

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
JULY 18, 2011 AT 7:00 P.M.
33568 EAST COLUMBIA AVE
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
Judie Ingham	Councilor
Larry P. Meres	Councilor
Jeff Erickson	Councilor

Staff:

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

Press:

Cindy Phillips	Legal Counsel	none
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Excused: Councilor Mark Reed

Approval of the Agenda

Mayor Burge amended the agenda to remove the Executive Session.

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

Public Comments

Dale Chambers, Warren, Oregon, spoke on behalf of the rights of service animals. He explained he and his wife have felt discrimination from the Fred Meyer store. He explained in the past it had happened at Safeway in St. Helens also but his wife straightened it out. He stated we need to have it where service dogs are allowed in retail businesses and not discriminated and their owners are not discriminated against either. He would appreciate that in the future that the City Council would put forth an ordinance that says service animals are welcome in retail stores and restaurants in the City of Scappoose.

Councilor Gedlich asked Legal Counsel Cindy Phillips her opinion on this and stated isn't this a civil situation rather than a City Council position.

Legal Counsel Cindy Phillips replied it's probably not a matter of City legislation, if you will. She explained the American Disabilities Act and especially the amended Americans with Disabilities Act which addresses service animals is of course Federal Law. She explained there are also State Law Provisions but she believes those laws preempt the field from the City.

Councilor Ingham stated she believes last time she walked in the door at Fred Meyer there is a sign on the door that says "No dogs allowed except for service dogs". She stated there is a law that already exists. She asked Dale Chambers what is he asking Council to do.

Dale Chambers replied what he is asking is to say it is not tolerated to discriminate against service animals.

Councilor Ingham talked about their dog having a label or tag that states "Service Dog".

City Manager Hanken explained under the ADA Law there is no establishment of criteria for a service dog. He explained a person who requires a service dog doesn't have to prove the animal is a service dog.

Police Chief Greisen explained to Mr. Chambers if he feels he is not getting anywhere with the local Fred Meyer maybe he should contact Fred Meyer Corporate.

Council thanked Dale Chambers and he thanked them.

Spud Sandberg, Representing ACE Hardware, explained a couple of weeks ago he was kind of enjoying having the school torn down and the ground flat, it looked really nice and he could see Chinook Plaza just great. All the sudden there are 20 foot poles sticking up. He explained he went to the School Administration Office and talked to Paul Peterson about what was taking place at that site. He was told there will be trees planted and that concerns him and he is here to ask Council to reconsider any trees there at all.

City Manager Hanken explained in terms of the land use process this falls into the scope of the Planning Commission and they have already held the hearing for this.

Legal Counsel Cindy Phillips explained the City can't change it at this point but the School District could ask for a modification.

Council thanked Spud Sandberg and he thanked them.

Patricia Hadlock, Scappoose, asked if there was any communication about the investigation. She stated she has heard nothing. She did come into City Hall and all she was told is that she was sent letters. She asked if there was any investigation to find out about the curb and wheelchair access.

City Manager Hanken explained he has driven by her property and looked at the site and there is no reason to move the handicap return to go across Old Portland Road.

Councilor Gedlich asked Patricia Hadlock if she has been discussing this with the previous property owner and her attorney.

Patricia Hadlock replied she hasn't really gotten an attorney yet, she is hoping they can resolve it at this level before she has to get an attorney. She explained she really feels that because the City approved this sewer underneath her driveway it just seems wrong from the get go.

Legal Counsel Cindy Phillips explained this is not a City issue at this point. She explained this may be an issue for Ms. Hadlock and the prior owner who failed to provide the disclosure that they were supposed to.

City Manager Hanken explained the City did not engineer this subdivision.

Councilor Ingham asked City Manager Hanken to find out if Patricia Hadlock can change the location of the handicap curb cut.

Patricia Hadlock explained if she fixes the issue then it will put the City out of code.

City Manager Hanken replied he doesn't think she will be out of code.

Councilor Ingham asked City Manager Hanken if he can find out the real specifics and see if there is a liability on Patricia Hadlock's part if she moves the handicap curb cut. She stated she feels the issue is if Patricia Hadlock can legally move the curb cut without any consequences.

City Manager Hanken replied yes she can. He stated the issue is the curb radius in terms of the 25 feet.

Consent Agenda ~ July 5, 2011 City Council meeting minutes and Appointment of Barbara Hayden to the Planning Commission Alternate Position

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the July 5, 2011 City Council meeting minutes and Appointment of Barbara Hayden to the Planning Commission Alternate Position. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Erickson, aye.

Old Business

Proposed City Charter Recommendations

Councilor Ingham went over the staff report. She explained what she needs is a motion from Council to adopt the recommendation changes to the City Charter and place the measure on the ballot in November of 2011.

Councilor Gedlich moved and Council President Bernhard seconded the motion that Council adopt the recommended changes to the City Charter as recommended by the Charter Review Committee and placing the measure on the ballot in November.

Councilor Gedlich asked will there be an article or some explanation in the newspaper so that people are aware that it is coming and exactly what the language change is so they understand the past language versus the current language.

Councilor Ingham replied that will be in the voter's pamphlet.

City Manager Hanken stated if Council so chooses they can do an open house session to explain the changes.

Councilor Gedlich stated the committee did a great job.

Mayor Burge also stated the committee did a great job and he thanked Councilor Meres and Councilor Ingham.

Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Erickson, aye.

ODOT Relinquishment Deed for Havlik Drive

City Manager Hanken went over the staff report and explained what Council has before them is the ODOT Relinquishment Deed for Havlik Drive. He pointed out one part of the deed that stated "The State shall turn it over to the City only so long as used for public road purposes. If said right of way is not longer used for public road purposes, it shall automatically revert to State." He stated this is standard language in all their agreements.

Councilor Ingham moved and Councilor Erickson seconded the motion that Council accept the property identified in the Havlik/Hwy 30 Relinquishment Deed and authorize the City Manager to sign the document on behalf of the City. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Erickson, aye.

New Business

Termination of Intergovernmental and Indemnity Agreements

Police Chief Greisen explained he never thought he would be here requesting this. He explained the City of Scappoose Police Department would like to terminate all agreements between Columbia County Range Complex and the City of Scappoose Police Department. He explained during the planning of the range complex it was understood that all Columbia County agencies would use the range for free. He explained after the change over of administration the cost was going to be \$10.00 per officer per day, which isn't bad. Also before the change the Scappoose Police Department purchased a construction trailer, a classroom and they thought that was the least they could do to help out with the range during the construction. The money to purchase the trailer was from the dedicated funds for Law Enforcement Training, Crime Prevention and Traffic Safety. He explained when the new administration took over he spoke with City Manager Hanken and wondered if the County would start charging Scappoose Police Department space rent for the

classroom. He explained he and City Manager Hanken talked and decided to sell the County the classroom/trailer and use that money as a credit for the Scappoose Police Department to use the range. He explained he came to City Council on May 18, 2009 and Council agreed with the Scappoose Police Department using the Columbia County range. He explained that agreement got misplaced up north and was finally signed on August 20, 2009. He explained in the meantime the Sheriff's Office gave up the range to be controlled with the County Commissioners, since then it went back to the Sheriff's Office. He explained throughout the time from 2009 to today's date it is difficult to use the range; there's double bookings and a lot of things get misplaced. He explained it has come time that it seems like enough is enough and he is requesting the City of Scappoose to pull away from the range. He explained we already have some alternatives. He explained when they sold the construction trailer to Columbia County the City's Legal Counsel put a clause in there that once the City terminates the agreement the County has to reimburse the City for the remaining funds for the trailer.

Councilor Gedlich asked Police Chief Greisen if you don't use that range what are your other options.

Police Chief Greisen replied the Clatskanie Gun & Rifle Club will only charge the Police Department \$50.00 a day (24 hour time period). He explained there are outdoor ranges, indoor ranges, rifle ranges and they have a class room.

Councilor Gedlich moved and Councilor seconded the motion that the City of Scappoose agrees to terminate the agreement of the Columbia County Range Complex. Columbia County will refund the remaining unused funds in the amount of \$11, 670.00 to Scappoose Police Department within 15 day of this day and the Scappoose Police Department will return all of these funds into the Law Enforcement Dedicated line items Number 94-940-240.

Council President Bernhard explained he is a little bit more concerned about the big picture and the implications of going down this road with the County. He understands and can sense the frustration that he is currently going through right now. He can't help but wonder about the relationship that we have with the County as we start to terminate contracts or we start to put them in a position that they have to come up with a substantial amount of money within a short period of time, which he is sure the County can do. He would like to open this up for discussion regarding that.

Police Chief Greisen replied there is also a clause in the contract that if the County can not come up with the funds in 15 days they can make special arrangements with the City.

Council President Bernhard explained from a financial standpoint he is not as concerned about that. He explained he is more concerned about the implications of trying to terminate contracts with our County partner. He wants to be very careful about the road we are starting to take. He explained another example would be previous relationships the City has had with the Port. For the longest time the City has had very difficult time with the Port until just recently. He would rather not go down this road also with the County.

Police Chief Greisen replied with the range issue he has been taking it into consideration for the past year and it's just not working.

City Manager Hanken explained the range is actively used by others. He feels the frustration is due to the range getting double booked. He feels there is more need there than the capability that the range can provide. He explained he doesn't necessary see us pulling out and going to the Clatskanie range as a big negative, he sees that as freeing up time for the Sheriff's Office and other agencies to use the range.

Council President Bernhard explained he appreciates City Manager Hanken's comments, it allows him to look at it in a different way.

Councilor Meres stated he talked to Commissioner Heimuller and there are several issues out at the range.

Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Erickson, aye.

Columbia County Sheriff's Office

Police Chief Greisen went over the staff report. He explained due to the budget restraints with the Columbia County Sheriff's office they are going to be changing different policies and procedures and those are coming down to the City level. For example we no longer have an animal control officer, it is a Dog Officer. Therefore if we have to deal with bears, cougars, snakes in the City, and anything else we have dealt with in the past, it is going to be more on the City of Scappoose versus the animal control office. He explained Sheriff Dickerson advised him that he is planning on having a summit meeting at the end of August. With the summit Sheriff Dicerkson wants to invite city managers, district attorneys, city prosecutors and city council to talk about what's going to happen in the near future. He explained some changes are early release and charging cities bed space.

Judge Taylor explained almost two weeks ago she received an email from Sergeant Cutright at Columbia County Jail listing six probationers for the St. Helens and Scappoose municipal courts who were currently serving jail time and he asked, as a courtesy, if Judge Taylor was okay with the release of these six people. She reviewed the list and called him back and said she doesn't like it but she understands what they are up against and if they need the bed space fine and she authorized the release of five of the inmates and requested that one remained in place. She said Sergeant Cutright thanked her very much, said this was great, not a problem and then last week article came out. She explained she got an email from Darryl Swan at the Spotlight and said this is what Sheriff Dickerson has told me and asked for her response. She explained the response that was in the paper was an edited version. She explained she did meet with Sheriff Dickerson on Friday and she explained everyone is having financial difficulty at this time. She explained Sheriff Dickerson's proposal is to bill the cities \$60.00 per day per inmate. Sheriff Dickerson currently charges the inmates \$10.00 per inmate per day. She explained when they met on Friday she reminded him that in every judgment that is issued by this court and the St. Helens court and required by Statute there is a jail assessment; it is \$54.00 for every misdemeanor and it is \$5.00 to \$22.00 for every violation depending on the amount of the fine. She explained before meeting with the Sheriff she asked City Manager Hanken if he could pull together a report of how much this City has sent to Sheriff Dickerson. She explained City Manager Hanken gave her figures of roughly \$14,000.00 for calendar year 2010 and year to date is \$9,150.00. In addition to that the citizens of the City of

Scappoose are paying property taxes and a percentage of which goes towards operating the jail and other sheriff operations. She explained she told Sheriff Dickerson that the Cities are running really tight and they have had serious budget cuts already and they have lost staff already. These Cities cannot afford \$60.00 per day, per inmate and what about the \$14,000.00 they received last year from Scappoose, another \$10,000.00 from the City of St. Helens and year to date from Scappoose \$9,150.00. She explained the Cities are already contributing towards the jail. She explained the prior agreement when the jail was built was that the Cities would never be billed for the beds. She said if she can't have jail as a remedy that is a problem. She explained on the payment of old fines and that type of things City Manager Hanken has done a wonderful job of managing the suspension of drivers licenses and getting stuff off to the collection agency. She explained on her side for the probation violations Ms. Seldon came up with this idea and it works like a charm; when they bring someone in on probation violation for failure to pay they set it over for four months and they tell the people they are looking for at least a \$25.00 payment each and every month. She explained for each month they don't receive a payment they will be sentenced to 10 days jail, they hold the keys, make it happen. She explained she would guess 95% of the people make their required payments. She explained the jail gives people a tremendous amount of time off on a jail sentence. She explained she tries utilizing every other possibly to try to resolve these issues but we need to have that jail option as a tool in her toolbox. She stated the bottom line is Cities can not afford it and that's what she told Sheriff Dickerson. She explained Sheriff's Dickerson position is the voters shot down his levy, the County Commissioners are not giving him close to a million dollars that he needs and really the misdemeanors are no big deal, the safety to the society doesn't rank as high in his book as the money that he needs to operate the jail. She explained Sheriff Dickerson wants to rent 150 beds for ICE and the Federal Marshalls and he wants to leave 50 beds available for all four municipal courts, the one justice court and Circuit Court.

Councilor Gedlich explained when the citizens of Columbia County authorized the levy to build the Columbia County Jail the reason it passed the way it did, so overwhelmingly, was because all of the municipalities knew that they wouldn't have to have their own jail and they wouldn't have to pay for their inmates the way it was written up in the ballot measure. She explained she also read in the paper recently that ICE is also looking at Wapato because that facility in Portland has never been opened.

Councilor Ingham explained she was under the impression that when an inmate is released that they are responsible to pay for the days that they have spent in jail.

Judge Taylor replied the Sheriff has only been billing the inmate at \$10.00 a day. She explained on the judgment for that she handed out to Council she has highlighted the condition of their probation is that they reimburse the jail for their stay. She explained on Friday she stated to Sheriff Dickerson that it is a condition of probation that inmates pay for their stay at the jail and he has never asked her to enforce that.

Councilor Ingham replied to Judge Taylor so now you will.

Judge Taylor stated Sheriff Dickerson has to tell her who hasn't paid and he chooses not too enforce that.

Councilor Ingham feels there should be a letter written to Sheriff Dickerson from the City of Scappoose to make sure that the process for reimbursement by the inmates that go to the Columbia County Jail from this City that Judge Taylor gets all those records.

Police Chief Greisen stated this is a great opportunity between now and the end of August to start coming up with questions.

Mayor Burge talked about the County Jail being paid for via property taxes dollars primarily. Every citizen inside the City of Scappoose pays property taxes either directly or indirectly through their rent and so there all monies that go to the County to pay for this and so now they are turning to us and saying you are our cash cow and we want to charge you more money for these inmates. He stated lets be perfectly honest we don't have to have this court. We could just end having the court, he believes. He stated he understands the County is cash strapped but their first priority should be public safety in this County.

Councilor Gedlich explained the comments she heard why the levy didn't pass is because people are already paying high taxes, plus they are paying their own police department in our own community that is helping out in other communities. So it is kind of a give-give situation. She explained we don't have the money in our budget for this.

Councilor Ingham explained the thing that upsets her is that this County and the citizens of this County paid for the jail and our ongoing dollars pay for it and they take our beds away to rent them to criminals outside the County. She stated that is our jail and that jail is supposed to be used for our criminals. She would like to see that we can't fill all the beds in our County but some weeks are better than others.

Police Chief Greisen explained when he spoke with Sheriff Dickerson and asked him how much are they talking about a day. He replied \$60.00 or \$65.00 and Chief Greisen just figured \$70.00 for inflation and on average we have 10 beds filled a day. He explained if you figure \$60.00 a day at 10 beds that is \$217,000.00 a year.

Judge Taylor is asking Council to think about this, she is asking if there is anyway when the date is announced for the summit she would love to see all of the Council there.

Council President Bernhard explained he would like to possibly set up a meeting with the Mayor, himself and the County Commissioners prior to the Sheriffs meeting to set the table and talk about potential issues that come from this. He also asked that Mayor Burge potentially reach out to other cities within our County to gauge the feeling of where those Mayors potentially sit with the issue that is coming up. He explained he will be on vacation the first full week of August so he is hoping to meet sometime after that.

Mayor Burge agrees with Council President Bernhard and he will be reaching out to the other Mayors. He stated he doesn't know if it is necessarily the Sheriffs office issue a whole, this is a County issue and the County's budget as it all comes down and the priorities the County sets and the organization of the County Government.

Councilor Gedlich asked if City Manager Hanken could get a copy of the Columbia County Jail budget before the meeting.

Councilor Meres explained he is an advocate for work crew and he feels Scappoose should have their own work crew here.

Council thanked Judge Taylor.

Announcements

Mayor Burge went over the calendar.

City Manager

City Manager Hanken explained the Chamber will be sponsoring the “Wings and Wheels” event at the airport on Sunday August 14, 2011.

He explained he had a meeting with the Columbia County Road Department related to the replacement bridge on JP West Road which is scheduled for 2013.

Police Chief

Police Chief Greisen explained the Pow Wow is next weekend.

Council

Councilor Gedlich thanked staff for their hard work. She stated it was nice having Judge Taylor here this evening, it was very informative and she hopes we have some more of those kinds of meetings.

Councilor Meres stated the Sheriff’s thing is going to be a real interesting deal and he thinks we should be very careful.

Mayor Burge explained he wanted to mention that he met with an old friend of his who wrote a script and is looking at doing a production and filming it in Scappoose. He explained it is an independent film, low budget and their hope is to get it to premiere at the Park City Festival in Utah.

Adjournment

Mayor Burge adjourned the meeting at 8:50 p.m.

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC, City Recorder