

**CITY OF SCAPPOOSE
CITY COUNCIL MEETING
OCTOBER 18, 2010 AT 7:00 P.M.
SCAPPOOSE, OREGON**

Mayor Burge called the City Council Meeting to order at 7:00 p.m.

Flag Salute

Attendance:

City Council Members:

Scott Burge	Mayor
Jeff Bernhard	Council President
Donna Gedlich	Councilor
Art Heerwagen	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Jeff Erickson	Councilor

Cindy Phillips	Legal Counsel
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Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Brian Varricchione	City Planner
Susan Reeves	City Recorder

Press:

Josey Bartlett	The Chronicle
Stover Harger	The Spotlight

Approval of the Agenda ~ (September 20, 2010 City Council Workshop minutes removed)

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

Public Comments

Barbara Hayden, Scappoose, read to the Council what she submitted.

~ Start of memo ~

October 18, 2010

Council Members and other attendees:

Thank you for the opportunity to speak this evening.

I know the issue of the proposed Urban Growth Boundary has not come before you yet, so I am not going to speak specifically to that subject.

However, I would like you to know a large contingency of citizens have met to learn and discuss the proposed UGB and the destruction of the CA Trail by turning it into an access road.

We have adopted the Group name of Citizens for a **Livable Scappoose** (formerly known as Save the Trail Committee)

We are greatly concerned about this development and it's affects on the livability of our neighborhoods, the noise and pollution caused by increase truck and vehicle traffic, the declination of property values, as well as many other issues.

We are strongly opposed to the UGB as proposed including the access road along the CZ Trail.

We will continue to learn, educate and meet with our growing number of citizens regarding this proposal and it's affects on our community.

When the UGB does come before you we hope you will allow us ample time to voice our concerns and testimonies.

Thank you.
Respectfully,
Barbara Hayden
33784 NE Kern Ct.
Scappoose, Oregon 97056

~ End of memo ~

Consent Agenda ~ October 5, 2010 City Council Meeting Minutes

Council President Bernhard moved and Councilor Ingham seconded the motion to approve the October 5, 2010 City Council Meeting Minutes. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Ingham, aye, Councilor Erickson, aye and Councilor Heerwagen, aye.

Thank you to Scappoose Foursquare Church

Mayor Burge read his memo ~

Thank you to the Volunteers from the Scappoose Foursquare Church.

On Saturday, September 25th about 15 people from the Scappoose Foursquare Church spent five hours on a community volunteer project which involved trimming and removing blackberry vines that had overgrown on parts of the Crown Zellerbach Trail. The Church group removed and disposed of over 20 cubic yards of materials.

The Scappoose City Council would like to thank Pastor Daniel Schmoll, Patrick Geehan, and other Church members for taking a pro-active approach in working with staff to identify and implement a project to help better our community.

Over the past year, Council has noticed that more and more groups are actively working to find ways to improve our community through volunteer efforts with the City, County, or the school

system. We look forward to this trend continuing and hope to work with you on another project soon.

Thanks again for a job well done.

~ end of memo Mayor Burge read ~

Old Business

Ordinance No. 813: An Ordinance Relating to Land Use and Amending Municipal Code Chapter 17.84 (Sensitive Lands—Flooding)

Mayor Burge read the title for the second time.

City Planner Brian Varricchione explained the public hearing was held at the last City Council meeting on October 5, 2010. This ordinance would update the floodplain regulations and the most significant aspect of the update would be adopting the floodplain maps but as he noted at the last meeting the boundaries and flood elevations have not changed. The only thing that is new is the maps illustrate news streets and have an aerial photo.

Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Ingham, aye, Councilor Erickson, aye and Councilor Heerwagen, aye.

New Business

Audit Contract

City Manager Hanken went over the staff report. He explained the City of Scappoose went out for an RFP for auditing services in September and we received five RFP's back. He explained you will see the price of the first year listed on the front page of the staff report and on the second page you will see a price list for five years. He explained when staff was going through the review process there were two firms that kind of basically he would rank one and two. He explained the first firm that he would rank number one is Jarrad, Seribert and Pollard and Co. LLC and the second firm is Dennis Conner CPA. He explained one of the concerns staff has with Dennis Conner is that is a one person CPA firm.

Councilor Ingham moved and Councilor Erickson seconded the motion to award the City Auditor's contract to Jarrad, Seibert, Pollard & Co. LLC in the amount of \$17,000.00.

Councilor Gedlich asked City Manager Hanken if he can tell her who was on the review board.

City Manager Hanken replied Jill Herr and himself.

Council President Bernhard stated the biggest concern is the difference between \$17,000.00 and

\$9,877.75. He stated the second choice which is dramatically lower staff is worried that he won't be able to come in on time, is that the main concern.

City Manager Hanken replied in the last review, which you will see in his packet, there were some deficiencies also, which according to Mr. Conner have been corrected.

Council President Bernhard replied he normally doesn't question staffs recommendation all that often but the amount is significant and that is why he is hesitate at this particular time.

City Manager Hanken replied Mr. Conner was rated second in terms of the ranking system. He would be happy with any of the five.

Council President Bernhard replied the number two person is almost 40% less so it is a significant amount of money.

Councilor Ingham stated she would be in favor of giving Mr. Conner the contract for the first year and see how he does.

Councilor Heerwagen stated at least Mr. Conner is in Columbia County.

Councilor Gedlich is worried about Mr. Conner not only because of the deficiency but also with having a one person firm.

City Manager Hanken replied in the contract if Council so chooses to select him we will stipulate that all audits have to be done by December 30th and turned into the State on time. He stated one of the things that will help speed the process along is that we have another person that does our financial records.

Mayor Burge explained sometimes he can go with the number two choice when they are 40% less.

Councilor Ingham amended her motion and Councilor Erickson seconded the motion to award the City Auditor's contract to Dennis Conner CPA in the amount of \$9,877.75.

Motion passed (6-1). Mayor Burge, aye; Council President Bernhard, aye; Councilor Meres, aye; Councilor Ingham, aye, Councilor Erickson, aye; Councilor Heerwagen, aye and Councilor Gedlich, nay.

Municipal Court Outstanding Balance Issue

Judge Taylor handed out her memo to Council and staff.

City Manager Hanken explained at the September 7 Council meeting Council asked that we have some discuss about municipal court. Council asked to have more discussion about the outstanding balance of the Municipal Court. He stated this is one of those issues that many communities deal with and they have tried many things to try and collect the payments for fines. He explained from staff's standpoint the payment amount agreed upon is not being paid.

City Manager Hanken gave Judge Taylor and Laurie Selden a copy of his staff report.

Laurie Selden asked how do you factor in if people are deceased.

City Manager Hanken replied their file should be closed.

Laurie Selden asked about the reports staff has ran and if they are all living people.

City Manager Hanken replied that is his understanding.

Laurie Selden explained she never used to read the obituaries, until she did this job but know she does it because very often she sees people on the case load in the obituaries, so that is always a concern for her.

City Recorder Reeves explained Cathy also does that.

Mayor Burge explained he thinks his issue when he looks over the list is that he knows there could be some people who have passed away but those people don't come in and pay a dollar each month when they have a \$25.00 a month payment plan and in his life when you have a payment plan and you fall short of that payment plan you don't get to just come in and make a different payment with getting arrangement. He stated a dollar, looking at the cost, we spend that dollar pulling a piece of paper out before we even write on it so if they are not meeting their payment plan, to him it is frustrating and he can see how it would be frustrating for the City to be taking a dollar on a fine of \$1,400.00. They have made four payments for a total of \$12.00 on something from June. He stated they have been making payments every month but they have averaged \$3.00 a payment. \$1,400.00 at \$3.00 a payment will never get paid off. That is his concern that people have a payment plan and they are not staying with it and he doesn't know what the solution is. He stated they \$1.00 a month payment is unacceptable to him one someone has agreed to a plan.

Councilor Gedlich thanked Judge Taylor and Laurie Selden for being here. She wants to know why Judge Taylor and Laurie Selden didn't get a copy of the staff report in time to review it and look at these figures. She asked City Manager Hanken are you not working with the Judge.

City Manager Hanken replied he blew it, he got it out Thursday and didn't email to her, and he will take responsibility for that.

Councilor Gedlich stated it would have been nice if we would have received Judge Taylor's memorandum so Council could have review it and look at her recommendations before we really discuss this. She stated to Judge Taylor that she really wants her to talk about her recommendations because she has some real issues with this and basically because she knows the court clerks job because she did it. She did LEDS, she did filing, she did all of it and some of the recommendations that she has here are exactly the issues and items and procedures that used to be in place and she is not quite sure why they are not in place now but it is immaterial but she wants Judge Taylor to explain explicably these recommendations because they make a lot of sense.

Judge Taylor apologized for not getting this memo to Council sooner. She explained she was under the impression that we were going to have a work session. She stated her understanding of a work session is it is a separate time like maybe from 6:00 p.m. – 7:00 p.m. or something.

Mayor Burge replied he thinks what it was is we are doing a work session at the Council meeting because it was a light agenda.

Judge Taylor feels in a work session we would have an hour or so and she would be able to walk Council through the current court process and she would be able to let them know what the issues are as they see them and what the recommendations are and she did not find out until late Saturday when she returned from a conference that the work session was actually being folded into the actual meeting and not knowing how long you wanted to spend on it, whether or not there would be enough time to go over it and wanting to ensure you understand exactly what the court process is because most people don't. She explained she spent quite a bit of time trying to lay out exactly what they do, there is a lot that goes on and it is interesting that Mr. Hanken's report identifies people who are not keeping to their payment arrangements that duck tails nicely with our findings that because the Court Clerk is not allowed to do her job we are not able to follow up on these cases as thoroughly and efficiently as we would like.

Councilor Ingham asked Judge Taylor what do you mean by that.

Judge Taylor replied at one time, a long time ago, the court clerk was in the police department and away from all the noise and commotion of City Hall. Under Jerry Gillham's reign she was moved to City Hall but the understanding at that time was that she would only do court stuff. She would only answer the court phone, she would only do the court paper work, she would not get involved with all the other City Hall things such as taking water deposits, answering the City Hall phone, jumping up to greet people at the counter who need assistance, that type of things.

Councilor Gedlich asked if that is in her job description now.

Judge Taylor replied they have requested a copy of her job description and they have not seen it.

Councilor Gedlich asked where is it.

City Manager Hanken replied he has not received the request.

Laurie Selden replied she emailed Jon a good while back.

City Manager Hanken replied we are a small office; we meet with everybody who comes through the door. We don't have separated in terms of coverage for different things, we all answer phones; we all help the customer who comes to the counter.

Mayor Burge replied he guesses a good question on that is he does know and he does recall when the court clerk was over on the police side and if he recalls there was specific reasons why it was moved out, maybe he was misinformed.

Judge Taylor replied it was the appearance of conflict, with the court clerk sitting next to the police secretaries there was the appearance that the two departments were combined. She thinks that can be resolved by making sure that they have the appearance of being very distinct. She stated their duties certainly don't cross over. She stated when you have one clerk who is responsible for the volume of cases we have the volume has gone up, Ms. Selden can address that issue, she has been keeping track of the crimes and she thinks Chief Greisen might have information about the violations, and you have that kind of volume and you have a court clerk who is distracted and torn away from her duties every few minutes she is not able to efficiently process the files.

Councilor Gedlich asked does the staff also help her with LEDS.

Mayor Burge reminded Councilor Gedlich that Council needs to be recognized by the Mayor before they speak.

Councilor Gedlich apologized.

Councilor Gedlich stated City Manager Hanken just comment right now that with the small staff the court clerk in her non job description that nobody knows what is in it is answering City Hall phones, taking water money, taking other duties away from her specific job so she can't do hers. She wants to know if City staff is helping the court clerk.

City Manager Hanken replied yes.

Councilor Gedlich asked have they gone through LEDS.

City Manager replied the court clerk and the police administrator on the police side are the only two LEDS certified people.

Councilor Gedlich stated okay so how can staff do that.

City Manager Hanken replied staff can court payments, they can't run the LEDS system. He stated you don't have to be LEDS certified in order to take a court payment.

Councilor Gedlich replied so knows that. She stated what she is worried about is the confidentially and all of these open files that are currently at City Hall that are available for anyone who is in City Hall, that is very very a liability issue. She is worried about things like that and also she doesn't know who the young ladies supervisor is but does that person know her job, can she do her job when she is not there or when she is on vacation or sick.

City Manager Hanken replied basically all staff, except for running the LEDS, and the new police administrator is the one who would have to do the LEDS, as being certified, as he said all the other staff people can take court payments.

Council President Bernhard stated we have been talking for maybe about 10 to 15 minutes and during this time he feels as if there has been a lot of miscommunication in that we are not working together to resolve what is potential a large challenge in front of us. He stated his recommendation is staff and the court system get back together again and have you come to Council with multi

recommendations. He doesn't feel that tonight we are going to be able to solve this issue. He stated unfortunately they haven't had time to read the staff report, importunately we haven't had time to study the information that Judge Taylor just gave them and unfortunately what he is seeing again a large gap of communication here and he doesn't think we are going to solve anything tonight in this type of environment. He would like to and he wants to have confidence in staff and the court system working together on this.

Mayor Burge stated why don't we do this, why don't we have Judge Taylor go over her recommendations for us and at that point we can decide if we want to digest it until the next meeting.

Council President Bernhard replied if we go down that road what he would like to see is, he doesn't mind questions, but we don't need to go down questions of staff time, responsibilities, and those types of things. He stated as we brought up at the last meeting if we are seriously considering revamping parts of our court system here in Scappoose he needs to have confidence that everyone is working together on the common ground and working toward a resolution and not having miscommunication on such a large challenge.

Mayor Burge stated why don't we start going through Judge Taylor's memo.

Judge Taylor stated or because there is so much information perhaps a better way to go would be to postpone this discussion to the next meeting giving Council a chance to review her memo and then come back and discuss it at the work session.

Councilor Heerwagen stated he feels we could sit down in an informal work session.

Mayor Burge asked City Manager Hanken what does the next Council meeting look like.

City Manager Hanken replied it is pretty much full so maybe November 15 there could be a workshop.

Mayor Burge replied we can have this as a workshop on November 15.

Councilor Meres thanked Judge Taylor for her report and he explained he does find it very interesting what Sheriff Dickerson is saying about the jail.

Councilor Ingham stated she agrees that Council should go home and review this and then come back and meet to discuss this.

Councilor Gedlich apologized for interrupting but like she talked to the Mayor earlier this is her baby. She stated her first concern was her understanding was we were going to have a workshop. She stated she appreciates Judge Taylor and Laure Selden coming back on the 15th and they all sit down and work on this together because this is such an import issue.

Mayor Burge stated they will start at 6:30 p.m. on November 15th.

Council President Bernhard stated now his expectation is that we are speaking to one another and that we come back to the next meeting and we have better communication and that all parties are knowledgeable about what is going on with the other side.

Laurie Selden stated she wanted to add a statistic to what Judge Taylor has given them. She stated in St. Helens in 2008 they charged 391 criminal cases, in 2009 they charge 394 criminal cases and as about noon today they had 305 for this year. She can tell Council in the City of Scappoose for 2010 up to today she has filed 169 cases. She can not tell Council how many criminal cases where filed in 2009 or 2008 because she doesn't have that but that at least can give you some more information.

Councilor Heerwagen asked Judge Taylor if she would meet with Council one on one.

Judge Taylor replied yes she could meet with Council.

Announcements

Mayor Burge went over the calendar. Court workshop on November 15, 2010 at 6:30 p.m.

City Manager Hanken

City Manager Hanken reminded everyone that City Hall is a ballot drop off site for the upcoming election.

Police Chief Greisen

Chief Greisen explained the Police Department will be doing interviews tomorrow for the patrol officer position.

Council

Councilor Gedlich apologized again.

Councilor Ingham explained October 27 is hopefully the last City Charter Review Committee meeting. The committee will be able to put together their recommendations to Council at the end of that meeting so you can look forward to seeing those recommendations soon.

Adjournment

Mayor Burge adjourned the meeting at 7:53 p.m.

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC, City Recorder