

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
JULY 6, 2009
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
Jeff Bernhard	Council President
Donna Gedlich	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Art Heerwagen	Councilor
Jeff Erickson	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Susan Reeves	City Recorder

Press:

David Holley	Spotlight
Amber Nobe	The Chronicle

Excused: Legal Counsel Andy Jordan

Approval of Agenda

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

Public Comments

Richard Burdett, along with other members of Post 4362 Veteran's of Foreign Wars, are here tonight to present awards to public servant's. He explained we at the Veteran's of Foreign Wars believe that public servants that distinguish themselves by their attitudes and their performance ought to be recognized publicly. They have a program in place to recognize a police officer, fire fighter and an emergency medical technician.

Richard Burdett stated we are really pleased to present this certificate of commendation to Angie Meres in special recognition of exemplarily service to humanity by administering emergency medical assistance. Congratulations Angie!

Richard Burdett stated the second award that we would to give is to the late Robert Hales. He asked Robert's wife Mary to come forward to accept the award. Richard Burdett explained after he talked to Bob senior he was thinking the old adage "The fruit never falls far from the tree" and he can't help thinking that he must have been his son's role model. He believes that marriage people distinguish themselves by the life they lead and they are blessed with a true partnership with their spouse and it is characterized by the mutual emotional support so in a very real way Mary he feels like this award belongs to you as much as it does to Bob. He stated we would like to award this certificate of appreciation to Bob Hales in special recognition and highest praise for alertness, personal courage, ever efficient guardianship for life and property. Thank you Robert Hales for all you did for the community.

Richard Burdett stated the next person he would like to recognize is Officer Dennis Viereck. He explained this nomination began with a member of the public. He believes ideally that is where all these things should start, from the public. He explained we are particularly pleased to honor you tonight, particularly in view of that fact that it started with the public. He stated to Officer Dennis Viereck if there are every times when you are fatigued and frustrated and you are tempted to wonder if it is worth it why he would urge you to remember that you are appreciated. He is really pleased to make this award of a certification of appreciation to Dennis Viereck in special recognition of unyielding adherence to the highest ideas of law enforcement in maintaining, preserving and protecting the lawful rights of all citizens. Congratulations Dennis!

Approval of Consent Agenda

June 15, 2009 City Council Meeting minutes

Councilor Ingham moved and Council President Bernhard seconded the motion to approve the June 15, 2009 City Council Meeting minutes. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Councilor Erickson, aye.

Proclamation Proclaiming July National Guard Month

Mayor Burge read the Proclamation Proclaiming July Oregon National Guard Month.

Old Business

Resolution 09-11: A Resolution Establishing All Fees and Charges for the City Of Scappoose and Rescinding Resolution No. 09-10

City Manager Hanken went over the staff report.

Councilor Ingham moved and Council President Bernhard seconded the motion to approve Resolution 09-11: A Resolution Establishing All Fees and Charges for The City of Scappoose and Rescinding Resolution No. 09-10. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Councilor Erickson, aye.

Laurie Selden ~ Prosecuting Attorney

City Manager Hanken explained to Council as you recall the City of Scappoose went in to agreement with the City of St. Helens for prosecuting attorney services. He explained one of the other reasons why he asked Ms. Selden to be here tonight is because the next agenda item deals with nuisance complaints and he kind of wants to spend some time with our process that we have in place in terms of dealing with nuisance complaints and Ms. Selden will be an important part of that process. He wants to make sure that she hears from Council what the expectations are so as we move forward we meet Council's expectations of what our prosecuting and court system deals with related to nuisances.

Laurie Selden gave an overview. She explained she has her Undergraduate Degree from the University of Oregon in political science. She graduated from Lewis & Clark Law School. She explained approximately 2 years ago she got her Masters in Counseling. She explained she started out working at Multnomah County D.A.'s office. She explained from there she went to Yamhill County D.A.'s office and worked there for approximately 14 years before coming over to the City of St. Helens. She tries to use all of her training and all of her skills in working with people. The people who come before her accused of crimes are every bit as much of our citizens as the most prestigious people are. She sees her role as enforcing the laws and interacting and interfacing with people to do what she can to help them to become more contributing citizens at least to mitigate their breaking the laws and move forward in a positive productive way. She enjoys working with the City of St. Helens. She is very eager and pleased to have this position for the City of Scappoose and also looks forward to hearing from Council a little bit of what they expect from her and what want to see her to accomplish for Council and for the citizens.

Councilor Gedlich welcomed Ms. Selden.

City Manager Hanken explained this arrangement is a little bit different than what we are use to. In the past the prosecuting attorney was only here in the afternoons and primarily worked out of his office in St. Helens. Now the prosecuting attorney will be here all day long. City Manager Hanken will be setting Ms. Selden up in the office right next to Community Development.

Ms. Selden stated she does have an open door policy.

Council thanked Ms. Selden.

The VFW thanked Council for allowing them to present the awards to our citizens.

Mayor Burge thanked the VFW.

Discussion on Nuisance Complaints

City Manager Hanken explained as we discussed at a previous Council meeting, Council would like to have the nuisance issue discussed to review the process. He stated as Council is well aware summertime is our big time for nuisance complaints because we deal with tall grass issues. He explained in addition Council passed an ordinance a few months back related to parking. He stated the officers are in the process of hitting the nuisances hard.

Lieutenant Miller explained as far as nuisances they have come up with 150 and that doesn't

include parking. He explained they have written almost 30 citations for parking and probably 15 of those are warnings. He explained Officer Viereck has been heading that operation with him and they have been very aggressive towards it. He stated anybody who has shown progression in their property they have not cited but if they do not show any progression they do cite. He explained there were 10 citations issued.

Police Chief Greisen explained the nuisance complaint process. He explained citizens can fill out a nuisance complaint form. Once the police department receives the form back it can take up to 4 days to assign it to a Police Officer because they hold it for the appropriate officer to be working instead of giving it to an officer who may not going off on his/her days off in the next two days because we don't want them to go on their days off and have the case just sitting there on the back burner. He explained once it has been given to the officer the officer will try to make contact with the property owner. When they make contact the property owner will have approximately 7 days, which is the officers discretion, but normally they use the 7 day period. He explained once the officer does make contact with the property owner and the officer returns back to the property after the time allowed to clean up the property and nothing is done the property owner will receive a \$250.00 citation. At that point it is out of the police department's hands, it goes to the court system. They give a 30 day court date, just like they do on parking tickets and any other traffic enforcement action. He explained just before the court date the police department goes back out to the property in question and takes current photos and see if there is any improvement.

Councilor Gedlich stated we have some vacant fields in the city and some of those fields are for agricultural purposes. She asked are those property owners warned or are they contact by the City? Police Chief Greisen replied this is a topic that he struggles with every year. He explained this is one reason the Fire Chief is here. He explained we are going to talk about fire danger talked about haying a field. He explained when you hay a field you need at least 5 days when it is not going to rain. He feels there needs to be some type of solution for the people who can prove they are going to hay the field we can work with them and allow them to have the appropriate amount of time. Police Chief Greisen stated the people haying the fields that are cutting the fields for hay bails are the same ones who are using the brush hogs to cut the fields.

City Manager Hanken replied we have no provisions in our code for agricultural actives. He explained Council could put in a provision for agricultural practice i.e.: haying as part of the nuisance ordinance to provide some exceptions or the officers could just have some discretion in terms of working with the property owner to identify as to what is being hayed or what is just being let go.

Councilor Gedlich stated she feels the officers should just be allowed to use their common knowledge and discretion rather than trying to come up with a whole new section of language that you guys can deal with. Police Chief Greisen replied unfortunately it makes it easier if there is language.

Councilor Ingham explained she lives right next to a piece of property where we deal with this and it's funny that the field is hayed one or two days after they are cited. She explained two years in a row she had filed a complaint because it sits right next to her property and also borders several other houses. She explained they had it hayed but it is still laying there.

Councilor Heerwagen asked if there is some way that if anybody who wants to hay could they

make some provision where they have to make a declaration that this is for haying purposes. Police Chief Greisen replied you could have them contact the police department and let us know the field is going to be for haying.

Mayor Burge stated sounds like Council would like to see some language brought forward that includes a non-fee provision of declaring that they are haying the field with a deadline and bring that back to Council.

Councilor Gedlich asked if we are going to amend that section of the code could we have a safety clause at the end and make it effective immediately.

Michael Greisen, Scappoose, stated he does hay the property in discussion. He explained not the owner but the person who rented it for horses about 3 years ago called him about 3 weeks prior before he cut it. He explained he did cut it and the reason he had to cut it is because they got warned that they had 7 days. When he cut it he didn't want to because he knew there was going to be rain coming, so it sat there for 4 or 5 longer just because it was raining. He explained he did remove 17,500 lbs of hay off there. He stated it is not good hay for horses it is good for cows. He stated part of the ordinance could read if it is registered with law enforcement for agricultural use. If there could be an ordinance that they have to be registered and they could even say who is going to cut the hay. He explained as long as the weather is nice grass hay should be done by the middle of July.

Councilor Heerwagen asked if it should also be included removal or bailing of the hay so it just doesn't sit there and get dryer. Fire Chief Greisen replied if they are going to say they are going to hay it then it has to be removed. Councilor Heerwagen replied it is a shame that it has to be so specific; you can't get people to do the right thing without making an ordinance. Fire Chief Greisen explained when you do the ordinance what you are worrying about is the flame height but when it is cut at least it is down low and the flame height is lower and easier to extinguish.

Councilor Meres asked so if the guy says he is going to hay it and he fills out his permit and he doesn't hay it but he cuts it now we are asking him to pick it up too? He asked doesn't it meet the requirements of it being cut. Councilor Ingham replied haying is bailing it. Councilor Meres replied what if you don't bail it; you cut it first don't you. Fire Chief Greisen replied then you would fall under your code. Councilor Meres stated what if I say I am going to hay my field and I choose to cut it why would I have to pick up the trimmings. Fire Chief Greisen replied you are right, it could be over ripe and it is too expensive to bail and move out and you would just want to brush hog it so it chops it and doesn't leave 3 or 4 foot long grass.

Councilor Gedlich stated she is worried about the fire hazard whether it is cut, if it is laying there. She thinks that is what Councilor Ingham was talking about.

Councilor Ingham stated if they don't bail it then they need to brush hog it. She stated maybe that could be in the ordinance.

Councilor Gedlich stated if it isn't done properly it is still a fire hazard. Councilor Meres replied I go back to the park on the hill, it is still a fire hazard too and we are not doing anything about that and we own it. Councilor Ingham replied and the ordinance will address that.

Councilor Gedlich would like to look at some new language, maybe the model from Hillsboro

will be perfect and she would like to have the emergency clause added. Police Chief Greisen explained all the haying should be done. He stated we should be okay so it will be next year when we want to already have this in place.

Councilor Gedlich talked about notification getting out to the community earlier enough, like April.

Angie Meres, Scappoose, asked if all the lots are for haying, if not what do they do with it? Police Chief Greisen replied normally you hay 2 acres or more. He stated so the ordinance could be revised to say 2 acres or more continuous areas would be considered haying fields.

Council President Bernhard asked how many hay fields do we have in the City of Scappoose? Police Chief Greisen replied there are approximately 2 or 3. Council President Bernhard replied point is it is probably less than five and we are thinking about drafting a whole new ordinance for less than 5 hay fields in the City of Scappoose and we have been talking about it now for 30 minutes. Councilor Ingham replied it affects a lot of homes.

Councilor Meres discussed nuisances and asked Lt. Miller how many parking tickets or violations they wrote for parking. Lt. Miller replied for parking they wrote 35. Councilor Meres asked if the 35 were all written out by a nuisance complaint. Lt. Miller replied no they were generated by patrol. Councilor Meres replied he was always told that a nuisance complaint was generated by citizen complaints. Lt. Miller replied 30 days ago Police Chief Greisen came to him and said that we always have this problem regarding ordinance every year so what he did was Officer Viereck and himself drove around the City for 3 days and wrote down everything they could see to include discarded vehicles, parking violations, nuisances from tall grass to garbage, everything and what we did was created a spread sheet of all of it. What they did next was went to each persons house with the ordinance and the nuisance and parking violation highlighted and gave it to them. 7 days later they went back and if none of that was taken care of for what they warned them for they gave them citations. He explained how the process.

Police Chief Greisen explained nuisance complaints are generated by citizen complaints, parking enforcement and parking issues can be generated by a police officer.

Councilor Meres would like to know if 15 feet from the intersection is from the intersection or the white line. Lt. Miller replied it is from the stop sign. Councilor Meres feels there should be some sort of a standard. He feels the City has the obligation to inform the citizens.

Mayor Burge stated he feels Councilor Meres is correct and the streets need to be consistent.

Councilor Gedlich talked about when she brought in photos about complaints/nuisances around town.

Councilor Ingham feels if we are going to enforce the parking issue we need to paint the curbs and be consistent.

Council President Bernhard feels the nuisance ordinance is fine the way it is. He feels the officers are doing a fine job.

Councilor Erickson talked about his neighbor seeing an officer checking out a trailer that was

park out on the street and when his neighbor came out the police officer took off. He explained the next day the neighbor came out and there was a warning on his trailer. Police Chief Greisen replied normally without even looking in to it, the officers are in to the community, and most likely then not the officer didn't even see that person come out and just drove off. He explained the officers take the time to talk to the community.

Laurie Selden was asked about the nuisance issues and she replied she is not involved by law it is a violation unless the defendant has an attorney.

No action needs to be done.

Announcements

Mayor Burge went over the calendar.

City Manager Hanken

City Manager Hanken explained we are in a new fiscal year so we are moving forward on some of our projects.

On July 21 the Scappoose Drainage District will be holding a meeting at 6:30 p.m. in the Scappoose City Council Chambers regarding a recertification of the levee.

On July 15 he will be meeting with a representative from Senator Merkley's office to discuss some of the needs of the City of Scappoose.

From July 7 until July 11 he is out of the office for the Oregon City Manager's Association meeting in Bend.

Police Chief

Police Chief Greisen explained there are 2 candidates for the reserve officers and the process is moving forward.

On August 7 there will be a State Geologist here to talk about the fault line. Chief Greisen will give Council more information at the next meeting.

Councilors

Councilor Gedlich thanked staff for their hard work on the agenda tonight. She welcomed Ms. Selden. She congratulated all the recipients of the VFW awards. She got another call from Senator Merkley's aides.

Councilor Meres stated he hates nuisances. He is glad that City Manager Hanken gave an update on the park. He is very proud of his wife; she is very dedicated to the fire department.

Mayor Burge asked about State Shared Revenue. He discussed the issue of skate boards using the street that goes in to the park and the hazard of that. He discussed the Mayor night at the

Molalla Buckaroo. He said the 4th of July parade was a great event. He said he noticed the lack of garbage cans at the Miller Park. City Manager Hanken will check in to that.

Adjournment

Mayor Burge adjourned the meeting at 8:20 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC
City Recorder