

GLADSTONE CITY COUNCIL MEETING MINUTES of September 8, 2020

Meeting was called to order at 6:30 P.M. – (Via Zoom)

ROLL CALL:

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

ABSENT:

None.

STAFF:

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Ashley Driscoll, City Attorney

Mayor Stempel called the meeting to order. She explained that per the Governor's executive order 20-16 regarding compliance with Oregon Public Meetings Law this meeting is being held virtually using the Zoom platform. She went over the call-in number and access codes. She went over the meeting agenda.

AGENDA ADDITIONS OR CORRECTIONS:

Councilor Reisner asked to pull Item #12 – additional information has come in that he needs to review before bringing this forward. None of the Councilors had any objections.

CONSENT AGENDA:

1. Approval of August 11, 2020 Regular Meeting Minutes
2. Approval of July Bank Balances
3. Budget Report for Period ending 07-31-2020
4. Approval of July Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for August 2020
7. Approve Purchase of Public Works Backhoe per the City's Vehicle/Equipment Replacement Policy
8. Approve Resolution 1183 – Declaring a State of Public Health Emergency - COVID-19 pandemic, to extend through December 31, 2020 unless superseded sooner

Mayor Stempel asked to pull Item #3.

Councilor Ripley made a motion to approve the remaining Consent Agenda items. Motion was seconded by Councilor Reisner.

Discussion: Councilor Tracy asked if there was an issue in particular on the monthly budget report. Mayor Stempel said there were a couple of clarifications needed. It will be brought back for review after those clarifications.

Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

Mayor Stempel said on Item #3 the only questions she had on page 3-3 of the Budget Report she started seeing some line items that were over 100% of their use so far and we are only two months into the budget. Under Materials & Services, Contractual and Professional Services were already at almost 125%. Fire and Liability Insurance is at 173%. Computer Technology Services is at 128.99%,

etc. Ms. Betz said that sometimes you pay the full year in advance and it's not proportioned out monthly. She will need to follow up with Cathy Brucker for further explanation. Mayor Stempel was satisfied with that response.

Councilor Tracy made a motion to approve Consent Agenda Item #3. Motion was seconded by Councilor Mersereau. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

CORRESPONDENCE:

None.

Mayor Stempel said for those members of the public who wished to speak the deadline for accepting comments was noon today. They allow three minutes for public comment unless there are special circumstances and additional time has been approved beforehand by staff. She explained why they hold public comments until the end of the meeting – more cities are doing this because this is their business meeting and they have a lot of business to discuss and people can speak on the individual agenda items, but having public comments at the end of the meeting is her way to hopefully get people engaged so they can follow the issues that they discuss.

She 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 have made a decision based on what is based on the City as a whole. That doesn't mean that their personal 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 they 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

9. PUBLIC HEARING – SALE OF SURPLUS PROPERTY – CLACKAMAS RIVER DRIVE:

Considering the sale of City-owned property described as tax lot #00545663.

Ms. Betz said this is to authorize her to sign the closing documents to sell this property. It does not have an address associated with it. It is approximately 6.9 acres, sloped, vacated, heavily treed property. In December of 2017 the Council formally approved a resolution declaring the property a surplus and in May of 2018 the citizens approved Measure 3-531, a City of Gladstone Charter authorization to sell the property at this location. On June 23, 2020 the City received a cash offer from Michael Dunlap in the amount of \$145,000 – he wants to build a cabin on the site. The feasibility study was completed and the next step in the process is this public hearing. Kasra Shakerin of REMAX said the property does not have any utilities and only sections of it are buildable. Ms. Betz said they had one question from the buyer that came up today regarding a pipe on the property and they are trying to clarify if it is the County's responsibility to maintain it.

Councilor Mersereau wanted to clarify what will be done with the proceeds that the City will receive (\$134,960). Ms. Betz said their recommendation is that they reserve it for the Parks in the Public Works Department budget. They are currently looking for resources for the parks.

Councilor Mersereau asked the other Councilors if they felt that was appropriate – Councilor Ripley is fine with it. Councilor Reisner feels that questions such as these should wait until after public comments are heard. Councilor Tracy agreed with Councilor Reisner.

PUBLIC COMMENTS:

None.

Councilor Reisner said four years ago it was a surprise to learn that the City owned this property. He feels that selling the property is the proper thing to do and putting the proceeds into the Parks budget is appropriate. Councilor Todd agreed.

Councilor Reisner made a motion to authorize the City Administrator to sign the appropriate closing documents to sell City Surplus Property Tax ID#00545663 on Clackamas River Drive, Oregon City, Oregon, 97027 to Michael Dunlap in the amount of \$145,000. Motion was seconded by Councilor Tracy. Councilor Reisner amended his motion to continue that the proceeds of the sale (minus brokerage fees/title/escrow of \$10,040), \$134,960, are reserved for parks in the Public Works Department budget, and allocation of the funds will be identified through the next biennial budget process. Amended motion was seconded by Councilor Mersereau. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

Mayor Stempel gave a second reading. Councilor Reisner made a motion to authorize the City Administrator to sign the appropriate closing documents to sell City Surplus Property Tax ID#00545663 on Clackamas River Drive, Oregon City, Oregon, 97027 to Michael Dunlap in the amount of \$145,000 and that the proceeds of the sale (minus brokerage fees/title/escrow of \$10,040), \$134,960 be reserved for parks in the Public Works Department budget, and allocation of the funds will be identified through the next biennial budget process. Motion was seconded by Councilor Neace. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

10. COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PROFESSIONAL FIREFIGHTERS OF CLACKAMAS COUNTY, IAFF LOCAL 1159, AND THE CITY OF GLADSTONE:

Mayor Stempel said she has a conflict of interest on this item since her husband works for the Fire Department, so she recused herself from officiating on this item – she turned it over to Council President, Matt Tracy.

Ashley Driscoll, City Attorney, said she was part of the negotiation team on behalf of the City. She went through the staff report. This will be the initial collective bargaining agreement between the City of Gladstone and the four Firefighter Captains. The Captains unionized in August of 2019 and once they demanded a bargain it was delayed because of the Coronavirus. The City's team met with the Union's team six times over the course of the summer and negotiated a complete contract – it includes 33 articles that range from wages/hours to health insurance to deferred compensation. The significant impacts are a 3% wage increase effective upon ratification and increased holiday time for employees who are on a 56-hour shift. This is a three-year contract, however, they only negotiated wages and insurance for this fiscal year. They hope to be in a better position to negotiate wages and insurance in February of 2021. The union members voted

unanimously to approve the collective bargaining agreement last week. The next step is for the Council to ratify it.

Councilor Tracy wanted to clarify that they are only opening up the one wages article for one year – Ms. Driscoll confirmed that wages and insurance are typically considered together. Ms. Betz said that the Fire Chief was on a call and couldn't participate tonight, but said that it was a very healthy process that he was very supportive of.

PUBLIC COMMENTS:

Mark Kilman-Burnham, Governmental Affairs Director for American Medical Response (AMR) and Global Medical Response, wanted to say the local Fire Department, even though it's volunteer, is a tremendous asset to this community and has been a great partner with AMR as they've tried to prevent people from dying down at High Rocks. He thinks this is something that is warranted. He thinks the size of the Department and the amount that they give back to the community is amazing. He said all the employees do a fantastic job. He said that since the job is very stressful the incentive pay, increased holiday time, etc., is very important to them. He thanked everyone who serves here in Gladstone.

Sharon Alexander feels they should approve the contract. She said the Fire Department is an important part of the community and they shouldn't be the only class of employees not covered by a union contract. She said in the last two cycles of the Fire Levy over 80% of the citizens of Gladstone supported the Department. She said the Council was elected to support the community and they want the firefighters – they work so hard for the community as firefighters and in other ways (Toy & Joy drive, community events, etc.). She said we need to step up and show them that they are a valued part of our town. She said that other members of the Council have family connections to the Fire Department and for that reason she thinks they should excuse themselves from voting.

Bill Osburn wanted to thank the firefighters for all the work they do. He said the community has spoken and they support the firefighters. He has faith that the Council will support them as well. He said he didn't know if there was a conflict of interest or a perceived conflict of interest, but he asked that they check with the City Attorney and make sure everything is done on the up and up.

Councilor Tracy asked Ms. Betz if they have anyone who would be voting on this presently that would be in a conflict of interest – Ms. Betz confirmed that is correct because the Mayor is the only person currently on the City Council that is related to an employee or who would financially benefit from this bargaining agreement. Ms. Driscoll was not aware of any other conflicts of interest.

Councilor Neace said her son is no longer involved with the Gladstone Volunteer Fire Department so there is no conflict there.

Councilor Reisner said his son was on the Fire Department but hasn't been for over three years so he doesn't foresee a conflict.

Councilor Ripley recused himself because he knows the comments were all directed at him. Ms. Driscoll asked if he was declaring a conflict of interest. He declared a conflict of interest because of the way he left the Fire Department because he didn't agree with the management and the changes.

Ms. Driscoll explained that there are two types of conflicts of interest: actual and perceived. An “actual” conflict of interest means that if you are voting on something it will have an impact on you or a relative or business for which you are associated in an economic capacity. A “perceived” conflict of interest is if voting on this item could potentially have an impact on you, a relative, or a business for which you are associated with financially. You could declare the conflict and if you could still participate without having any bias you could vote. Only with an actual conflict of interest are you legally prohibited from voting. Councilor Ripley said he will vote then – he retracted his recusal.

Councilor Reisner made a motion to approve the International Association of Firefighters (IAFF) Local 1159 and City of Gladstone Collective Bargaining Agreement effective upon ratification 2020-2023. Motion was seconded by Councilor Mersereau. Ms. Bannick took a roll call vote: Councilor Ripley – no. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – recused. Motion passed (5-1).

(Mayor Stempel took back the gavel.)

11. PROPOSAL ON USE OF CORONAVIRUS AID RELIEF AND ECONOMIC SECURITY ACT (CARE FUNDS):

Ms. Betz said staff would like the Council to consider implementing the Gladstone COVID Assistance Program. The federal government allocated \$1.6 billion to the State of Oregon for a Coronavirus relief fund. The Governor committed \$400 million for cities, counties, and special districts that did not receive funds directly from the federal government. Based on the State’s formula, Gladstone is eligible to be reimbursed \$383,314 – these funds can be used to reimburse cities for expenses related to the pandemic. The funds may not be used for revenue replacement. Allowed uses include medical expenses, public health expenses, payroll, and compliance expenses as defined in the Treasury Guidance Document. They would like to be considered the pass-through as the local government and create the Gladstone Covid Assistance Program (GCAP) and allocate the funds to St. Vincent de Paul to actually administer to qualified residents within Gladstone (for rental assistance, food, and utilities). Because St. Vincent de Paul is an established non-profit that currently administers these types of programs for the City of Milwaukie and Lake Oswego they have administrative staff on hand to process these requests quicker than Gladstone, who does not have a program in place. They would like to seed the program with up to \$100,000 in increments of \$10,000 and then replenish the grants as they are awarded – it would be only for qualified Gladstone residents. The criteria was provided in Council packets. The funds would be submitted to St. Vincent de Paul starting September 15, 2020 if the Council approves it. They will send the payments directly to the businesses on behalf of the applicant as long as the program remains within its funding limits. Gladstone would receive a detailed report on who they are allocating the funds to. The City of Gladstone has also been reimbursed for their overtime costs from their first responders and also for any of the COVID leaves that they’ve had for the employees. All of the funds must be spent by the end of December.

Councilor Tracy asked if both businesses and individuals can apply for this program – Ms. Betz confirmed that both are able to apply through the set criteria. It is maxed at approximately \$1,000 per customer (one time), depending on what kind of need they ask for. There is a 5% administrative cost.

Councilor Mersereau made a motion to authorize the City Administrator to implement the COVID Assistance Program (GCAP) and enter into an agreement with St. Vincent de Paul’s to administer COVID relief for Gladstone residents. Motion was seconded by Councilor Neace.

Discussion: Mayor Stempel said this is wonderful and so desperately needed. Councilor Tracy asked if we will continue to monitor this account and make sure that we don't get too far ahead of ourselves on disbursement – Mr. Betz confirmed that was correct. She said the City Attorney reviewed the Treasury Guidelines to make sure that this program qualifies, and it does.

Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

12. PROPOSED BYLAWS OF CLACKAMAS COUNTY LIBRARY ADVISORY BOARD:
(This item was pulled from the agenda)

13. LETTER TO FEDERAL HIGHWAY ADMINISTRATION (FHA) AND OREGON DEPARTMENT OF TRANSPORTATION (ODOT) ON THE I-205 TOLLING PROJECT ENVIRONMENTAL ASSESSMENT:

Ms. Betz said she authored the draft letter – she basically said they didn't want any of the alternatives and instead would support the “no build”. She tried to represent the concerns and interests that the City Council and our residents have expressed to this point. She thinks we need to issue a letter on behalf of the elected officials.

Councilor Tracy asked when they were going to put the National Environmental Policy Act (NEPA) process in place so they actually had some information coming back – Ms. Betz said September 13th is the last day for the NEPA alternatives comment period. She has not received any new information since they presented at the Council meeting. Councilor Ripley believes that ODOT is waiting to get the results back from questionnaires they sent out before they schedule their next meeting. Mayor Stempel said we need to stay on top of this and that when ODOT came to the C-4 group they were not welcomed. She doesn't see much support for this in Clackamas County unless there's some major change to the language where the funds would stay in our I-205 corridor. Councilor Tracy asked if OTC can supersede the communities in pushing back – Mayor Stempel believes they make the final decision. The C-4 group asked citizens to write letters to OTC directly instead of just one letter signed by a bunch of people. She recommended that as well. Councilor Reisner said ODOT said they were going to respond to several questions that were brought up at the meeting and they have not done that.

Councilor Reisner made a motion for the City Council to submit the attached comment letter to the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT) on the I-205 Tolling Environment Assessment. Motion was seconded by Councilor Tracy. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

BUSINESS CARRIED FORWARD:

Ms. Betz gave an update regarding diversity, equity, inclusion, and bias endeavors. Ms. Betz went over the steps that Gladstone is taking for understanding and respecting diversity in our workplace and community. CIS (the City's insurance/risk management provider) has developed a curriculum for bias training for employees – it's called “Walk A Mile in Their Shoes; Steps for Understanding and Respecting Diversity in Our Workplaces and Communities”. The Police Chief took the lead on this with CIS, and because of his initiative to develop this curriculum, CIS created a pilot project that both Chief Schmerber and she were invited to participate in last week. She went over the five sections included in the training. The next step is for CIS to refine this and it will then be offered to all of the City employees and possibly provide it to all

the boards, committees, and commissions in the future. She is very pleased with the progress that is being made on the training.

They have established a partnership with Clackamas County Inclusion Officer Martine Coblenz. The City would like to leverage the County's resources to focus on diversity, equity, and inclusion. Clackamas County, in partnership with the community of color, is conducting an environmental scan to better understand and improve equity and inclusion efforts in the County. She asked if anyone from the Council would like to assist her with filling out the survey by September 14th. Councilors Neace, Todd, Reisner, Tracy, and Mersereau volunteered.

Ms. Betz said they continue to enhance their partnership with the Gladstone School District. After the listening session the Superintendent, the School Board Chair, Mayor Stempel, and she met to discuss diversity, equity, and inclusion training for management and elected officials. The School Board is getting ready to embark on their training and they will provide the information and extended an invitation to the City to participate.

Councilor Tracy asked if the training was going to be offered to personnel or are they going to be mandated to take the training – Ms. Betz said the training she talked about in the beginning of her report will be mandated.

PUBLIC COMMENTS:

Kelly Chaney said she loves the initiation by the Police Department, the training, and contacting Clackamas County. She has concerns about who is filling out the surveys and how accurate the results will be. She asked if the City Council members or City staff are the best people that should be answering the questions to get the best result. She asked if there were any people of color, indigenous people, or any people educated or certified in the area involved in the meeting/training by the School Board. She suggests doing some checks and balances before moving forward. They need something other than the white lens to view this stuff.

BUSINESS FROM THE AUDIENCE:

Leslie Myers said she was excited to see the items on the agenda and the discussion about follow-up to the listening session. She asked if the City was thinking about adopting the County's resolution condemning violence and racism directed at people of color.

She asked how we can follow the COVID count in our city.

BUSINESS FROM THE COUNCIL:

Councilor Tracy:

He asked the Council to read the proclamation from the County and asked that they discuss it at a later date.

Councilor Todd:

She thanked Chief Schmerber, Ralph Matile, and Pat Smith for their work on Neighbors Helping Neighbors program – it is helping citizens to get compliant with code (overgrown shrubs, excess garbage in their yard, etc.).

Councilor Ripley:

He asked everyone to be mindful of their elderly neighbors with breathing problems to make sure to check on them.

Mavor Stempel:

She said the Food Pantry is still providing food for a large number of individuals and families in our community and beyond our borders. Food and security are huge concerns and it's only getting worse. She thanked the Senior Center staff for partnering with them – now they are handling all of the Homebound Senior deliveries in conjunction with their food delivery. She thanked the volunteers at the Food Pantry – they are there every single day and making sure that nobody goes hungry. If you know of anyone who needs help or who would like to volunteer let her know.

Clackamas County Coordinating Committee (C-4) spent last week's meeting on House Bill 2001 program rules. It's really convoluted and it's going to have a huge impact on our community. This is the bill that requires duplexes in all residential zones and in some instances it also requires tri-plexes, quads, and cottage clusters. The rules are in draft form right now. As soon as they are made available for public viewing she'll make sure they provide a link.

The Parks and Recreation Board meeting is not going to be held until next week.

She is confident that we're all going to be able to find the perfect path forward regarding the Library because they all have the same goal and vision – two beautiful libraries to serve our community.

COVID is still the number one thing we all need to be concerned about even though it keeps getting pushed to the back. She said all the leaders in our community need to step up and start pushing this and making sure that people don't become complacent.

She said all the Councilors are liaisons to different committees, boards, and commissions. That is the only way they find out what's going on.

She asked Councilors Neace and Tracy (liaisons for business) if there are any issues that they hear about that need to be addressed and let her know.

She asked Councilor Neace to reach out to the Senior Center and let her know next month what's going on with them.

She said Councilor Ripley has been keeping them up on what's going on with the Traffic Safety Committee. She said they are getting updates regarding the Library from Councilors Neace and Reisner. She and Councilor Tracy are the liaisons for Public Works. Councilor Tracy said they have a new plant operator in place and everything has been pretty quiet since.

Councilor Mersereau is the liaison for the Planning Commission – they had a controversial parking issue that came before them last month. He said the parking situation is one of the biggest issues that they are struggling with and how to make that comprehensive throughout the City and not just in a couple lots. Councilors Mersereau and Reisner are the liaisons for Fire and Police – they have been incredibly busy for the last 24-hours. Councilor Reisner said last month he participated with them in some training. They were shocked that a Councilor participated and they asked the rest of the Councilors to reach out and join them in some of their training. Due to COVID no one can ride along with them right now. Some of the training they are receiving is related to diversity and how they interact with the public. Councilor Mersereau said that Councilor Reisner helped set up a meeting with the Chief of Police to discuss some pending legislation that will effect the Police Department – it would require all police officers in the State to wear the same uniform and all police vehicles would have to look the same.

Councilor Todd is the liaison for the School District – they generally don't meet during the summer months, but they have been meeting almost daily. She said everything is settling in as much as it's going to for a while.

Mayor Stempel thanked the emergency responders and community members that stepped up and helped with the windstorm last night. She was being contacted by people reporting fires, trees down, transformers/power lines down, etc. She said we have an amazing village of people that really want to help each other and it is so wonderful to actually see that in action. She also thanked staff for all the hard work they've done to keep us in compliance and moving forward through all of this craziness in 2020.

Councilor Reisner made a motion to adjourn the meeting. Councilors Todd seconded the motion. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.

ADJOURN:

Meeting was adjourned at 7:53 P.M.

Approved by the Mayor this 13TH day of OCTOBER, 2020.

ATTEST:



Tamara Stempel, Mayor



Tami Bannick, City Recorder