

## **GLADSTONE CITY COUNCIL MEETING MINUTES of July 9, 2019**

Meeting was called to order at 6:30 PM.

### **ROLL CALL:**

Mayor Tammy Stempel, Councilor Ripley, Councilor Neace, Councilor Tracy, Councilor Reisner, Councilor Mersereau

### **ABSENT:**

Councilor Todd

### **STAFF:**

Jacque Betz, City Administrator; Tami Bannick, City Recorder; John Schmerber, Chief of Police; Rick Huffman, Fire Chief; Jim Whynot, Public Works Director; David Doughman, City Attorney

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

None.

### **INTRODUCTION OF NEW EMPLOYEE:**

Police Chief Schmerber gave some background information on Kristi Walls, the new Police Department Executive Assistant. She started with Multnomah County in 2006 as a Records Clerk, in 2007 she was a Records Technician in Fairview, in 2012 she became the Administrative Assistant to the Chief of Police in Fairview, and she became the Records Manager in 2017.

### **PRESENTATION – PROPOSED NEW CLACKAMAS COUNTY COURTHOUSE:**

Clackamas County Commissioner Martha Schrader and Clackamas County Circuit Court Judge Kathie Steele gave a PowerPoint presentation regarding their efforts to replace the Clackamas County Courthouse and the overwhelming need for it. Commissioner Schrader said this has been a priority for the Board of County Commissioners. Judge Steele said the current courthouse at 8<sup>th</sup>/Main in downtown Oregon City was built in 1936 when there were approximately 50,000 people in Clackamas County. It was built with basically one courtroom and multiple County offices. There are no County offices located there now except for the Circuit Court itself and the District Attorney's office. There are eleven courtrooms there now. The population in Clackamas County is now approximately 419,000 and there should be 14 judges but they don't have room for them (they currently have 11 judges). They are delaying justice because they don't have enough judges. Parents are waiting much longer than they should for child support, modification of visitation, custody hearings, etc. Civil trials are being scheduled out 1-2 years. Clackamas County has the sixth biggest criminal docket in the State of Oregon but the continuances are beyond our recommended disposition dates that they are accountable to for the State of Oregon and the Oregon Justice Department. They have security challenges because of the current courthouse – witnesses/litigants/jurors/victims/defendants/staff are all sharing the hallways. In a new courthouse there are special quarters for the people involved and separate circulation patterns. The current courtrooms are too small (approximately 800 sq. ft.) – the victims are within touching distance of defendants. The new courtrooms would be a minimum of 1,600 sq. ft. They are planning on putting the new courthouse on space the County already owns in the Red Soils area – between the Public Services building and the Development Services building. It will have improved access for people with disabilities. This project has been a part of the Master Plan since before 2003. The Legislature has seen this as a top priority for the County – they have approved \$31.5 million, which is contingent upon securing matching funds for the project. One of the funding options may include a voter approved bond measure, but they are also exploring public/private partnerships. They are asking the citizens of Gladstone to become part of a growing coalition who are supporting their efforts. They have a planning design team and an in-house project manager overseeing the

nearly 20 sub-projects associated with the courthouse replacement. The new courthouse would have 16 courtrooms with room for 4 more that they could build on top of one wing.

**PRESENTATION – CLACKAMAS COUNTY SOCIAL SERVICES FOR SENIORS:**

Brenda Durbin, Director of Clackamas County Social Services and Colin Black, Manager of the Senior Center, and two members of the Aging Services Advisory for Clackamas County (Eric Olson and Mike Foley) gave a presentation regarding the need for all communities to prepare for the coming demographic changes and to move toward creating age friendly communities. Gladstone’s Senior Center provides many resources that support older adults such as rides, meals, home delivered meals, etc. Clackamas County Social Services is able to pass through Federal and State funds that help to pay for some of these critical services. Between 2010 and 2017 the population in Gladstone increased by 439 residents – 76% of that growth occurred in the age group of people 65 and older. The largest population growth in Clackamas County is the age 85 and older group. They went over some of the things that are important in relation to senior citizens: safe/affordable housing, public transportation, social events, input with regard to public voluntary and commercial services on how to serve them better, recognition for past and present contributions, adequate range of health and community support services, etc. The need for better public transportation as well as volunteers to provide rides to seniors for appointments, etc. is growing. They want to raise awareness about some of the things that each community needs to allow everyone to fully contribute, get out of the house, get their transportation needs met, that they have places to go that are welcoming, etc.

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.

**CONSENT AGENDA:**

1. Approval of June 11, 2019 Regular Meeting Minutes
2. Approval of May Bank Balances
3. Budget Report for Period ending 5-31-19
4. Approval of May Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for June 2019
7. Approval to Extend Library Director Services
8. Resolution 1164 – Budget Resolution for Self-Contained Breathing Apparatus (SCBA) Equipment for the Fire Department

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

**CORRESPONDENCE:**

None.

**REGULAR AGENDA**

**9. INTERGOVERNMENTAL AGREEMENT (IGA) FOR THE TRI-CITY GOOD NEIGHBOR PROGRAM:**

Ms. Betz said they have been working on this for over a year. She thanked Mr. Whynot for his help. She introduced Director Greg Geist from Water Environmental Services (WES). The intent of the IGA is that WES is going to deposit funds into an account each year that Oregon City and Gladstone can use in a mutually benefitted area to advance projects in their jurisdictions. Gladstone already has a Parks Advisory Board in place that can evaluate the proposed projects and make recommendations each year on how this money could be spent. WES is going to deposit \$250,000 each year beginning July 1<sup>st</sup>, 2019 for ten years. The formula regarding how the funds are split between Oregon City and Gladstone is based on the number of equivalent dwelling units for each city. For Gladstone this comes to approximately \$50,000 annually. The City will establish a designated line item for those funds to be restricted and only to be used for projects that meet the criteria as outlined in the IGA. Some of the potential projects that have been identified are: connect the trail under the 99E bridge to Clackamas Boulevard, realign the trail between orchard and boat launch at Meldrum Bar Park, install wildlife viewing area with signs at Dahl Beach, repair trail and remove stairs at Cross Park, stabilize bank to prevent erosion at Cross Park, ADA compliance at several parks, potential for a fitness court at Charles Ames Park, and the Trolley Trail bridge replacement project. All of these projects have already been vetted in the recently adopted Parks Master Plan. Ms. Betz said this is a great opportunity to generate more funds for the parks without having to do property tax increases, a special levy, or fees. It is not contingent on Oregon City accepting the IGA. Mr. Geist said that the intent is that as Gladstone and Oregon City grow the amount will increase. Ms. Betz confirmed that they will need to adjust the budget – increase the amount that they receive in revenues for that line item. Mr. Geist said the money comes from approximately 25 cents per household per month and is spread across the entire district (Happy Valley, Milwaukie, etc.). He said this is a gesture from WES to the cities that they impact to enhance the surrounding geographic area with amenities and things that are consistent with WES’s mission, which is clean water, public education, outreach, etc. Mayor Stempel thanked him for offering this and the fact that it happened so quickly.

*Councilor Tracy made a motion to accept the Intergovernmental Agreement (IGA) for the Tri-City Good Neighbor Program with WES. Motion was seconded by Councilor Reisner. Motion passed unanimously.*

**10. GLADSTONE POLICE ASSOCIATION (GPA) COLLECTIVE BARGAINING AGREEMENT (CBA):**

Ms. Betz said last month City Council approved the new collective bargaining agreement with AFSCME. They are at a point now where the Gladstone Police Association and the City of Gladstone are ready to ask for approval of their collective bargaining agreement for 2019-2022. Both negotiations teams met in good faith on February 4<sup>th</sup>, 11<sup>th</sup>, and 19<sup>th</sup>, March 4<sup>th</sup>, 15<sup>th</sup>, and April 15<sup>th</sup>, and on June 24<sup>th</sup> the GPA met with their labor attorney and ratified the agreement with the City’s wage proposal and they approved the 2019-2022 collective bargaining agreement. Staff is recommending that the City Council approve the 2019-2022 Gladstone Police Association and City of Gladstone Collective Bargaining Agreement.

*Councilor Mersereau made a motion to approve the Gladstone Police Association (GPA) and City of Gladstone Collective Bargaining Agreement 2019-2022. Motion was seconded by Councilor Neace. Motion passed unanimously.*

**11. INTERGOVERNMENTAL AGREEMENT (IGA) WITH METRO FOR REGIONAL ILLEGAL DUMPING (RID) PATROL PROGRAM FOR UNLAWFUL CAMPSITE CLEAN UP:**

Ms. Betz said this is a partnership that the Chief of Police is implementing. Chief Schmerber said that RID is a division of Metro and it's used for the clean-up of illegal dumping that includes transient camps and other illegal dumping. There could be a minimal cost to the City, such as the cost of renting a dumpster, but he has never experienced that. In certain cases where dumping occurs on public property RID has investigators to look for suspects who could be fined up to \$500. Councilor Tracy said this program is very busy right now and this is the kind of outside help you welcome.

*Councilor Neace made a motion to approve the Intergovernmental Agreement (IGA) with Metro for Regional Illegal Dumping (RID) Patrol Program. Motion was seconded by Councilor Reisner. Motion passed unanimously.*

**12. RETIRING THE GLADSTONE POLICE DEPARTMENT (GPD) PUBLIC POLICY ON POLICING:**

Chief Schmerber said he has concerns regarding officers trying to manage their daily activities through two different documents. They now use Lexipol: a nationwide policy and procedure manual for law enforcement that guides their activities and gives them direction on how they do their job. Lexipol has attorneys on hand that look for changes in laws that impact policies and how law enforcement does their job and they send updates and/or training as needed. Lexipol is budgeted for each year and is a valuable tool for the Police Department and the City. He feels that by repealing the Public Policy on Policing they will be in much better shape.

*Councilor Reisner made a motion to repeal the adoption of the 2010 Public Policy on Policing for the City of Gladstone. Motion was seconded by Councilor Tracy. Motion passed unanimously.*

**BUSINESS CARRIED FORWARD:**

A. Coffee with a Councilor:

Mayor Stempel said they haven't had very good turn-outs recently and they talked about perhaps changing the format a bit to something that is more "themed" (focus on public works or police, etc.). It was decided to think about it and postpone having an event until January. Ideas will be discussed at a Council meeting in September.

B. Change of time for Traffic Court:

Ms. Betz said that Judge Beloof signed a supplemental court rule – she would like to do a minor change in the time that traffic arraignments/traffic trials are held. Typically, they have been scheduled at 2:30 and she would like to move that up to 2:00. They will be doing the proper notification on citations and through the court system.

C. City of Gladstone City Attorney Services:

Ms. Betz said the City issued a request for qualifications for attorney services in June (via League of Oregon Cities, Daily Journal of Commerce, and on the City's website for a month). The closing date was July 3<sup>rd</sup> at 5:00 P.M. and the City did not receive any responses. The City Attorney is appointed by the City Council so she would like some direction on how they would like to proceed and if they want to discuss this tonight or during executive session on July 16<sup>th</sup>. There was discussion regarding sending direct notification to firms, posting different places, etc. It was agreed to discuss this further at the August 13<sup>th</sup> Council meeting.

D. Oregon State Marine Board Dredging Grant:

Ms. Betz said this topic is scheduled to come before the City Council on August 13<sup>th</sup>. The City is going to receive funds from the Oregon State Marine Board and ODF&W to do the dredging in Meldrum Bar Park. This was discussed during the Parks Board meeting last night. Before accepting the grant, it needed to be vetted through the Parks Board and inform them of what the City's financial requirements are. They asked that this be discussed tonight. The total project cost is \$405,000. The City will receive \$350,000 in grant funds from the State. The City is required to have a \$30,000 cash match. They would need to hire a Project Manager, which will cost approximately \$25,000. Therefore, the City needs to commit \$55,000 in resources (which has been reduced from \$110,000). The Parks Board is willing to take \$30,000 from their Parks Systems Improvements and Projects line item in the new budget (total budget is \$68,000), even if Parks doesn't get that money back once the City has completed their tourism strategy and these funds would qualify (per ORS 320.300). They would like the City to find the rest of the money (\$25,000) someplace else in the budget. Mindy Garlington, a member of the Parks Board, said that the Parks did not receive any new funds this budget cycle – the \$68,000 is supposed to carry them for the next two years so if they gave up the entire \$55,000 it would be a bit much. She added that they can't use the Good Neighbor Program money for this project because it doesn't fit the criteria. Ms. Betz said she is proposing that the \$25,000 comes from the business development/community promotions line item, however, she wants everyone to understand what else is coming out of that line item. In the current budget it is estimated that they will have approximately \$235,000. \$50,000 of that is designated for economic development work. \$147,000 is allocated as a match required for the Metro Flex Fund on the Trolley Trail bridge replacement. The Parks Board also wants to purchase a machine to collect parking fees (approximately \$11,000). Ms. Garlington said that if we don't dredge the river boats can't be launched for certain periods of time because the river is not deep enough for the new dock. Mayor Stempel said she was asked by a citizen that if we've known all along that this money was going to be needed for this third/final part of the grant process why we didn't tentatively include it in the budget before now. Mr. Whynot said this grant came to us much sooner than expected – they anticipated that it would be during the next budget cycle and it may still be because of the permitting. The \$25,000 is needed for project management. The Oregon State Marine Board has already started on the permitting piece. The dredging may not happen next summer or it may not be until the summer of 2021, which will be in the next budget cycle, however, we need to commit to it now. This will be discussed further at the August 13<sup>th</sup> Council meeting.

E. Fourth of July Debrief:

Ms. Betz said she received an email from Councilor Reisner regarding some concerns that he and some neighbors had regarding the level of illegal fireworks on the Fourth of July. Police Chief Schmerber and Fire Chief Huffman provided a brief report.

Chief Schmerber said that officers responded to 11 calls of fireworks (if they were a danger to property or if there were potential injuries). They arrested one drunk driver that night (DUI enforcement grant). They had full staffing that day/night.

Chief Huffman said they had more staff than normal. They had 1 fire, 4 EMS calls, and 1 false call. The fire was suspicious in nature: there was fireworks debris around a fence post that was ignited either intentionally or accidentally. The Fire Marshal's report said there was no indication of illegal fireworks during that fire. He feels the Fire Marshal and Fire crews did a really good job of fire prevention/safety messaging and he thinks that had an impact on the night because they did not have any serious fires or injuries in that 24-hour period.

Councilor Reisner asked if the Police Department still has a Reserve program – Chief Schmerber said they do (one Reserve Officer), but the officer was not working that day. Councilor Reisner said other cities have taken on special programs for the Fourth of July to address illegal fireworks, but he gets the impression that Gladstone doesn't have that and we're not really concerned about illegal fireworks. Chief Schmerber said it's not that we're not concerned about illegal fireworks – there is a lot of it going on and a lot of noise too. He is familiar with strategies on dealing with illegal fireworks – there is a balance when you're dealing with them. They try to maintain the peace and encourage visibility with law enforcement and/or Fire Marshals without creating a riot. He said he would need direction from City Council regarding using more resources next year. Councilor Reisner said it sounded like there were dozens of mortars going off in his neighborhood. He and some of his neighbors feel that it is not a concern of the City's. Mayor Stempel suggested this as a topic for one of the Coffee with a Councilor events early next spring.

Ms. Betz wanted everyone to know that she will be gone the rest of the week so there will be no weekly report from City Hall this week.

#### **BUSINESS FROM THE AUDIENCE:**

Carol Voreis and Cheryl Neeley shared a petition. Ms. Voreis said it has been brought to her attention that the increased problems that her neighborhood has suffered due to increased numbers of nuisance wildlife could possibly be something the City Council would address and help them with. In 2016 there was a mediation with Clackamas County Resolution Services addressing the problem of people on their street providing food for several types of wildlife as well as feral cats. The nuisance wildlife have caused great damage to their homes and yards, and although they are nocturnal by nature they have been conditioned to feed during daylight hours. It is very alarming when you're enjoying a family gathering or a cup of coffee on the patio in the morning and you're invaded by a surfeit of skunks or a gaze of raccoons. In recent years they have obtained permits from the Oregon Department of Fish & Wildlife for trapping and have trapped/removed 20 skunks from their backyard. This is in addition to other people's efforts in the neighborhood. They are hoping to start a conversation regarding adding the feeding of nuisance wildlife as a violation with a fine attached to the City's nuisance code. They feel that an enforceable no-feed zone around known habitat areas would benefit all Gladstone residents. They suggest an aggressive community information campaign to stop feeding wildlife in Gladstone at least. They have tried talking to the people who are feeding the wildlife and that hasn't worked. There are more aggressive neighbors who have been shooting a BB gun at the wildlife. There is a stench in the air, the animals are dangerous to pets, and they carry diseases (rabies, tape worms, distemper, etc.).

Ms. Betz wanted everyone to know that Code Enforcement is working through this case now.

Bob Everett, representing Gladstone/Oak Grove Rotary and the Gladstone Festival, said he hopes we get a good turnout for the Community Festival in three weeks. There are a number of events going on – lots of stage activities and four bands will be performing. There will be no entry fees for the pie baking contest or chili cook-off. There will be judging of the parade entries and they are looking for two more judges. The car show will be bigger and better than ever this year, as well as the beer garden.

Bill Osburn said they had a SOLVE clean-up on June 15<sup>th</sup> – there were approximately 26 volunteers who gathered about 20 bags of garbage, recovered some shopping carts, a discarded barbeque, etc. They are seeing less garbage overall and they hand out garbage bags to any homeless people they come in contact with. The next clean-ups will be on July 20<sup>th</sup>, August 17<sup>th</sup>, and September 21<sup>st</sup> - each are from 10:00 A.M. to noon. He ran across a spur of the moment clean-up going on in the Dahl Beach area last Saturday that was being done by some high school kids. He offered to help them promote any future events. WES is sponsoring the Riverside Clean-Ups this year. They have Cub Scout groups who come out as well. Clackamas Federal Credit Union is going to be sending some employees out too.

Les Poole thanked Bob Evans and everyone involved in the Community Festival for all the time and energy they put into it.

He said as he looks at the sides of the roads he sees ODOT cutting away vegetation all along Highway 224 and 99E and throughout the County and Gladstone. They are clearing out places where the homeless have been living. He said we need to be aware of just how far these impacts go. ODOT has spent over a million dollars in this region in the last year cleaning up homeless camps. He thinks we need to be aware of how inadvertently the homeless are being directed and where they're ultimately going to end up. He believes that the time for citizen input/concerns should be reestablished – he believes they should be early in the meetings or at the start of the meetings.

**BUSINESS FROM THE COUNCIL:**

**Councilor Tracy:**

He said they had another Water Commission meeting this month and they will be introducing some new things and talking more about the plant.

He asked Mr. Osburn if he was familiar with the Metro bag program for the homeless. They have a program where they're going out and engaging with homeless people and providing them with garbage bags that are then picked up later by Metro. He will provide Mr. Osburn with the contact information.

**Councilor Reisner:**

He attended the Library Board meeting last week. LDAC is working on several things. There is a lot of participation in the task force for the new library. The Library Board is working closely with the Library Foundation on several programs, including starting a seed library. He invited everyone to the Library Foundation book sale breakfast kick-off on August 2<sup>nd</sup> at 6:30 at John Wetten Elementary.

**Mayor Stempel:**

She thanked the Fire and Police Departments for an amazing Fourth of July barbeque. They had approximately 450 people attend. Everyone had a good time meeting, talking, playing games, etc. She hopes they can continue doing it in the future and that more people attend.

She shared some earthquake safety checklists. She said as a community we need to be better prepared. She and Councilor Tracy went to C-4 (Clackamas County Coordinating Committee) retreat for two days. There was one day dedicated to transportation and a day dedicated to affordable housing. She is going to put together some of the information she gathered and share it with the rest of the Council. 66% of the citizens that live in Gladstone are either low income down to severely low income. She feels we can do better and change that number.

**ADJOURN:**

Meeting was adjourned at 8:53 P.M.

Approved by the Mayor this 3<sup>TH</sup> day of AUGUST, 2019.

  
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Tamara Stempel, Mayor

ATTEST:

  
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Tami Bannick

