

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
MARCH 3, 2008
AT 7:00 P.M.
SCAPPOOSE, OREGON**

Call to Order

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

Flag Salute

Roll Call

The meeting of the City of Scappoose City Council 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
Jeff Bernhard	Councilor
Charles Judd	Councilor
Larry P. Meres	Councilor
Art Heerwagen	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Brian Varricchione	City Planner

Press:

Andy Jordan	Legal Counsel	Cecilia Haack, The Chronicle
		Darryl Swan, The Spotlight

Excused: Councilor Gedlich and City Recorder Susan Pentecost

Approval of Agenda

Council President Ingham moved and Councilor Bernhard seconded the motion to approve the agenda as amended. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Judd, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Public Comments

Craig Frasier, Scappoose, asked if there was any way to add money to the 3.5 bond levy for a skate park. City Manager Hanken replied a City can go out on levies for any type of issue. He stated there would be two very separate and distinct issues that you would need to mark it towards. He stated in terms of getting this on the agenda or the voters pamphlet we are significantly running short of time.

Council President Ingham feels this is a very good idea and asked if there is still time. City Manager Hanken replied his personal and professional opinion is no. He explained in terms of looking at the bond measure we have we have an identified costs and we have designs for a plan to share with the voters. He stated we do not have that for the skate park at this particular point and time. He explained

what we would be asking for is a level of funding that may or may not be adequate. He explained he is not disagreeing with the concept but in order to get all that done and get it on the same ballot measure to combined the two he doesn't think there is time.

Proclamation

Scappoose High School Wrestling Day Proclamation

Mayor Burge read the proclamation. Mayor Burge read the wrestlers names and handed them certificates. Congratulations Scappoose Wrestlers!

Consent Agenda

Consent agenda of the February 19, 2008 Council meeting minutes will be on the next City Council agenda.

Old Business

Scappoose Veterans Park Update

City Manager Hanken explained right now the plans have been submitted to the engineers to write up the RFP and the design specs to put this out to bid. He explained one of the questions that was asked was whether or not there needed to be the stair stepping of the two ball fields and the answer is yes, because when we do this park because of the cut and fill we still have to meet the flood plain issue. He is excited about this going out to bid.

Council President Ingham would like to plan a day that Council goes and walk the park to plan and gather ideas.

New Business

Harper Business License Appeal

City Manager Hanken went over the staff report. He explained after meeting with Police Chief Greisen, Mr. Harper and Mr. Morgan, Mr. Harper agreed to revise his business license application listing Mr. Morgan as the Manager. Mr. Morgan will have a background check run, and if everything is ok, a business license will be issued.

Terry Morgan and John Harper both of Scappoose are the applicants. The applicants went over the business proposals and their roles and responsibilities each of them will have. Mr. Harper explained he has 5 other businesses to attend to so Mr. Morgan will be responsible for this proposed business. He will be the manager and the sole person in the shop at this time.

Mr. Morgan thought there might be a need for a skate shop in Scappoose.

City Manager Hanken explained as they went through the discussion and the re-application process in his conversation along with Chief Greisen they feel Mr. Harper's business should be given consideration simply because of the new information that was provided to them. He explained a

background check has been done on Mr. Morgan and passed. He explained on his standpoint and staffs standpoint they are recommending approval at this time.

Council President Ingham asked if the ordinance requiring business license define or specify in whose name a business license is issued. City Manager Hanken replied the business license asks that the license be in the owner's name. He explained what we do as a practice in organizations where you have employees, where you have managers they provide us with that information and that is what we look at in terms of determining the background check.

Council President Ingham explained she was a little taken back by the fact that we could just side step an issue by issuing the business license in this matter. City Manager Hanken explained he doesn't believe the City has side stepped an issue. He explained there are other situations where we have the business owner and the manager but the manager is where the background check is. He believes what they have done is clarified what the point in terms of roles and responsibility in terms of making sure public safety. He explained that was the basic reason for denial was concerns of public safety. He explained after they sat down and after the explanation of everything he believes the information that was provided to the City was fair and accurate and based upon that he is confident of saying in terms of the recommendation which basically reverses himself.

Council President Ingham asked Mr. Harper what if Mr. Morgan is no longer in the store and he has to do a search for an employee, she has an issue with that. Mr. Harper explained there will be somebody trained if that happens. He then explained if there isn't some one to take Mr. Morgan's place he will close the doors and reapply for a licenses. He explained this is not about money to him; this is about Mr. Morgan, the community and being a fun thing. Mr. Morgan explained Mr. Harper is the owner but if there is anything they could do to appease the City that is written if he was to leave the business that they would renegotiate the contract, they are up to any suggestions because they are willing to do anything.

Mr. Harper feels the forms need to be updated to add a section for the manager's information.

Mr. Harper explained he can't change the past but he has made a mends and he has done good things. He is not asking for reward he is asking for forgiveness at some point. He is asking for the Councils assistance tonight to make this happen. He explained it is his name on the business but it really is for Mr. Morgan.

Councilor Heerwagen feels this business license should be based only on Mr. Harper. He explained as a former business owner he feels he would be upset with the City if they wanted to do background checks on any manager that he brought in to his business. He would agree you learn from mistakes and Mr. Harpers 10 years of good record he needs a chance to do this. He explained it should be based on Mr. Harper alone.

Mr. Morgan explained he and his wife of 28 years are home owners in this community and he would never jeopardize his family or his neighbors if he thought there was going to be any problems. He explained if you would look at his background and his record he thinks it should show that he managed to keep his nose clean. He wants to tell the Council that he is a part of this community, he plans on staying here, he is a home owner and he would never, ever jeopardize his reputation or his families and he needs Council to know that. He is doing this because he believes in Mr. Harper. He has been a dear friend to him. He said if he had any question he would never continue doing this.

Councilor Meres explained to Mr. Harper this has got to be hard for him because of his past has been brought out. He explained he knew nothing about Mr. Harper's past until it came out in the newspaper. Mr. Harper explained in his past he volunteered to give polygraph test and passed all of them. Councilor Meres explained if Chief Greisen and City Manager Hanken feel comfortable with the situation so does he. He feels Mr. Harper is going to be faced with another problem due to the article the Spotlight wrote that parents will tell their children to stay away. Mr. Harper feels there were positive things in the paper, not just negative. He explained there is a point when you have a past like his you have to get out on the limb sometime to resolve it.

Mr. Morgan explained if the bottom line is Council feels there is too much of a chance for Mr. Harper to do something in the future keep in mind that he is a successful businessman and by most standards he is very educated and very successful. He has many employees who look up to him. He explained this is a man who is educated to know that with his finances he could do just about what ever he thought of but the fact of the matter is he is wanted to do this business in the community where he has been for many years and it is all out in the open, this is nothing that has been forged, this is nothing where people have been brought in or stories have been altered. He feels Mr. Harper with his education and finances would find a better route of doing something offensive in your minds if he had this in his mind. He thinks that should be ruled out. He has done nothing but told the truth.

Mr. Harper explained his employees at the Coast have been there for many years. He explained every employee that started with him has not left unless it was to move out of the area, but not due to his past. He thinks that speaks a lot for his character. He explained they don't make a lot of money but they are still there because they are his friends and family and they stood there and have been with him along time. He expects Mr. Morgan is going to be with him just as long in some capacity. He trust Mr. Morgan and it is hard to find people you can trust in this world.

Council President Ingham explained the idea of Mr. Harper being a threat to this community is not her issue. She wanted to let Mr. Harper know that.

Councilor Bernhard explained he is a little torn on this situation. He explained he admires Mr. Harper coming forth to the Council tonight and speaking so candidly about his situation. He explained at the same time he considers himself a very forgiving person but the Council is not her to grant forgiveness. He does have some issues with the accountability of how much time you will be spending in the shop and how do we monitor something like that if we even should be placed in the position to monitor something like that. He is very torn. He does respect the views of the Police Chief and the City Manager and he is leaning toward following their lead.

Councilor Judd agrees with Councilor Bernhard that Council doesn't grant forgiveness. He would like to hear what Police Chief Greisen has to say. Police Chief Greisen replied after having the meeting he feels comfortable approving the license. He truly feels Mr. Harper's role in the business is the financial side only. He explained during the meeting that he, City Manager Hanken, Mr. Harper and Mr. Morgan had there was a lot of information was brought out.

Councilor Bernhard stated he feels there are two side for the Council to obviously to look at one is to obviously grant the business license, and he hopes it can succeed, he feels the need is there, but he also believes part of the citizens in the community will also look at this Council that we just granted a business license for a skate board shop to a registered sex offender. He thinks as a Council they have to also think about those citizens of the community and how they are going to feel about that also. He

feels it boils down to those two pieces and he is not saying one is right and one is wrong, but two very difficult questions that each one of them are going to answer while they make their vote.

City Manager Hanken replied in Council's type of position and in his type of position 50% of the people are always going to complain regardless to what ever decision is made, there is just no way around that. He explained 50% of the people are going to be ok, but never say anything. He explained the one thing he would go back to is having this discussion provides that public with a little bit of awareness and a little bit of education, so they as an informed public can make a decision to whether or not they want to go to the shop.

Council President Ingham explained she is willing to give the benefit of the doubt.

Councilor Bernhard explained the more he sits here and thinks and listens to the different pieces in front of him, with an apology at the same time he is planning on voting no on this particular piece. He explained it is nothing personal it is strictly what he feels is best for this community. He wishes them all the best of luck.

Mayor Burge explained this is a hard decision.

Mr. Morgan explained everything that they have submitted has been the truth.

Council President Ingham and Councilor Heerwagen feels the license should not be approved based on the background check of Mr. Morgan. They feel the approval should be based on Mr. Harper alone. City Manager Hanken explained the discussion was who was going to be there on a day to day basis and that is who he checked out.

Mr. Morgan explained he and Mr. Harper are looking to meet the Council's needs and if anything can be brought to the table to appease Council, anything to feel safer and they are looking to explore those avenues. He explained it is not a money maker, this it is an issue of trust and how far the Council is willing to go, they have not limit, they are at Council's mercy and they will do anything Council suggests.

Council President Ingham replied that is a good idea and maybe Council should consider conditions of approving with this business license. She explained maybe conditions would help appease citizens in this community.

Mr. Harper explained some one in his position wants to stay as far away from youth as possible for his own protection. He explained he sponsors youth events but he can not go to them. He doesn't feel comfortable because he doesn't want anybody to ever tell a lie. He explained he is not going to put himself in that risk. He explained he did more than enough to make sure everybody felt comfortable and protected. He explained he needs protection now. He explained you don't get a second chance in his position so you don't put yourself there. He explained he know Council has tough decision to make day in and day out. He explained this won't be the first one they face and it won't be the last one. He explained the citizens put the Council here because they take those tough decision and they deal with them. He explained he respects Council's decision what ever there decision is going to be. He feels granting an approval is going to say something positive.

Councilor Meres moved and Councilor Heerwagen seconded the motion that Council approves Mr. Harper's business license for Bully's based upon the recommendation of City Manager Hanken and Police Chief Greisen. Motion passed (4-2). Mayor Burge, aye; Councilor Judd, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Council President Ingham, nay and Councilor Bernhard, nay.

Award Personal Services Contract for Mapping and GIS Project

City Planner Brian Varricchione went over the staff report.

Council President Ingham moved and Councilor Bernhard seconded the motion that staff be directed to sign the Personal Services Agreement for the Mapping & GIS Project with GeoSolve Inc. in an amount not to exceed \$121,000.00. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Judd, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Announcements

Mayor Burge went over the Calendar.

City Manager

City Manager Hanken explained staff is anticipating the carpet being installed the week of March 10.

Police Chief

Police Chief Greisen explained the Police Department just received the sketch artist drawings from the Sears armored robbery today. He explained Portland Police has been so helpful to Scappoose Police for so many years.

Councilors

Councilor Bernhard stated baseball season is kicking off. Get out there and support your local youth, get out there and watch your local youth.

Council President Ingham explained tonight's decision was a very difficult one for her. She wishes Mr. Morgan and Mr. Harper all the best and wishes them good luck with their business and she is sure it will be very positive to our community.

Councilor Heerwagen explained he would just hope that Council would not be in positions where they make decisions based on fear on what the public comment might be as appose to what we feel is right and wrong. He explained this was tough tonight and he is glad Council approved the application and it wasn't an easy decision and there will be flack but you have to vote based on what you think is right.

Mayor Burge explained this Saturday there is going to be a coordination for Nicole Andrews, Terry Andrews daughter, she is the Oregon Rodeo Queen. He explained tonight it was a tough decision but he feels sometimes you need to give people the opportunity to prove themselves.

Mayor Burge recessed for a 5 minute break at 8:33 p.m.

Executive Session

ORS 192.660 (1) (d) Labor Negotiator Consultations

Present: Mayor Burge, Council President Ingham, Councilor Bernhard, Councilor Judd, Councilor Meres, Councilor Heerwagen, City Manager Hanken, Chief Greisen, Cecilia Haack, The Chronicle and Darryl Swan, The Spotlight.

Adjournment

Mayor Burge adjourned the meeting at 9:00 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Pentecost, City Recorder