

GLADSTONE CITY COUNCIL MEETING MINUTES of December 11, 2018

Meeting was called to order at 6:30 PM.

ROLL CALL:

Mayor Tammy Stempel, Councilor Milch, Councilor Neace, Councilor Tracy, Councilor Reisner, Councilor McMahon, Councilor Mersereau

ABSENT:

None

STAFF:

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Reba Crocker, Right-Of-Way Contracts Coordinator; Jim Whynot, Public Works Director; David Doughman, City Attorney

AGENDA ADDITIONS OR CORRECTIONS:

Ms. Betz said there is an item #8 – the Resolution declaring an emergency relative to water damage at the Gladstone Senior Center. She also wants to add item #9A, which is to amend Ordinance 1495, an Ordinance amending Chapter 2.10 of the Gladstone Municipal Code so that we can do the appointments to committees, commissions, and boards this evening. There is also an item #10B, where they received an application from Mindy Garlington for the Budget Committee. And item #10D, they received an application from Andrew Labonte for the Parks Board.

PRESENTATION TO CHIEF JEFF JOLLEY:

Ms. Betz introduced Chief Jolley and presented him with a gift from the City of Gladstone/Police Department. Chief Jolley has taken another Chief of Police position in the City of Monroe, Washington. She said we are sad to see him go, but this is a great opportunity for him. She read him a poem relating to a career in law enforcement. Mayor Stempel thanked Chief Jolley for all that he has done for the City of Gladstone and wished him the best. Chief Jolley said it was an honor and a privilege to work for Gladstone – he appreciates the opportunity.

Mayor Stempel said a few words about the role of the City Council. She feels it is important for everyone to understand their limitations: they represent the citizens of Gladstone and not their own personal agendas and beliefs. There have been many times when a decision being made doesn't align with what they would like, but after hearing the citizens' desires they have sometimes gone a different direction. That doesn't mean that their beliefs have changed; just that they listened and acted accordingly. There are laws and rules they have to use as the basis of their decisions. They do not have the luxury of randomly making decisions, but instead have to be consistent and take the path that is defensible. They appreciate everyone's time in participating in this process. The Council will hold their comments from Business from the Audience until the end of the meeting. Her goal is to keep the meeting respectful and engaging and she hopes everyone will help her do that.

She said there will be a format change that will be implemented in January. They usually have general business from the audience in the beginning of meetings and hold Council comment until the end of the meetings. She also allows public testimony during the individual agenda items, which she will continue to do. However, business from the audience will now be at the end of the meetings so that the Council members can immediately comment and do any follow up that is necessary. She hopes this will help with the flow of the meetings.

BUSINESS FROM THE AUDIENCE:

None.

CONSENT AGENDA:

1. Approval of November 13, 2018 Regular Meeting Minutes and November 27, 2018 Special Meeting Minutes
2. Approval of October Bank Balances
3. Budget Report for Period ending 10-31-2018
4. Approval of October Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for November 2018

Councilor McMahon made a motion to approve the Consent Agenda. Motion was seconded by Councilor Milch. Motion passed unanimously.

CORRESPONDENCE:

None.

PUBLIC HEARING:

7. **ORDINANCE 1493 – AMENDING GLADSTONE MUNICIPAL CODE (GMC) CHAPTER 12.24 PERTAINING TO THE RIGHTS-OF-WAY:**

Reba Crocker, Right-of-Way Contracts Coordinator, presented the updates to the Municipal Code for the right-of-way management. The code was adopted in 2016. Since it was adopted there have not been any updates. The updates have been needed because of the changes in technology and laws. Most of the updates are housekeeping – they may be needed yearly. Councilor Reisner asked if the fees that the City gets from this also pertain to the City enterprise funds (sewer/water/storm water) – Ms. Betz confirmed that the City does charge itself for those; however, this ordinance pertains to telecommunication providers.

Public Testimony:

None.

Councilor Milch made a motion to close the public hearing. Motion was seconded by Councilor Reisner. Motion passed unanimously.

Councilor Milch made a motion to adopt Ordinance 1493, an Ordinance amending Gladstone Municipal Code (GMC) Chapter 12.24 Utility Services, pertaining to Rights-of-Way. Motion was seconded by Councilor McMahon. Motion passed unanimously.

Councilor McMahon made a motion to adopt Ordinance 1493, an Ordinance amending Gladstone Municipal Code (GMC) Chapter 12.24 Utility Services, pertaining to the Rights-of-Way. Motion was seconded by Councilor Milch. Ms. Bannick took a roll call vote: Councilor Milch – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor McMahon – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

REGULAR AGENDA:

8. **RESOLUTION 1153 – A RESOLUTION DECLARING AN EMERGENCY RELATIVE TO WATER DAMAGE OF THE GLADSTONE SENIOR CENTER AUTHORIZING EMERGENCY PROCUREMENTS TO REMEDIATE THE AFFECTED AREAS:**

Ms. Betz said there was an incident that occurred at the Senior Center on October 25th where there was a significant amount of water damage (penetrated holes in roof/walls) and Serve Pro

came out several times. The City is also having the roof replaced, which is a separate process. The roofer has until the end of December to complete that project. They are not currently able to operate out of the Senior Center. By approving this resolution it would authorize her at the City Administrator to informally seek quotes for a contractor to come in and do the repair work at the Senior Center – work that would be covered by CIS insurance providers. The information they received last week regarding the environmental assessment will not require them to close the Senior Center down. They should be able to use the East Room in the next few weeks, however, they want to wait until Colin is back to work before they put that plan together. They appreciate the patience of the people who use the Senior Center. Councilor Milch asked if CIS had preferred providers for this work – Ms. Betz said they could help us attract contractors who would like to bid but there are not a lot of available contractors right now. Councilor Reisner said he is concerned about the use of the emergency clause, but understanding how important the Senior Center is to the community he feels we need to expedite this process. He is disappointed that this whole thing happened in the first place. Ms. Betz said they have filed a claim on the bond for the contractor that is currently doing the work and they are monitoring that very closely. They are mitigating the roof matters as much as possible. Councilor McMahon said this is a huge burden on the seniors – they haven't been able to come in for almost a month and a half. It effects the delivery of meals.

Councilor McMahon made a motion to approve Resolution 1153, a Resolution declaring an emergency relative to water damage in the Gladstone Senior Center and authorizing emergency procurements to remediate the effected areas. Motion was seconded by Councilor Tracy. Motion passed unanimously.

9. RESOLUTION 1152 – ADOPTING A REVISED MASTER FEE SCHEDULE:

Ms. Betz said typically Gladstone likes to update its Master Fee Schedule either at the end of December and sometimes also at the end of the fiscal year in June. The staff report covers the areas that are being changed in regard to a revised water rate fee that was approved in the last budget cycle. There are also some right-of-way licensing changes and policy changes regarding business license fee changes that have been incorporated. Mr. Whynot confirmed that the City's utilities (water/sewer/storm water) pay the right-of-way fee. He said that all the fees the utilities that are in the streets are paying help pay to repair the streets. Councilor Tracy wanted to confirm that the 3% increase is for all utilities, including telecom – Mr. Whynot said it is all across the board.

Councilor McMahon made a motion to approve Resolution 1152, a Resolution repealing the Master Fee Schedule adopted under Resolution No. 1143 and adopting a new Master Fee Schedule. Motion was seconded by Councilor Tracy.

Discussion: Councilor Milch said he has been following some social media conversation regarding the water rates/changes effective January 1, 2019 – a lot of people are concerned that the minimum charge is based on usage of 600 cubic feet of water per month. A lot of people say their typical usage is more like 3 units rather than 6 so it doesn't provide much incentive to conserve water. He hopes that at some point in the future we might want to consider the viability of changing the minimum usage amount to a lower number. Mr. Whynot explained that it's a pretty common billing process locally. He said it's a more stable revenue source. He said if we want to look at that we would need to do a more in depth rate study. Councilor Tracy feels it is important to let the citizens know what Public Works is dealing with on a daily basis. *Motion passed unanimously.*

9. **(A) - AMEND ORDINANCE 1484 EXHIBIT A, AN ORDINANCE ADOPTING NEW CODE CHAPTERS GOVERNING THE ESTABLISHMENT OF AND APPOINTMENT TO BOARDS, COMMISSIONS, AND COMMITTEES AND REPEALING ALL PRIOR CODE AND ADMINISTRATIVE PROVISIONS REGARDING THE SAME AND DECLARING AN EMERGENCY:**

Ms. Betz said that last year they did a very comprehensive review of the Boards, Commissions, and Committees responsibilities. They also did a comprehensive review of the City Council Rules. They adopted a new ordinance and a new resolution. There were two inconsistencies. In order to move on with the appointments of the volunteers to the boards, commissions and committees tonight they would like the Council to consider making amendments to the ordinance. This doesn't effect the Library Board – they should have been recruiting for seven members, but they only recruited for five members; therefore tonight there is an amended agenda where there are actually three openings on the Library Board. On agenda item #10 it says individuals may not be appointed to more than two boards, commissions, or committees at one time. If an individual is serving on more than one board, commission, or committee they may not serve as the chair of both. The Council Rules state the same thing, but it adds that this limitation does not apply to service on the City Budget Committee – that was inadvertently not placed into the ordinance so they are asking the Council to include/add that sentence into item #10. Section 11 in the current ordinance says no more than one individual from a household may be appointed to serve on a specific board, commission, or committee at one time. They would like the Council to consider removing that item from the ordinance; otherwise they will have to make some changes to two members who are currently on the Budget Committee. They have a simplified ordinance amendment for the Council to consider those two changes – she and Mr. Doughman went over the options. Councilor Milch feels that two people who live in the same household ought to be able to serve on the same committee. Councilor Reisner disagrees with taking out 11 because there was a lot of discussion in regard to having two family members on the same committee. Ms. Betz said the issue is that there could be two people living at the same address who aren't married or related. The majority of the Council supported the two changes. There was discussion regarding options/effective dates.

Councilor McMahon made a motion to approve Ordinance 1495, an Ordinance amending Chapter 2.10 of the Gladstone Municipal Code (GMC) with an effective date of January 8, 2019. Motion was seconded by Councilor Milch. Ms. Bannick took a roll call vote: Councilor Milch – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor McMahon – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

Mr. Doughman gave a second reading of the Ordinance. Ms. Bannick took a roll call vote: Councilor Milch – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor McMahon – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

10. **APPOINTMENTS TO CITY BOARDS, COMMITTEES AND COMMISSIONS:**

Ms. Betz said they will go through each opening/position. There will be volunteer orientation at 5:30 P.M. on January 30th in the Council Chambers.

- a) Audit Committee (one applicant/one position: Steve Johnson): Mayor Stempel – no. Councilor Milch – yes. Councilor Neace – yes. Councilor Tracy – no. Councilor Reisner – no. Councilor McMahon – no. Councilor Mersereau – yes.

There was discussion regarding application deadlines. It was agreed to accept applications that are received after the deadline.

- b) Budget Committee (one applicant/three positions: Steve Johnson, Mindy Garlington): Ms. Betz said they can't appoint Ms. Garlington until after the January 8th meeting. Mayor Stempel – no. Councilor Milch – no. Councilor Neace – no. Councilor Tracy – no. Councilor Reisner – no. Councilor McMahon – yes. Councilor Mersereau – yes.
- c) Library Advisory Board (2 applicants/one position: Michael Milch, Natalie Smith): Mayor Stempel – yes for both. Councilor Milch – yes for Natalie Smith. Councilor Neace – yes for both. Councilor Tracy – yes for both. Councilor Reisner – yes for both. Councilor McMahon – yes for both. Councilor Mersereau – yes for both.
- d) Park and Recreation Advisory Board (3 applicants/one position: Colson, Proctor, Labonte): Mayor Stempel – Colson. Councilor Milch – Proctor. Councilor Neace – Proctor. Councilor Tracy – Proctor. Councilor Reisner – Proctor. Councilor McMahon – Proctor. Councilor Mersereau – Proctor.
- e) Planning Commission (4 applicants/one position: Coy, Johnson, Milch, Poole): Mayor Stempel – Milch. Councilor Neace – Milch. Councilor Tracy – Poole. Councilor Reisner – Coy. Councilor McMahon – Milch. Councilor Mersereau – Poole. A second vote between the top two: Mayor Stempel – Milch. Councilor Neace – Poole. Councilor Tracy – Poole. Councilor Reisner – Milch. Councilor McMahon – Milch. Councilor Mersereau – Poole.

Mr. Doughman went over the options for making a selection. Councilor McMahon made a motion to leave the vote for the vacant Planning Commission position open. Motion was seconded by Councilor Reisner. Motion passed (5-2).

- f) Senior Center Advisory Board (2 applicants/two positions: McMullin and Nelson): Mayor Stempel – recused. Councilor Milch – yes on both. Councilor Neace – McMullin. Councilor Tracy – yes on both. Councilor Reisner – yes on both. Councilor McMahon – yes on both. Councilor Mersereau – yes on both.
- g) Traffic Safety Advisory Board (2 applicants/one position: Hurita and Moore): Mayor Stempel – Moore. Councilor Milch – Moore. Councilor Neace – Moore. Councilor Tracy – Moore. Councilor Reisner – Moore. Councilor McMahon – Moore. Councilor Mersereau – Moore.

Ms. Betz said they will continue to advertise for the Audit Committee, Library Board, and Budget Committee. They will reconsider the Planning Commission appointment on January 8th. She asked for clarification regarding the deadline for applications. Mayor Stempel suggested the deadline be the day they get their packets, which would be January 2nd, 2019.

PRESENTATION TO CITY COUNCILOR PAT MCMAHON AND CITY COUNCILOR

MICHAEL MILCH:

Mayor Stempel presented plaques to the Councilors expressing sincere appreciation for everything they have done. She said that Councilor Milch truly values what makes the City great and has always pursued what is best without any hidden agenda. She said that Councilor McMahon has served a long time and has always put the City first. Councilor Milch said he knew Councilor McMahon before he served on the Council and his volunteer work was one of the inspirations for him getting started. Councilor Tracy said he has learned a lot from the two Councilors. Councilor Reisner appreciates the homework that Councilor Milch did. Councilor Mersereau thanked both Councilors for their help.

BUSINESS CARRIED FORWARD:

Ms. Betz said in reference to the proposed warming shelter at the Hillside Church that after the last Council meeting they set up a meeting with the pastor of the church, various members of the church, Clackamas County Building officials, Planning Director, Senior Planner, Police Chief, Fire Chief, Fire Marshal and herself. They talked through what went wrong and what they could do better. She wants everyone to understand that the pastor had no intentions of creating the debacle that occurred – he didn't understand that there was a conditional use permit process. Currently he has not decided whether or not he wants to go forward with the warming center, but he does understand that if he does there is a land use process that he will have to go through whereas the neighboring community will be invited to provide public comment. The church is actively assisting another facility outside of Clackamas County. They are currently not a warming center and they have no plans to do so. They are a church and they are allowed to have people coming and going and they are providing a service. She wanted to assure everyone that the pastor does care very much about citizen input.

BUSINESS FROM THE COUNCIL:

Councilor Reisner:

He said it recently came to his attention that we renewed our service contract with Sisul Engineering. He didn't remember if we had done a request for qualification when they were appointed the first time. He wanted to ask that if there hasn't been that we ask staff to initiate a request for qualifications for a city engineer. Ms. Betz said it would be an excellent time to talk about that and also legal services. She said that under the charter the City Administrator and the City Attorney are under their purview. She feels these should be suggestions that come during the strategic planning session at the January 25th, 2019 meeting.

Councilor Reisner wished everyone safe holidays.

Councilor McMahon:

He said when he ran four years ago he ran to get a civic building. The previous City Councils could not seem to vote and get a new building built so he feels that one of his greatest accomplishments is being part of a team that's going to get a new City Hall and a new Police station built. When the Rinearson Pond project came to him three years ago he thought it was a "pie in the sky" and now it's done. They have done a phenomenal job in there and if we don't get a penny out of it they did us a huge favor by taking care of a potential liability for the City in the long run. He is most proud of the employees that have been hired over the last four years – that is what is going to drive this city forward to continue making improvements. He is very proud that Chief Jolley got the job that he did and was very disappointed that some Councilor made comments to his new employer that were probably uncalled for.

Councilor Mersereau:

He wished everyone a merry Christmas and happy New Year.

Mayor Stempel:

She wanted to thank everyone who helped with the Holiday Tree Lighting party. Even though it rained like crazy it stopped raining while they lit the tree. There was a great turn out. They are going to start planning next year's party in February – if anyone wants to help, let her know.

ADJOURN:

Meeting was adjourned at approximately 8:00 P.M.

Approved by the Mayor this 8TH day of JANUARY, 2019.

ATTEST:



Tamara Stempel, Mayor



Tami Bannick, City Recorder