

GLADSTONE CITY COUNCIL MEETING MINUTES of March 12, 2019

Meeting was called to order at 7:20 PM.

ROLL CALL:

Mayor Tammy Stempel, Councilor Randy Ripley, Councilor Linda Neace, Councilor Matt Tracy, Councilor Neal Reisner, Councilor Traci Todd, Councilor Thomas Mersereau

ABSENT:

None

STAFF:

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Jim Whynot, Public Works Director; Kim Yamashita, Chief of Police; Jeff Smith, Interim Fire Chief; David Doughman, City Attorney

AGENDA ADDITIONS OR CORRECTIONS:

Ms. Betz added two items under "Business Carried Forward" – awarding the bid for aluminum boarding docks for the Meldrum Bar Park project and a brief discussion regarding use of City facilities for political officials.

CONSENT AGENDA:

1. Approval of February 12, 2019 Regular Meeting Minutes
2. Approval of January Bank Balances
3. Budget Report for Period ending 1-31-2019
4. Approval of January Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for February 2019

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

CORRESPONDENCE:

Ms. Betz said there was correspondence on the dais – a letter regarding a request for funding for the Gladstone High School 2019 senior graduation party. They are asking for a \$500 donation. The City does not have any concerns with the funds coming out of the community promotion/business development line item.

Councilor Neace made a motion to donate \$500 for the 2019 Senior Graduation party. Motion was seconded by Councilor Reisner.

Discussion: Councilor Reisner said this has been an ongoing donation that the City has done in hopes that all of the seniors celebrate in an organized environment so they aren't out on the streets of Gladstone and possibly getting themselves hurt.

Motion passed unanimously.

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 personally, 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. Her goal is to keep the meeting respectful and engaging and she hopes everyone will help her do that.

REGULAR AGENDA

7. STATE OF THE CITIES ADDRESS:

Mayor Stempel said the staff and elected officials sat down in January and looked at the strategic plan, looked at what they have done, what they are doing now, and what the future looks like. Out of 32 objectives in the strategic plan they completed almost everything. She went over some of the projects they are working on: Water/stormwater/sewer/parks/transportation master plans are in place - they are approaching the capital improvement projects identified and looking at efficiencies. Staff is looking at the big picture and checking off the low hanging fruit when they think it might help mitigate the larger projects. They have invested in equipment desperately needed to keep our systems the best way they can. They were able to implement realistic system development charges. They entered into an agreement with the County to end the library lawsuit – they are now partnering on a two library solution being built and managed by the County that is truly a win-win for everyone in our district. The new Gladstone library will be located on the corner of Portland Avenue and Dartmouth where City Hall is currently and it will be the centerpiece of our Main Street, right where it should be. The library project will start as soon as the Civic Center is completed. They have broken ground on the new Civic Center – it will be a combined City Hall/Police Station located next to Public Works on Portland Avenue. The building will be the bookend to the downtown core and give us a place to do business that we can all be proud of. They expect it to be completed in May of 2020. Portland Avenue has gone through an extensive redevelopment plan and they are now working with a consultant to strategize how they can encourage developers to invest in our core.

The replacement of the trolley bridge connecting Gladstone and Oregon City is now in the feasibility study phase. The contract has been awarded and we are off and running. She said this is a great project for our region.

The Police Department is running smoothly, but in a holding pattern while they look for a new Chief – Kim Yamashita has agreed to step in and manage the department while they go through the recruiting process. The K-9 program is in place and they are reviewing codes and ordinances that seem to be a bit vague.

The Fire Department is now staffed 24/7 with shifts led by full time Captains. They have a strategic plan and standard of coverage that rivals anyone's in the region. They have expanded their technical training to include not only dive rescue, but added swift water and rope rescue. Our insurance rating is evaluated every ten years and we are mid-cycle now – when it is completed she is confident that our rating will improve significantly and a cost savings will be realized. They are also in the process of hiring a new Fire Chief. She thanked Jeff Smith for stepping up and helping with the transition.

The Food Pantry is up and running – it closed temporarily last summer, but with the help of volunteers they were able to open it up again. They are looking for a solid funding source to help pay for a part-time coordinator (approximately \$25,000/year). The Food Pantry is critical to our county. We are a regional resource serving people from all over the metro area. She is proud to be a volunteer there and she encourages others to help as well.

She said that Gladstone is still that small town where the police officers wave when they drive by and where everybody attends the community celebrations and high school football games. We don't want to lose that – it's who we are. All of these amazing projects will only strengthen our community and support the needs of our people.

8. 2019-2021 STRATEGIC PLAN:

Ms. Betz said that Mayor Stempel just outlined the strategic plan. They wanted to present it to the public and it is available on the City's website. Mayor Stempel thanked all the staff for their hard work.

9. REPORT FROM GLADSTONE SCHOOL DISTRICT:

The School Board member, Tracey Grant, was not present so this item was skipped.

10. OREGON HOUSING PLANNING PROJECT – CODE AUDIT ADVISORY COMMITTEE APPOINTMENTS:

Ms. Betz explained that they are going through the process of a code audit of Chapter 17, specifically in regard to our housing allowances. They received some grant funds through DLCD to have them hire a consultant to review our codes for housing. Part of that means they have to create an ad-hoc City committee. In order to appoint someone to an ad-hoc committee staff needs to make a recommendation to the Mayor and then the Mayor and the Council need to concur with those recommendations. John Southgate is the consultant. Ms. Betz went over the list of members and noted some changes to the list – Second Representative from the Abernethy Neighborhood Group will be Liz Wease, the Representative from the Seventh Day Adventist Church will be David Schwinghammer, and the Architect will be Jennifer Marsicek. They would also like to add a Representative from the Historical Society, Bill Osburn. The first meeting will be on March 27th.

Councilor Reisner made a motion to support staff and the Mayor's recommended appointments to the Ad-Hoc Committee to provide feedback on the Gladstone Housing Code Audit proposal. Motion was seconded by Councilor Mersereau. Motion passed unanimously.

11. MUTUAL AGREEMENT ORDER (MAO) WITH DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ):

Mr. Whynot introduced Tiffany Yelton-Bram, Water Quality Source Control Manager with DEQ. They are asking the Council to authorize staff to sign the Mutual Agreement Order. Mr. Whynot said that Gladstone has a long history of overflowing raw sewage into the rivers. Typically every time we get heavy rains there is a lot of inflow and infiltration (I&I) that gets into the system through a series of manners: storm system direct connects, leaking pipes and manholes, roof drains connected to the sewer, etc. The Oregon Revised Statutes and Oregon Administrative Rules both prohibit the discharge of raw sewage into the rivers. The MAO basically says that the City will be paying \$4,800 in fines for current violations, the City needs to conduct a comprehensive I&I study to locate where the problems are, develop an annual budget to address I&I issues according to what the results of the study shows, and remove all the major sources of I&I.

Ms. Yelton-Bram said the MAO is an enforcement document that takes care of the violations that have happened to date that are documented in the order and does set a penalty, but it also sets a path forward that will help with future planning.

Mr. Whynot said that the City has modified some of our storm manholes that redirected flow and installed a flow meter in our sewer system on Clackamas Boulevard to start monitoring to

determine if we are making improvements and it helps determine how far out in the system the problem is. They now have equipment to clean the lines.

Mayor Stempel asked if the City Attorney is comfortable with all the language in the MAO – Mr. Doughman went over some questions/issues he had in the document – Ms. Yelton-Bram will look into those. Mayor Stempel asked Mr. Whynot if he was confident that the City will be able to make these repairs/upgrades in the timeframe that is allotted in the agreement – he said it will depend a lot on their next discussion. Ms. Betz said we really don't have any choice but to enter into this agreement or pay an inordinate amount of fines for the next several years. Councilor Reisner asked about doing another study of the sewer system. Mr. Whynot said this is specifically an I&I study – it will address the problems and not just be replacing all the pipes. Ms. Yelton-Bram said this type of study helps you use the information you may already have in a very strategic way. Mr. Whynot said that a lot of the work will be done in-house – they have purchased a smoke machine that is used to locate issues in the pipes. Ms. Yelton-Bram went over the factors involved in how they arrive at the amount of penalty – they recognize that the City has already put together quite a bit of work and planning to address the overflow problem. The formula includes frequency and severity.

Councilor Reisner suggested they wait until the City Attorney has a chance to review the proposed changes. It was agreed that this will come back before the Council in the Consent Agenda at the April 9th meeting.

Ms. Betz said they need to acknowledge the civil penalty of \$4,800 is a global settlement for past violations and that will come out of the sewer fund.

12. UTILITY RATE DIRECTION FROM COUNCIL:

Mr. Whynot gave a brief history related to this topic. There have been multiple studies done in recent years. In July of 2017 a stormwater utility of \$5.00/month was implemented. In January 2018 the water rates were raised by \$1.58 and sewer by \$.50/month. In July of 2018 they increased the stormwater utility to \$10, which is still below what most other cities charge. In January of 2019 they raised the water rates by \$1.99/month and sewer by \$.48. The City portion of the utility bill has increased by \$14.55 since July of 2017 – this has allowed the City to increase staff (2 full time employees) to operate and maintain infrastructure. He went over the options for rate increases. With a 10% increase staff feels that it would take approximately five years to address the I&I issues addressed in the MAO. The construction costs for the Addie Street project was approximately \$575/ foot. The estimate for the current project is approximately \$711/lineal foot (replacing curbs/sidewalk/pavement/water/sewer/storm). The City owns approximately 40 miles of infrastructure which comes out to 211,000 lineal feet. Over the next six months staff is planning on doing some open houses, public messaging, and inserts in the bills to provide information regarding the infrastructure. Any rate increase would not happen until January of 2020. They are anticipating using the right-of-way fees toward repairing/replacing the infrastructure. Ms. Betz said that currently the right-of-way fees come into the general fund and they are allocated to Public Works Street Fund. She said they are offering a phased-in approach with a 10% increase in rates that is going to add about \$7.50 to monthly utility bills. There was discussion regarding the rates/increases in surrounding cities. Mr. Whynot said that soon the City will be at a point where they can't take advantage of some grants because they can't fund the match needed and if we don't start spending the system development fees we can plan on giving them back.

Ms. Betz said that they are asking the Council for their blessing on the 10% increase in the next biennial budget for 2020-2021 and in the meantime they would like to run some scenarios to do an options list for the budget committee to look at.

Councilor Mersereau said he believes if we sped up the process and did everything in five years' time it would save the City millions of dollars. He asked if that was being considered. Mr. Whynot said it was not because yes, you would save money, but he doesn't see how it could be accomplished.

Public Comments:

Bill Osburn said he hopes this is looked at very seriously and that the increases will be the bare minimum of what's needed. He would like more transparency on this issue – let people know why this is necessary. He said he was disappointed in the recent newsletter regarding right-of-way fees. He said while the City is trying to catch up all at once with modernizing the City there are a lot of growing pains that people are feeling. He suggested pumping the brakes on the extra fees/taxes that are just revenue generators that we are doing just because other cities do it.

13. ORDINANCE 1496 – AMENDING GLADSTONE MUNICIPAL CODE (GMC) CHAPTER 9.60 – CAMPING PROHIBITED IN CERTAIN PLACES, SECTION 9.60.030 – VIOLATION – PENALTY – TO CLASS “B” VIOLATION:

Police Chief Yamashita said this is mostly a housekeeping matter - the code needs to be updated. Illegal camping will be decriminalized – it doesn't mean we can't/won't enforce it – this is a recommendation to change it to a Class “B” Violation, which is generally just a cash fine and does not subject the violator to arrest. This would put the City in compliance with the findings of the Ninth Circuit Court.

Councilor Reisner said there are also a lot of park rules that are criminalized. He recommends we decriminalize all but a couple of sections of the parks rules also. Chief Yamashita said that could be done, but those are not affected by this case so it wouldn't be necessary to do so. Councilor Reisner said the Parks Board wanted to give as much teeth as possible in dealing with park rules. Councilor Reisner feels we are being heavy handed and overbearing if we are threatening someone with arrest for being in a park after hours, but if they're camping they can't be – he doesn't feel that it's fair. Chief Yamashita said it's definitely a tool the officers have available to them but they also have discretion. Their decision to arrest or not is based on the totality of the circumstances.

Councilor Tracy made a motion to amend Gladstone Municipal Code Section 9.60.030 – Penalty Section changing violations of Chapter 9.60 to a Class B Violation. Motion was seconded by Councilor Ripley. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – no. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed (6-1).

Mr. Doughman noted that this was the first reading of Ordinance 1496, an Ordinance amending Chapter 9.60 of the Gladstone Municipal Code.

BUSINESS CARRIED FORWARD:

Ms. Betz said they would like to award the bid for the Meldrum Bar Park dock to the lowest responsive bidder, which was C.R. Fabrication, Ltd. in the amount of \$127,448.49.

Councilor Reisner made a motion to award the bid for the aluminum boarding docks fabricate and deliver at Meldrum Bar Park for the City of Gladstone to C.R. Fabrication, Ltd. in the amount of

\$127,448.49 once the protest period has expired. Motion was seconded by Councilor Neace. Motion passed unanimously.

Ms. Betz said she will follow up with the individual Councilors she needs feedback from regarding the next item, which was use of City facilities.

BUSINESS FROM THE AUDIENCE:

Bob Everett, representing the Gladstone Senior Foundation, said they are having a fundraiser at Five Guys Burgers and Fries on April 6th – they get 15% of whatever is sold on that day. He invited everyone to come. He said the Foundation is in the process of doing a couple fundraisers. They will also be talking about how they want to spend the money they will be getting. They appreciate any donations. He thanked everyone who has already donated. They are hoping that the Senior Center will be fully operational soon. They are always looking for people who want to help out in whatever manner they can.

Nancy Eichsteadt, representing Friends of Gladstone Nature Park, said they are having the fourth Arbor Day event coming up at the end of April. They are looking for vendors. They will have hot food available this time. She said the licorice ferns are out now and are spectacular – she encouraged everyone to go see them.

Ms. Betz said she has a letter from someone who is not present – they asked that page one be read into the record, but legally it is not required – she could just hand it out to the Council. Councilor Reisner agreed to read it aloud. The letter is from Mindy Garlington, Gladstone resident/homeowner. Gladstone City Council, March 12th, 2019. “At the February 12th, 2019 City Council meeting agenda item number 14 was an appointment to the Budget Committee. I happened to be on that board and appreciate the knowledge, insight, schooling, and business experience that the people on that committee bring to the table at budget time. The Council had three applicants from three super qualified individuals who also happen to live in this town, pay taxes, and have graciously offered their time, experience, and expertise to help this city with a very important task at hand. Our budget is not a bargaining game. Our budget is millions of tax payer dollars and collected funds that support our city and pay for necessary infrastructure, including repairs, upgrades, and new projects. Of the seven members of this Council three of you elected not to vote for any of the three applicants. There isn’t a person who attended or watched that meeting online that couldn’t clearly see that there was a pre-agreed upon vote that was decided amongst the three. One has to wonder the reasoning behind the votes or who the ring leader of the agreement was. I frankly don’t care. What I will say is that it needs to stop. The people in town will not tolerate these tricks and shenanigans. You are toying with our hard earned money and for the folks in this town who go to work every day and pay their fair share of taxes this is no joke. Gladstone residents might be interested in knowing that more than half the members of this Council have been through personal bankruptcy and one member is currently involved in a second. So you do not care about your money. Should we be concerned with your lack of financial knowledge? If one is unable to unclog a sewer one finds someone who can. Bottom line is if you can’t do it you should find people that can and that would have been one of those three applicants that you passed on. Please leave your personal games out of this room and start doing what the people in this town thought you would do when they voted for you.”

BUSINESS FROM THE COUNCIL:

Councilor Tracy:

He said he appreciated going to the State of the Cities luncheon and having the Mayor, along with two other mayors (Milwaukie and Happy Valley) address the group. There was a lot of information given and it’s also kind of scary times for all the cities.

Councilor Reisner:

He said the next couple of Mondays there are Budget Committee meetings.

He apologized for the late start of the meeting tonight – they had some discussions regarding personnel that they needed to hammer down.

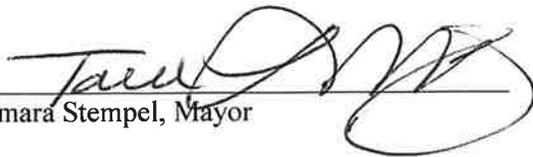
Mayor Stempel:

She recommended that everyone look at the civic activity detail from the Councilors – she thanked the Councilors for providing that. She said there are so many meetings that they attend and that’s how to find out what’s going on regionally. There are a lot of big dollar items coming down the pike (transportation bond, parks bond, affordable housing bond). She asked that people let the Council know how they feel about these issues so that they can carry that forward in their committees.

ADJOURN:

Meeting was adjourned at 9:02 P.M.

Approved by the Mayor this 9th day of APRIL, 2019.



Tamara Stempel, Mayor

ATTEST:



Tami Bannick, City Recorder