show notification distance change from 100 feet to 200 feet. A yes vote agrees to 200*

feet, and a no vote agrees to 100 feet. Ms. Bannick took a roll call vote: Councilor Roberts – yes. Councilor Cook – No. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – No. Councilor Garlington – yes. Mayor Milch – No. Motion passed 4-3 votes.

Councilor Roberts made a motion to approve Ordinance 1528 adopting a text amendment to Gladstone Municipal Code Chapter 17.78 Home Occupation File TXT 23-03 with one correction to Chapter 17.78.040 (13) and including the amendment to Chapter 17.78.050 (2). Motion was seconded by Councilor Alexander. Ms. Bannick took a roll call vote: Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Councilor Roberts – yes. Councilor Garlington – yes. Mayor Milch – yes. Motion passed unanimously.

## **12. EVERGREEN STORM DRAIN PROJECT CONTRACT**

Public Works Director Caniparoli offered information to the Council to consider awarding a public improvement contract to SLE Inc. for the Evergreen Storm Drain Project.

This project will be replacement of 393 feet of 18-inch storm line that is currently obstructed by a large tree, installing two new manholes, and relocating the outfall from this pipe. This pipe is the final section that drains most of 82<sup>nd</sup> Drive. The outfall for this pipe will be redirected south and into a swale and then will flow into a river. The city will work around the tree that is obstructing the pipe as best as they can, but if it needs to be removed, they will consult with an arborist, and this cost is included in the bid price.

The Request for Proposal (RFP) brought in 18 proposals with the lowest submitted bid by SLE Inc. for \$114,090.50. City staff recommends a 25% contingency of \$28,522.63 for a total contract amount not to exceed \$142,613.13.

Councilor Roberts moved to approve a public improvement contract with SLE Inc. in the amount not to exceed \$142,613.13 to complete the Evergreen Lane Storm Drain Project. Motion was seconded by Councilor Huckaby. Ms. Bannick took a roll call vote: Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Councilor Garlington – yes. Councilor Roberts – yes. Councilor Cook – yes. Mayor Milch – yes. Motion passes unanimously.

City Council took a five (5) minute recess.

## **13. CURED IN PLACE PIPE (CIPP) SANITARY SEWER REPAIR PROJECT**

Director Caniparoli advised the Council this is the first phase of a project that will correct deficiencies in the Gladstone Oak Lodge sanitary sewer area that needs to be completed by December 2027. This phase will address infrastructure to eliminate Inflow and Infiltration in the sanitary sewer system.

CIPP is much more cost effective because it repairs pipes while still in the ground versus digging up the ground, replacing the pipe, and then repairing what was dug up. The cost difference between CIPP and traditional construction is CIPP runs approximately \$200 per foot versus \$750 per foot for traditional construction.

The City received four bids from their RFP with the lowest bid being \$93,854 from Iron Horse Excavation, LLC dba Oxbow Construction. Staff recommends a 25% contingency of \$23,463.50 for a total contract amount not to exceed \$117,317.50.

Councilor Roberts made a motion to approve the award of bid in the public improvement contract to Iron Horse Excavation, LLC dba Oxbow Construction in the amount not to exceed \$117,317.50 to complete the 2024 CIPP sanitary sewer repair project. Motion was seconded by Councilor Alexander. Ms. Bannick took a roll call vote: Councilor Huckaby – yes. Councilor Garlington – yes. Councilor Roberts – yes. Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Mayor Milch – yes.



**14. RESOLUTION 1234 – A RESOLUTION ADOPTING THE LIMITATION OF LIABILITY FOR CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668**

City Attorney Chad Jacobs brought to the Council a resolution that the City and County services is requesting adoption of a provision in the state law that provides expanded recreational immunity for property damage or personal injury that result from non-motorized public use of trails and structures that occur in public easements and unimproved rights of ways. Examples of public easements are sewer or public utility easements where the public needs to use those areas to get from one place to another. An unimproved right-of-way example would be a road that is known but not created yet but could be in the future, and someone from the public may walk through that area.

Cities with populations of less than 500,000 need to pass a resolution or ordinance to affirmatively opt into this Oregon statute. This is recommended by the city's insurance service.

City Attorney Jacobs did provide an update to the memo in the Council's packet that showed where the State Legislature addressed some issues that arose out of the City of Newport case mentioned in the memo. It is not expected to see many issues happening in these areas, but this will offer more protection if the issue came up.

*Councilor Roberts made a motion to approve Resolution 1234, a resolution adopting the limitations of liability for certain claims arising for the use of trails or structures with the public easements and unimproved rights of way under ORS 105.668. Motion was seconded by Councilor Reichle. Ms. Bannick took a roll call vote: Councilor Garlington – yes. Councilor Roberts – yes. Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Mayor Milch – yes. Motion passes unanimously.*

**15. ORDINANCE 1529 – AN ORDINANCE ADDING NEW GLADSTONE MUNICIPAL CODE (GMC) CHAPTER 2.90 – CREATION OF THE GLADSTONE YOUTH COUNCIL**

Administrator Betz offered a brief overview of the work process that created the draft language given in the Council packet. If approved, the City will begin recruiting and promoting the Youth Council from March 14<sup>th</sup>-April 18<sup>th</sup>, will conduct interviews April 22<sup>nd</sup>-May 3<sup>rd</sup>, and hope to appoint members on May 14<sup>th</sup>. There will be a special work session with the Youth Council in August, and they will be administered the Oath of Office and start their duties in September for a 1-year term. The school district has offered a lot of support for this council body and will help promote it.

Staff recommends formal appointments of Council President Luke Roberts as the City Council liaison to the Youth Council and Councilor Huckaby as the alternate.

*Councilor Alexander made a motion that the City Council approve ordinance 1529, an ordinance adopting the creation of the Youth Council and adding a new chapter to Title 2 of the Gladstone Municipal Code, Chapter 2.90 Youth Council. Motion was seconded by Councilor Reichle. Ms. Bannick took a roll call vote: Councilor Huckaby – yes. Councilor Alexander – yes. Councilor Reichle – yes. Councilor Cook – yes. Councilor Roberts – yes. Councilor Garlington – yes. Mayor Milch – yes. Motion passes unanimously.*

*Councilor Alexander made a motion for the City Council to formally appoint Council President Luke Roberts as the City Council liaison to the Youth Council and Councilor Huckaby as the alternate. Motion was seconded by Councilor Cook. Ms. Bannick took a roll call vote: Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Councilor Garlington – yes. Councilor Roberts – yes. Mayor Milch – yes.*

**16. GLADSTONE TREE BOARD AD-HOC COMMITTEE**

This recommendation is to appoint representatives from the community to this board.

The City Council directed Administrator Betz to make it a city goal to have a Tree City USA designation for Gladstone. Requirements for this designation are to create a tree board by the end of 2024 which will create a tree ordinance, establish a community forestry program with an annual budget of at least \$2 per capita, and adopt a resolution proclaiming Arbor Day observance in April.

The City advertised for volunteers and gave them a list of roles and responsibilities. The following individuals expressed interest: Eric Butler, Gladstone Parks and Recreation member; Nancy Eichsteadt, Friends of the Gladstone Nature Park; Kim Baller, Gladstone resident; Linda Cosgrove, Gladstone resident; Justin Prouty, PGE representative; and Sandy Dittmar, Gladstone resident and wholesale nursery professional. A City Council liaison or member is not required but is an option if anyone is interested. They would like their first meeting to be in April.

Mayor Milch asked if there was agreement on the Council to appoint all listed volunteers, and all reactions were in positive. There were no negative actions or statements. Mayor Milch appointed the listed volunteers in concurrence with the Council.

**BUSINESS CARRIED FORWARD:**

None.

**BUSINESS FROM THE AUDIENCE:**

None.

**BUSINESS FROM THE COUNCIL:**

**Councilor Garlington:** She unfortunately missed the Senior Center pop-up art show but is excited that there will be another one in June on Dartmouth and Portland Avenue. She enjoys having art in her community. On Arbor Day, April 27<sup>th</sup>, as part of their Tree City USA work, the City will plant a community tree at the nature park. She asked each Council member to donate an hour of their time to help with this event. This event will also include the annual plant sale. She brought up frustrations with the RC car track at Meldrum Bar Park and would like the Council to add an agenda item to a future session to discuss the future of the track.

Councilor Huckaby inquired if Council members need to agree to place items on a future Council agendas. Administrator Betz referenced Council Rules and advised a consensus of the Council is needed.

The Mayor questioned if there was a consensus of Council members to add this item to a future agenda. Councilor Alexander indicated he utilizes the RC track for his personal RC car and has not witnessed any destruction of that area and recognized users of the RC track pay their \$3.00 parking fee for use of the RC track.

Mayor Milch took a vote from the Council to see if this is a discussion item they would like to see in the future: Councilor Garlington – yes. Councilor Roberts – no. Councilor Cook – no. Councilor Huckaby – no. Councilor Reichle – indicated she is not opposed to discussion of this topic, however, she indicated staff has reached out to RC track users and are trying to establish a relationship with the RC user group, therefore, she would like to hold off on discussion until that time. The consensus is that this not be added as an agenda item at this time.

**Councilor Roberts:** Concerning the RC car track, he requested administrative staff provide a future update on conversations with the RC track users. He thanked the Council for supporting the work of creating a Youth Council, and he will bring the approval status update to the school board on March 13<sup>th</sup>.

**Councilor Cook:** They offered appreciation to several people in the community. The parents and school staff at Candy Lane engaged in the Safe Routes to School process where the police department was at pickup to introduce themselves and hand out stickers. She appreciated their engagement. Councilor Cook

chaperoned on a recent school field trip with their son where they went to the fire station for some fire safety education and the library where they were told about resources available to them. They really appreciated how well both stops spent real time with the kids to give them information. They also acknowledged important holidays this month of Ramadan and Easter.

**Councilor Reichle:** She attended the Parks Board meeting on March 11<sup>th</sup>. She updated the Council that the playground at Meldrum Bar Park is now open. Director Caniparoli said it has been super busy with lots of kids playing on it. Robin Hood Park is waiting for better weather to lay down the needed bark chips which will hopefully be soon. Director Caniparoli met with a resident concerning some ideas and improvements to make David M. Scott Park (i.e. Ridgegate Park) more recognizable. The Parks Board is looking into a grant from T-Mobile for funding phase 1 of a dog park at Meldrum Bar Park which is in the parks master plan. Concerning the RC car track at Meldrum Bar Park, Director Caniparoli has met with a representative from the track group, and they are establishing a relationship.

**Councilor Alexander:** He asked Administrator Betz about the sign/mural on Portland and Dartmouth, and she let him know time will be scheduled to take it down and reinstall it when the weather is better. He is very excited about the Youth Council and congratulated its approval.

**Councilor Huckaby:** She asked about when Council will see the use of ARPA funds on the agenda, and Administrator Betz let her know she is targeting the May work session. Councilor Huckaby let the Council know that there will be a Narcan training session for city staff and councilors in the community room in April put on by N4N, a non-profit organization formally known as Need for Narcan. She encouraged anyone interested to attend. She gave a reminder about the community events sponsorship program to assist in the development and marketing of festivals and community events. It is a 1-to-1 match with a maximum of \$2,500 per event per organization per year. She acknowledged Women's History Month and International Women's Day.

**Mayor Milch:** Mayor Milch spoke about the opportunity he had to participate in Everybody Reads Day at John Wetten Elementary School. He found a book written for children that deals with how people formed cities and what cities do for people. He received great feedback from a 4<sup>th</sup> grader who really enjoyed having all of their favorite activities close together which gave the Mayor an opportunity to reflect on how he feels proximity and walkability is important in a community. He also gave an update on tolling where Governor Kotek has made the decision that tolling is not for Oregon at this time. There will need to be discussion on how to finish seismic upgrades on the Abernathy Bridge without tolling funds.


**ADJOURN:**

*Councilor Huckaby made a motion to adjourn. Motion was seconded by Councilor Roberts. Ms. Bannick took a roll call vote: Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Councilor Garlington – yes. Councilor Roberts – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

Meeting was adjourned at 9:14 p.m.

Approved by the Mayor this 9<sup>th</sup> day of April, 2024.

  
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Michael Milch, Mayor

ATTEST:  
  
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Tami Bannick, City Recorder