

**CITY COUNCIL MEETING
SEPTEMBER 17, 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:

Scott Burge	Mayor
Judie Ingham	Council President
Donna Gedlich	Councilor
Lisa Smith	Councilor
Jeff Bernhard	Councilor
Charles Judd	Councilor
Larry P. Meres	Councilor

Staff:

Jon Hanken	City Manager
Susan Pentecost	City Recorder

Andy Jordan	Legal Counsel
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Excused: Police Chief Doug Greisen

Approval of Agenda

Council President Ingham moved, and Councilor Bernhard seconded the motion to approve the agenda. Motion passed (7-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Gedlich, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye and Councilor Meres, aye.

Public Comments

Dana Larson, Scappoose, expressed his concerns about a public nuisance issue and a violation of the city ordinances. He read what he handed out to Council and staff.

Council President Ingham explained Mr. Larson lives two doors down from her. She is also witness to these infractions and it is an ongoing thing. She stated there must be something that the City can do. This residence has been an ongoing problem with many issues over the past couple of years.

City Manager Hanken replied this residence is not unknown to the City.

Mr. Larson explained he has called DEQ, EPA, the State, Scappoose Fire Department; their jurisdiction is for burning outside the home. He would think the environmental quality issue is there and also safety issues since one time there was a 6 foot flame coming out of the top of the house. He explained he has also had to deal with threats from one of the sons who no longer lives there. He explained he doesn't feel this is good for our community.

Councilor Bernhard asked Mr. Larson about his proceedings with the City and how the code violations have been handled so far. Mr. Larson explained he took pictures of some of the mice heads and other items the cats had drug over to his house. He explained he has had to call the Police and Fire department several times. He explained he has tried to talk to the neighbors several times. He explained he doesn't believe the City has handled the burning violation issue. He feels with the neighbors having too many animals it is animal neglect.

Councilor Bernhard asked City Manager Hanken with the code violations that Mr. Larson has been discussing how does the process work as in the violation. He asked how it is responded to and then what are the next steps that need to be taken as the violations continue. City Manager Hanken explained the nuisance complaint is submitted to the Police Department. The Police Department tries to get resolution with out going through the municipal court, however sometimes you don't get that. Then there is a citation issued then it goes before the Judge who determines what fine levels and tried to get compliance with the individual as well. He explained if the Judge declares a nuisance abatement then the City can go in and clean up under the Judges order. So far we have never had an abatement handed down from the Judge's order.

Councilor Gedlich explained this spring she worked with some of the people that live in Woodmere Court and people from Health Department, DEQ, EPA and Chief Greisen regarding this residence. She stated she is really aware of the problem. She was basically under the impression that there was a Scappoose Police Officer who was working with this residence. She understands that they have cleaned up a lot of the back yard and there are no more barrels or hazardous waste.

Mayor Burge would like to look at the issue of repeat offenders.

Councilor Smith would like to have this as an agenda item. She would like to know the history of this. She would also like to check to code book with regards to enforcement because she doesn't think it is limited to municipal court. She said it sounds like there may be some land use issues as well. She would like to have an in depth conversation about this property because it has reached this point and it sounds like it has gone on forever. She said she is sorry for the hard times but it sounds like these hard times have been going on for a long time and now they are making hard time for everybody else.

Council President Ingham feels it needs to be dealt with immediately.

Councilor Smith would like to know how long this has been going on at this residence and what kind of complaints have been filed. She explained if we don't have records of those then she would like to know that as well. She would like to know what the City has on record.

Councilor Meres explained his concern is that he doesn't think financially the residents are capable of handling a lot of the things that need to be done. He would like to see some sort of assistance to help with a new fence or other things that need to be done. He would like to see some sort of donations through the community. He would like to see a different approach.

Mr. Larson explained in the past he learned that this family is very proud so it is difficult for them to accept help.

Councilor Bernhard stated to City Manager Hanken if Council is going to be speaking on this particular property that the home owners will be contacted? City Manager Hanken replied yes. Councilor Bernhard explained his only fear with that particular process is if we are going to have a council meeting with an agenda item that isn't really a time or place for debate between the home owner, neighbors and Council. He said it sounds like it is the informational gathering piece that the Council will be hearing and hopefully giving staff some direction as in what Council wishes to see. Councilor Gedlich replied she tends to agree. She feels it is a complaint that a citizen brought forward to Council. She feels staff should do a little investigation, get some education behind them and make some changes to the ordinance and in the mean time City staff can do what they need to do to abate the nuisance. City Attorney Andy Jordan explained the old ordinance had a process to bring things to Council and Council decided it was best to refer nuisance cases to municipal court rather than the Council. He stated keep in mind jurisdictionally this is a court issue not a City Council issue.

Councilor Bernhard ask if the information that Council is going to be receiving is there really anything Council can do besides refer back to municipal court? City Attorney Jordan replied no. Councilor Smith explained when she requesting this to be on the agenda it had nothing to do with these home owners or any other property owner's specifically. She explained if there are some issues in an ordinance that is not permitting enforcement; for instance if there is no way to enforce noxious smoke coming out of your interior chimney verses noxious smoke coming out of the barrel in your yard then the City needs to close that door. This body needs to look at the laws associated with it. Mayor Burge explained that is his point. He feels the rules need to be tighten up if there are loop holes and he wants to again look at repeat offenders.

Councilor Bernhard explained he is a little confused because the information Councilor Smith requested from City Manager Hanken was specifically to do with that particular history on that particular property. He asked should Council just be requesting information on this property because we are singling out this particular property owner all the sudden. Councilor Smith explained in order for City Manager Hanken to identify what has gone wrong in the process he is going to have to look at this specific case. She explained what City Manager Hanken can do is look at that case and say we have identified this need, we can't enforce it here, penalties are inadequate, what ever the issue may be, let's close this in and deal with it.

Council President Ingham asked City Manager Hanken if he could call EPA or DEQ to see if there is any law restricting noxious fumes or burning. City Manager Hanken replied sure.

Consent Agenda

Councilor Smith moved and Councilor Bernhard seconded the motion to approve the minutes from the August 20, 2007 Council meeting. Motion passed (7-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Gedlich, aye; Councilor Judd, aye; and Councilor Meres, aye.

Old Business

Appointment of Planning Commission Alternate

Mayor Burge appointed Chris Negelspach.

Councilor Gedlich moved and Council President Ingham seconded the motion to confirm Mayor Burge's appointment of Chris Negelspach as the Planning Commission Alternate. Motion passed (7-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Gedlich, aye; Councilor Judd, aye; and Councilor Meres, aye.

Waste Management Issue

City Manager Hanken went over the staff report. He explained after the last Council meeting he had an opportunity to meet with John Roth from Waste Management to discuss this issue. He explained he and Mr. Roth came up with a solution to the problem and he presented it to two property owners that are here tonight. The proposal is that on Tuesdays Waste Management will pick up recycling in a smaller truck to make sure they have recycling services. He explained that appears to be an acceptable solution to the residences and Waste Management.

John Roth, Operations Manager for Waste Management, explained he kind of felt, because they didn't have all the information before Council during the initial complaint, that they were misrepresented that they discourage recycling services. He explained Waste Management is providing recycling to approximately 1700 accounts, which is about 30 tons of recycling out of the community of Scappoose each month. He explained the five accounts in question had the safety issue because of the larger trucks that service them. He explained he has had to investigate three roll over accidents and one of the guys didn't make it. He doesn't want to be the manager to have to go to family and say I am sorry your family member didn't make it.

Council thanked City Manager Hanken and John Roth.

New Business

Resolution Dutch Canyon Water Line Loan Agreement

City Manager Hanken went over the staff report.

Council President Ingham moved and Councilor Smith seconded the motion to approve Resolution 07-11: A Resolution approving the City of Scappoose to authorize a Loan from the Safe Drinking Water Revolving Loan Fund by entering into a Loan Contact with the Oregon Economic and Community Development Department. Motion passed (7-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Gedlich, aye; Councilor Judd, aye; and Councilor Meres, aye.

Wastewater Project Application Report

City Manager Hanken went over the staff report. He wanted to make Council aware that this is moving forward.

Announcements

Mayor Burge went over the Calendar. The next meeting will be on October 1, 2007.

City Manager

City Manager Hanken explained he feels the Sauerkraut Festival was very successful.

Police Chief

Mayor Burge gave a report for Police Chief Greisen on activity in the park. In 2005 there was (2) theft, (6) criminal mischief, (2) noise/disturbance, (2) suspicious person/threats and (2) drugs. In 2006 there was (3) criminal mischief and (2) suspicious person/threats. So far for 2007 there has only been (1) theft. He explained between tighter enforcement, cameras, lighting and the attention it has really caused a change out there in the park.

Councilors

Councilor Meres explained he just pulled up a report off his computer today that discussed the issues that City Manager Hanken talked to department heads about a better report. He explained it looks like some of it is better but he does have to say the Police Departments report is nothing and he doesn't know why they can't have that. He explained he was a little concerned when he had to read the newspaper to find out two officers are being investigated over the ordeal about some ones death. He doesn't know why the Council is not informed about that. He explained the police department's reports do nothing for him. City Manager Hanken replied the department head he spoke with dealt with building department simply because there is so much going and there wasn't enough information in the report to keep Council informed. He explained he wants to be careful about having way too much information were they end up being a 40 page report. Councilor Gedlich explained it is embarrassing when neighbors know more than the Council does, then you read about it in the paper and then it makes Council look really bad. Councilor Smith stated not to mention every other agency in the area manages to put their police activity report in the news paper on a weekly basis but us. She explained she doesn't know if there is a policy reason that they don't put it in the paper and some one just forgot to tell Council. City Manager Hanken replied there is not a policy from his office. He stated he will check with the police department.

Councilor Meres was glad to see the Sauerkraut Festival was such a success.

Councilor Bernhard asked about the time line on the park time line. City Manager Hanken replied he will be meeting with Little League on September 24 so he should have it at the next Council meeting.

Councilor Bernhard thanked everyone for all their hard work for the Sauerkraut Festival. He felt it was a great success.

Council President Ingham expressed her appreciation on the compromise with the City, Waste Management and the residents.

Councilor Judd thanked everyone for all their hard work for the Sauerkraut Festival. He was very appreciative of the building department note. He discussed the issue of hearing about Portland gearing up for a big Pandemic Exercise, but when he comes home he doesn't hear anything. City Manager Hanken explained Columbia County Health Department had a meeting regarding that issues and Lieutenant Miller attended that meeting. He explained there will be another meeting coming up in mid October and he will keep Council informed to how that progresses.

Councilor Smith thanked everyone who helped with the Sauerkraut Festival. She stated next years event will be Sept 20, 2008. She explained she will not be the coordinator next year but she is actively recruiting.

Councilor Smith asked if staff is also meeting with soccer regarding the park. City Manager Hanken replied he is still checking if the current elevation level is where we need to be. He does believe the sight is big enough.

Councilor Smith explained she has a suggestion when it comes to the Master Meter situation. She is a little concerned that the City is missing an opportunity here. She stated correct me if I am wrong but it kind of sounded to her that staffs recommendation is that the wireless meter was the way to go. She explained she knows it is going to take some time for Council and staff to have a long conversation about replacement of existing meters but if in fact that is the meter the City wants to use she would like to see this body act immediately. She said instead of replacing the meters two years from now start that process right now. She explained if this is what the City is going to go with she doesn't want to continue to put something else in that is going to have to be replaced. She wants to stop that for all new construction and move forward with this meter. She explained then Council and staff can discuss the existing meters and decide on the repayment period is why the new meters are being installed and the numbers won't grow any bigger or change.

City Manager Hanken replied the discussion on the meters will be on the next agenda.

Mayor Burge explained there were lots of Birthday surprises for him Saturday at the Sauerkraut Festival. He thanked Councilor Smith for all she did for his Birthday. He stated the Sauerkraut Festival was a great success.

Adjournment

Mayor Burge adjourned the meeting at 8:03 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Pentecost, City Recorder