

## GLADSTONE CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2023

Meeting was called to order by Mayor Milch at 6:31 P.M. – (Via Zoom and In Person)

### **ROLL CALL:**

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

### **ABSENT:**

None

### **STAFF:**

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Tiffany Kirkpatrick, Community Services Manager; Nancy McDonald, Human Resources Consultant; Darren Caniparoli, Public Works Director; Chad Jacobs, City Attorney

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Mayor Milch called the meeting to order. He explained that the City is abiding by guidelines set forth in House Bill 2560, which requires that they make all meetings accessible remotely, through technologic means and provide the opportunity for the public to participate to the best of their ability. This meeting will be open to the public, both in person and virtually, using the Zoom platform. The Council members and staff will be in person, as well as those citizens who wish to attend in person. He went over the procedures that will be followed for the meeting and the meeting agenda. He said that public announcements will be at the beginning of each meeting and public comments will still be at the end.

He read some excerpts from a book, “The Place We Make: Breaking The Legacy Of Legalized Hate” by Gladstone author Sarah Sanderson.

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

None.

### **CONSENT AGENDA:**

1. Approval of August 8, 2023 Regular Meeting Minutes
2. Approval of July Bank Balances
3. Budget Report for Period ending 7-31-2023
4. Approval of July Check Register
5. Department Head Monthly Reports for August 2023
6. Approval of a new OLCC Liquor License Application for The Brew LLC, 465 Portland Avenue
7. Authorization for City Administrator to sign Amendment for Community Development Block Grant Program Agreement between City of Gladstone and Clackamas County Department of Health, Housing, and Human Services Housing and Community Development

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

### **CORRESPONDENCE:**

None.

## **8. REPORT FROM CLACKAMAS FIRE DISTRICT:**

Fire Marshal Shawn Olson said that next month is Fire Prevention Month – they will be busy conducting open houses. They will be hosting trick-or-treats at the Gladstone Fire Station.

They had a smaller residential (bark dust/deck) fire earlier in the month off Clayton Way. There have been some small bark dust fires at other locations.

CFD will be at the Community Center on October 25<sup>th</sup>.

Councilor Roberts thanked them for the partnership they have and said the preventative maintenance they do in the community is outstanding. Councilor Alexander agreed.

**9. GLADSTONE CITY EVENT ANNOUNCEMENTS:**

Gladstone School District Assistant Superintendent Jeremiah Patterson and Ali Ferrerstein (the teacher on special assignment for student and staff wellness) spoke about a major initiative going on throughout the school year. They went over data regarding the pandemic, attendance, etc. They came up with a model based in Grand Rapids, Michigan, which is a city-wide approach to increase attendance – “Gladstone shows up”. They have created signs/posters and tee shirts with the motto. They invited everyone to an event being held on October 9<sup>th</sup> pertaining to helping students find purpose.

Ralph Matile wanted to bring attention to the Gladstone High School multi-class reunion they held last month – he thanked everyone who was involved (Chief Schmerber, Darren Caniparoli, Jacques Betz, Mayor Milch, and Tami Bannick).

Robert Everett thanked everyone on the City Council, Public Works, Police Department, and Ms. Betz for their work during the Community Festival. They estimated there were 8,000 – 10,000 attendees over the two days. They are already planning next year’s event and if anyone has suggestions, they are open to them.

This Friday they are starting the monthly bingo games – they will be held on the third Friday of each month at the Senior/Community Center. They start selling tickets at 4:30, doors open at 4:50, and bingo starts at 5:30. The cost is \$5 for seven tickets. They have food and beverages available.

Nancy Eichsteadt, representing the Friends of Gladstone Nature Park, announced a new event coming on October 14<sup>th</sup> - the first annual Gladstone Nature Park Dog Fest in the Park. They will have a dog Halloween costume contest, holiday photo booth, games/prizes, vendors for K-9’s, and hot dogs/cider.

**REGULAR AGENDA**

**10. PUBLIC HEARING: ORDINANCE 1524 – TEXT AMENDMENTS TO ADD A NEW CHAPTER 17.81 – ANNEXATION – TO THE GLADSTONE MUNICIPAL CODE (GMC), FILE TXT-2023-02:**

Ms. Betz explained that the City does not have language in the GMC pertaining to annexation requests, so staff has developed policy for the Council to consider regarding extending utilities to property owners outside the City limits. It is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over property within the Metro Urban Growth Boundary from Clackamas County to the City of Gladstone. The City Attorney prepared language for the GMC. They recently held a meeting with the Planning Commission to go through it.

*Councilor Huckaby made a motion to open the public hearing. Motion was seconded by Councilor Roberts. Ms. Bannick took a roll call vote: Councilor Huckaby – yes. Councilor Alexander – yes.*

*Councilor Reichle – yes. Councilor Cook – yes. Councilor Roberts – yes. Councilor Garlington – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

Mayor Milch opened the public hearing. He explained that this is a legislative land use hearing. He went over the order of business to be followed. Any interested person may present testimony concerning the proposed amendments. He went over the procedures for testifying. He asked the Councilors if anyone wished to abstain from this matter or needed to declare any kind of conflict of interest – none did.

Mr. Jacobs went over the staff report and gave an overview of the language/proposed changes. He said that owners may initiate an application for a petition, but they still have to go through the quasi-judicial process to approve that application. They are going to require that the property owner enter into an annexation agreement with the City in accordance with State law in order to receive utility services. That would allow the City to provide services, and then when the property does become contiguous to the City, and therefore eligible for annexation, they would annex at that time. The City Council will look at the approval criteria when an application comes before them and determine whether or not the particular property in question meets the criteria. There are two amendments that pertain to fees and public hearings. The Planning Commission has reviewed this and is recommending approval. There was no written correspondence/testimony.

**PUBLIC TESTIMONY:**

Anneliese Kiefer said she lives on the ridge above the middle school – they are not part of Gladstone, but they want to hook up to the City sewer system. She hopes this will be a pathway for other people who want to modernize their plumbing systems.

Ms. Betz said there is already an amount set for annexation (\$3,000) in the City's Master Fee Schedule. This is a land use application process. They are not sure the amount will cover the City's costs. This is not a revenue making mechanism for municipalities – the fee is set because the City has to pay a planner to review the annexation application, the Public Works Department is involved, Administration is involved, sending notifications, etc. There is also a sewer connection fee of \$235, and a sewer inspection fee of \$100. They will be monitoring the first application to make sure they are capturing all of the costs involved. A group of property owners can apply and only have to pay one fee and only go through one hearing.

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

Mayor Milch closed the public hearing.

**Discussion:**

Councilor Alexander feels this is a good thing.

Councilor Cook feels this has been thought through, is a quick response to a community need, and that it's fair and balanced.

Councilor Roberts is pleased with it.

Councilor Garlington asked that 17.94 reads that the City will hold public hearings for all quasi-judicial and legislative land use applications except when State or local law does not require a hearing.

Councilor Reichle agreed with Councilor Roberts, as did Councilor Huckaby. Mayor Milch agreed that we need to be consistent in the way we handle this – not to have it just be an administrative matter, but have hearings when they are required.

*Councilor Roberts made a motion to approve Ordinance 15.24, approving a text amendment to the Gladstone Municipal Code (GMC) to add Chapter 17.81, Annexations, City File TXT-23-02, with the proposed change to Chapter 17.94, stating the City will hold public hearings. Motion was seconded by Councilor Alexander. Ms. Bannick took a roll call vote: Councilor Huckaby – yes. Councilor Alexander – yes. Councilor Reichle – yes. Councilor Cook – yes. Councilor Roberts – yes. Councilor Garlington – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

**11. ORDINANCE 1525 – AMENDING GLADSTONE MUNICIPAL CODE (GMC) CHAPTERS 2.10 AND 2.70 – RENAMING OF THE GLADSTONE SENIOR CENTER ADVISORY BOARD AND DUTIES OF THE BOARD:**

Ms. Betz said they recently changed the name to Gladstone Community Center. The advisory board looked at the duties/responsibilities of the board to make sure it is going to be consistent with the adopted City Council goals in relation to the future vision of the Community Center.

Ms. Kirkpatrick, Community Services Manager, and Mindy Proski, Board Chair went over the staff report and proposed changes. They have worked on trying to reach their goal of including a multi-generational, warm, creative center that people feel is theirs to attend. They are also working on their van, which will reflect the name change. They would like the name of the advisory board to represent the name of the center. Chair Proski said this is a very positive change. They have great plans for expanding services out into the community and going for the multi-generational aspect of it. It was a unanimous vote to rename it the Gladstone Community Center Advisory Board. They are excited about getting some new members.

They have included language regarding having ad hoc committees that will focus on individual events (Music On The Green, Winter Market, etc.). There will be an application process for those as well. Councilor Huckaby asked about page 11-7, 2.70.020, third line, asked if “Senior” was supposed to be underlined. It should be a strike-through.

*Councilor Huckaby made a motion to approve Ordinance 1525, amending Gladstone Municipal Code (GMC) Chapter 2.10, Boards, Commissions, and Committees generally, and Chapter 2.70, Senior Center Advisory Board. Motion was seconded by Councilor Reichle. Ms. Bannick took a roll call vote: Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Councilor Roberts – yes. Councilor Garlington – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

**12. RESOLUTION 1225 – PARTICIPATION IN THE ICMA/MISSION SQUARE 401 PLAN:**

Ms. McDonald went over the staff report. This would authorize the establishment of 401(a) money purchase plans through Mission Square for executive management employees. She explained that recruitment has become much more competitive in the last few years. They have been looking at ways to recruit and retain employees. Tualatin and Oregon City are also offering the 401 plan.

Councilor Garlington asked what the actual dollar amount is (page 12-2/cost impact/percentage rate) - .55% will depend on how much the employee puts in that account. The fee would be paid by the employee. She asked about City contributions. Ms. McDonald said there are currently two suppliers of 457 plans – one has been here for decades, and the other for approximately 10-15 years. Councilor Garlington asked if a full-time employee wanted to invest more money into their retirement program how many plans does the City have right now? The only one they have currently is the 457 plan,

either through ICMA or Equitable. Out of the 50 employees that are eligible to do that, 20 of them are participating. Councilor Garlington questions the need for adding another layer because she feels the salaries are already competitive. Ms. McDonald said any changes would involve a minimal amount of administrative time. If the Council approves this, that would allow her to work with ICMA to get the administrative agreement. There was further discussion regarding options. Councilor Alexander asked why this isn't an option for all employees. Ms. McDonald said the IRS established these plans for the higher wage earners for the executive level employees (six employees). The other type of plan in a government agency is the 457, which has a lower contribution limit. Councilors Cook and Huckaby feel this is a great way to recruit/retain some of our highest qualified positions with a minimal cost to the City.

*Councilor Huckaby made a motion to approve Resolution 1225 to authorize the establishment of 401(a) money purchase plans through Mission Square (aka ICMA RC) for executive management employees. Motion was seconded by Councilor Cook.*

*Discussion:* Councilor Garlington wanted to make sure they were talking about an employee contribution, and if that should ever change, then Resolution 1225 would have to change. Ms. McDonald said if there was a change in this resolution it would come before the Council to address it and it would be done through an amendment. This is only authorizing the implementation of the plan. The initial plan can be set up with the City Administrator's contribution, and if the remaining executive group agrees on a percentage, it can be set up as well. Going forward, any benefits included in a compensation package for new executive employees will be determined at the time of an employment offer being given. We will have a document that allows for a provision of an employer contribution, but they are not committed to that by adopting this resolution. Any change like that would have to come by an amendment. There was further explanation/examples. This would not be retroactive. The City Administrator can only make a recommendation for hiring a new Department Head – the City Council has to approve that, which would include the compensation package. Any compensation package has to fall under the City Administrator's budget authority.

*Ms. Bannick took a roll call vote: Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Councilor Garlington – yes. Councilor Roberts – yes. Councilor Cook – yes. Mayor Milch – yes.*

Motion passed with a unanimous vote.

Mayor Milch asked Ms. Betz and Mr. Jacobs to prepare an agenda item for the October meeting to go over this in more detail, such as the City Administrator's current employment contract, timelines, changes in compensation, etc. Ms. McDonald said that if this is set up in October Ms. Betz can direct her contributions into it and that would not require an amendment of her contract. If the Council wants to make a decision to direct a contribution there, whether it's a percentage of salary or the equivalent of leave time, then that would require an amendment to her employment agreement – it just needs to happen in a timely manner. Mr. Jacobs said the current contract is set to expire on June 30<sup>th</sup>, 2024. If the City does not intend to renew it, they must provide 120 days' notice. They are also required to do an evaluation this spring.

**13. RESOLUTION 1226 – ADOPT A PAVEMENT CONDITION INDEX (PCI) OF 71 FOR THE CITY OF GLADSTONE PAVEMENT MANAGEMENT PLAN:**

Mr. Caniparoli went over the staff report. In 2016 the City established a Pavement Management Program. At that time a citywide review and rating of roadways within the City was completed. The initial rating provided a Pavement Condition Index (PCI) rating of 67 on a 0-100 scale – a rating of 67 is in the "fair" category. The current funding level of \$400,000 per year will no longer maintain that

index. In 2022 the roads were re-graded, and the PCI stayed at a rating of 67. At the March City Council work session staff brought the Pavement Management Program to them to discuss funding. They discussed what it would cost to bring our current streets to a PCI of 71, which is considered “good”. It would cost approximately \$900,000 per year (for five years), which is currently budgeted in the current biennium. He went over the two options – to approve/adopt a Pavement Condition Index of 71 for the City of Gladstone Pavement Management Program or not to approve it and continue with the current funding.

Councilor Garlington asked if this would include any streets that are “in dire straits” – Mr. Caniparoli said there is money put aside for the streets that are in very poor condition in the final two years of the five-year plan. Once they have the roads re-rated they can look at what it’s going to take to keep the rating at 71, or if the Council would want to look at other options to be able to bring that rating to a higher PCI at that time.

Councilor Cook feels that the strategy is sound; but it’s just not intuitive. They asked if there was an opportunity to do some social media marketing and include information in the newsletter for residents to help them understand the approach that the City is taking. Mr. Caniparoli thinks that’s an excellent idea. Ms. Betz agreed that they need to educate the public better about how the funds are spent and how the streets are prioritized. Mayor Milch pointed out that just because Public Works isn’t going to completely reconstruct some of the bad streets, that doesn’t mean that they won’t do some patching work.

*Councilor Alexander made a motion to approve Resolution 1226 to adopt a Pavement Condition Index (PCI) of 71 for the City of Gladstone Pavement Management Plan. Motion was seconded by Councilor Huckaby. Ms. Bannick took a roll call vote: Councilor Alexander – yes. Councilor Reichle – yes. Councilor Cook – yes. Councilor Roberts – yes. Councilor Garlington – yes. Councilor Huckaby – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

**14. RESOLUTION 1227 – ADOPTING COUNCIL RULES FOR THE GLADSTONE CITY COUNCIL:**

Mr. Jacobs went over the staff report. He said the language hasn’t changed much since they went over it during the last meeting. He pointed out two changes: 1) page 14-9, G-2, Council Member Conduct – language regarding identifying themselves as individuals, 2) page 14-15, Rule R, 2-d, the language in the last sentence about limitations on serving on more than one committee doesn’t apply to the Budget Committee (reincorporating existing language).

Councilor Garlington – said on page 14-14, R-1-a, there should be the word “to” after “council”. Councilor Roberts feels that it is correct as-is, because this pertains to council committees. Mr. Jacobs confirmed that and said it could be read either way, but will make the change.

*Councilor Roberts made a motion to approve Resolution 1227, a Resolution adopting Council Rules for the Gladstone City Council and repealing prior rules, with the amendment noted. Motion was seconded by Councilor Reichle. Ms. Bannick took a roll call vote: Councilor Garlington – yes. Councilor Roberts – yes. Councilor Cook – yes. Councilor Reichle – yes. Councilor Alexander – yes. Councilor Huckaby – yes. Mayor Milch – yes. Motion passed with a unanimous vote.*

**BUSINESS CARRIED FORWARD:**

Mayor Milch said there is a letter included in the packet regarding some action that our Representative in Washington, D.C. is hoping to make on the tolling issue. He encouraged everyone to read it and be informed about it. It provides a summary of some of the concerns on this issue. He feels they should be

able to advise our legislators at all different levels of government how this impacts our community and what the best way forward needs to be.

**BUSINESS FROM THE AUDIENCE:**

None.

**BUSINESS FROM THE COUNCIL:**

**Councilor Huckaby:**

She wanted to recognize and give kudos to the Community Center and their staff/volunteers for putting on the Music On The Greens event last Friday – it was a great success. She wanted to give huge kudos to Happy Rock Coffee Roasters who brought the community together by giving out over 100 burgers/chips/drinks to the community. She said there were some people who showed up in opposition of Happy Rock giving out free food, but for the most part they were ignored – it sent the message that that type of unnecessary opposition and hate is not welcome in our community.

**Councilor Alexander:**

He said he had the opportunity to ride around with Officer Olson and Nanuk. He got to watch the K-9 in action in Lake Oswego – he found gloves, a hat, and a shirt that they were able to obtain DNA from. Nanuk also located some suspects from an incident in Wilsonville in the Ford parking lot. He encouraged everyone to go on a ride-along.

**Councilor Reichle:**

She attended the Parks & Rec Board meeting last night. She reminded everyone that AMR is done for the season at High Rocks, so use extra caution if you are utilizing the resources there. Chief Schmerber had reported that the calls this season were way down from previous years and there were no deaths reported this year at High Rocks. The restrooms will remain closed, and the port-a-potties are being removed this week. The Board is working on reviewing some options on grant ideas to make improvements in parks. They are waiting on some surveys/permitting pieces to happen in order to get the pavement project completed at the Nature Park. She reminded everyone about the Dog Fest that is going to be happening there on October 14<sup>th</sup> – from noon to 3:00 P.M.

The play structures for Robin Hood and Meldrum Bar Park have been ordered – they will be delivered in late fall.

**Councilor Cook:**

Their kids started school. Back to school is a transformative time where parents, teachers, and neighbors/community members are involved in raising children. They are seeing the support and joy happen for all families of young children and they are grateful for it. It's a wonderful time to be in a community like Gladstone where we all come together to uplift all children.

**Councilor Roberts:**

He also had the opportunity to ride along with the Police Department again – he rode with Jeff Oliver, who came to us from Lake Oswego. He said we are lucky to have him – he brings a unique amount of experience, including specialized skills such as crash reconstruction. He is a resource that other neighboring jurisdictions will call upon.

He is thankful for the relationship with have with AMR at High Rocks.

**Councilor Garlington:**

She asked if the life jacket stand at High Rocks was taken out for the season – that is correct.



She said on Saturday, September 16<sup>th</sup> (from 1 – 3 P.M.) they are doing the groundbreaking at the Oak Lodge Library. They have supported Gladstone in the building of our library. She hopes everyone will go and take a peak to see what they're doing.

October 14<sup>th</sup>, at 9:14 A.M. there will be a solar eclipse. She encouraged everyone to experience it.

In regard to the property owner asking to be annexed - she was impressed with how environmentally conscious they are – she feels it is remarkable that they put that before the benefits of their family. She said after working with Mr. Jacobs on the Charter and the Council Rules that his professionalism is of the highest standard. She appreciates all the little things they've been able to add and making sure all their notes are taken, etc.

**Mayor Milch:**

He said last week he got to attend an event at Somerset Lodge that was celebrating the 100th birthday of a Gladstone resident named Betty Farley. It was a fun experience.

He serves as the Council Liaison to the School Board and has attended their meetings – he was invited to participate in the event they had the week before school starts where teachers get together and hear some speakers, recognize accomplishments, etc. It was a positive experience. He said Sarah Sanderson gave a good presentation about her book. He encouraged everyone to read it to inform themselves about our role in encouraging a diverse, equitable, and inclusive community.

On Friday they have a tour with some people from Metro – they are going to show them what Gladstone is and what it could be in the future and hope we get support for some of the grants and technical assistance we need in making this community live up to even greater potential.

Mayor Milch asked for a motion to adjourn the meeting.

**ADJOURN:**

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

Meeting was adjourned at 9:00 P.M.

Approved by the Mayor this 12<sup>th</sup> day of October, 2023.

ATTEST:

  
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Michael Milch, Mayor

  
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Hayley Kratz, Acting City Recorder