

**CITY COUNCIL MEETING  
OCTOBER 15, 2007  
AT 7:00 P.M.  
SCAPPOOSE, OREGON**

**Flag Salute**

**Call to Order**

Mayor Burge called the meeting to order at 7:00 p.m.

**Roll Call**

The meeting of the City of Scappoose was held at 7:00 p.m. in the Council Chambers; 33568 East Columbia Avenue; Scappoose, Oregon with the following present:

**City Council Members:**

<b>Scott Burge</b>	Mayor
<b>Donna Gedlich</b>	Councilor
<b>Lisa Smith</b>	Councilor
<b>Charles Judd</b>	Councilor
<b>Larry P. Meres</b>	Councilor

**Staff:**

<b>Jon Hanken</b>	City Manager
<b>Doug Greisen</b>	Police Chief
<b>Susan Pentecost</b>	City Recorder
<b>Terry Andrews</b>	Field Services Supervisor

**Excused:** Council President Ingham and Councilor Bernhard

**Approval of Agenda**

Councilor Smith moved and Councilor Judd seconded the motion to approve the agenda. Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

**Public Comments**

None

**Consent Agenda**

Councilor Smith moved and Councilor Judd seconded the motion to approve the minutes from the October 1, 2007 Council meeting. Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

**Old Business**

**Hand Held Meter Readers**

Terry Andrews, Filed Services Supervisor, went over the staff report. He explained the current handhelds are on their last leg and can't be serviced any longer and parts are going to be almost impossible to get.

Councilor Smith moved and Councilor Judd seconded the motion that Council direct staff to purchase the Master Meter handheld devices and start up packages in the amount not to exceed \$15,605.26. Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Terry Andrews thanked City Council.

### **Nuisance Ordinance**

City Manager Hanken went over the staff report. He explained staff has had some requests from some Council Members related to modifying the proposed ordinance to include an emergency clause.

Councilor Gedlich explained she asked staff to include an emergency clause in this ordinance. She explained she felt there should be an emergency clause due to the fact that everyone is starting to burn. Councilor Smith stated also because of the potential health impacts of burning.

Councilor Smith moved and Councilor Gedlich seconded the motion that Council adopt the proposed amendments under an emergency clause.

City Attorney Jordan read the emergency clause.

Councilor Smith moved and Councilor Gedlich seconded the motion to place the on the first reading. Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Mayor Burge read the title for the first time.

Councilor Smith moved and Councilor Gedlich seconded the motion to place the ordinance on the second reading.

Dana Larson explained he does appreciate Councils time. He explained he read the public comments in the newspaper and he did have one concern. He explained Councilor Bernhard commented that he did not feel comfortable having police enforce the ordinance. He feels what good is an ordinance without enforcement. He explained he feels it would take some communication and coordination between Councilor Bernhard's take on it as a City Councilor and the law enforcement branch of our City. Mayor Burge explained he had a conversation with Councilor Bernhard this weekend. He feels Councilor Bernhard's concern was not that the Police Department wouldn't enforce it but how do they enforce it.

City Attorney Jordan explained the City has visited this issue many times before. He explained the ordinance use to provide that the Council enforced nuisance's ordinances. After bringing many nuisances to Council for their consideration the Council decided it was something the court should be doing and not Council which is why the enforcement changed. He stated ultimately the Police Department is going to enforce it one way or another.

Councilor Meres expressed his concern with this ordinance. He asked who is going to make the determination that a smell is not the proper smell coming out of a fire place. City Attorney Jordan replied he feels the language regarding emission of dense smoke or noxious odors is language right out of DEQ's regulations.

Mrs. Larson explained the Police have been very cooperative with their concerns. He explained they don't want to keep them busy with only their concerns in this area, they have many jobs. He stated when people are burning creosote and copper arsenate that is a serious concern. He feels this is good step.

Councilor Meres stated he would feel better if the whole Council was here.

Councilor Gedlich stated she requested the emergency clause is that if she remembers testimony or comments from the other Councilors who are not present tonight is they were concern about the time frame. She specifically remembers Council President Ingham wanting to do something with 10 – 14 day. She believes those two Council members are expecting Council to act accordingly and to vote on this particular issue.

Mrs. Larson explained it isn't that they trying to keep people from burning. She stated it isn't about who is burning necessarily it is about what they are burning.

Mayor Burge asked Chief Greisen as far as getting evidence for this type of citation what does he need to be able to do. Chief Greisen explained Council just indicated if we smell it we can give a citation. He explained it is going to be up to the individual officer. He explained he feels it would be easier if it was a fire department issue because they are so use to the different smells. He explained they will enforce it to the best of their ability. City Attorney Jordan explained it goes a little further then that. He explained if all you are seeing or smelling is smoke then yes a citation can be issued for the smoke. He explained the other thing a police officer can do is go to the door and knock and ask what is being burned in the room and if they can come in and see. He explained if permission is granted then the Officer can go in an issue a citation for what is actually being burned if it is actually unlawful substances. He explained if permission is not granted then the officer can go get a warrant.

Councilor Smith suggested having DEQ come out and speak to the Police Officers.

(Motion to move to second reading) Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Mayor Burge read the title for the second time.

(Motion for ordinance) Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

### **New Business**

#### **IGA with City of Rainier for Pro Tempore Judge**

City Manager Hanken went over the staff report. He explained there is a copy in the staff report of the agreement that the attorney's office has written.

Councilor Gedlich moved and Councilor Judd seconded the motion that the Scappoose City Council approve the IGA with City of Rainier for Pro Tempore Judge and authorize Mayor Burge to sign the agreement.

Councilor Smith asked for a brief summary on Judge Wardle. City Manager Hanken explained Judge Wardle has been the Municipal Court Judge for the City of Rainier for a number of years. He comes very highly recommended. Police Chief Greisen explained in 1990 when he was an officer for Rainier Judge Wardle was the Judge. He explained Judge Wardle is a good Judge.

Councilor Judd asked if this is the only choice we have. City Manager Hanken explained his is the close in proximity. Councilor Gedlich explained she has known Judge Wardle for many years and he is well qualified.

Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

### **Commercial Lease Agreement in Old Town III Building**

City Manager Hanken went over the staff report.

Brian Rosenthal explained the idea behind the \$1.10 a foot lease fee. He explained all of his leases have been none triple net. He also explained that he goes with the fixed rate so there are no hidden costs.

Councilor Gedlich moved and Councilor Smith seconded the motion that the Scappoose City Council approve the renting of Old Town III located at 52610 NE 1<sup>st</sup> Street, units 120 and 130, for a period of 5 years and authorize the appropriate signatures on the said lease, as presented.

Councilor Judd asked given our present state of the economy, is the 5 year lease a wise decision? City Manager Hanken replied with the development in the community, he feels it is a good move for the City.

Brian Rosenthal explained a 5 year lease is a standard on new construction.

Motion passed (5-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

### **Announcements**

Mayor Burge went over the Calendar. The next meeting will be on November 5, 2007 with a workshop prior to the meeting.

## **City Manager**

City Manager Hanken explained now that the lease is approved he would like to have Council tour through the new site. He explained on Wednesday evening the County Board Commission will be a meeting in the Scappoose Council Chambers discussing the right a way for West Lane Road.

## **Councilors**

Councilor Gedlich apologized to everyone who was present at the last meeting for the comments she made regarding Council benefits. She explained she received a subpoena for Margo Dew's trial against the City. She also thanked City Manager Hanken for his staff reports.

Councilor Meres stated to Chief Greisen good luck on this burning issues. He is going to watch it very closely because there are many City ordinances right now that are not being enforced. This is one that he is going to take personally to see that this issue gets addressed because we have singled out one person and it kind of bothers him. He would like to see the outcome of this. This one his is going to pay close attention to. He feels when this Council votes, especially when it has to be a unanimous vote, everyone should be present. He doesn't ever want anybody to assume the way he is going to vote.

Councilor Judd explained to Chief Greisen he does not envy his position tomorrow with the TOPOFF. He has been working on that for at least 6 months. He knows Chief Greisen has been working hard on that and he wished him good luck.

Councilor Smith explained the ordinance that Council adopted this evening applies to everyone in the community, not any single person. She explained on October 17 she had planned to be at the County Board Commission meeting but she will be busy attending the Community Club's monthly meeting. She explained at the next Council meeting there will be a letter requesting the standard authorizations for the 2008 Sauerkraut Festival. She explained she too has received the subpoena.

Mayor Burge explained he went to the land the City owns at the top of the hill Sunday morning with Councilor Meres. He explained they did a walking tour of the front side of it. He explained they envisioned trails up there. He is going to be contacting John Joy who has a presentation that he wants to do on trails. He explained he was contacted regarding some acreage up behind Keys Road. He explained that discussion will be on the next agenda.

## **Adjournment**

Mayor Burge adjourned the meeting at 7:48 p.m.

**City of Scappoose, Oregon**

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Scott Burge, Mayor

Attest: \_\_\_\_\_  
Susan M Pentecost, City Recorder