

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
MAY 21, 2012 AT 7:00 P.M.
33568 EAST COLUMBIA AVENUE
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 (arrived after meeting started)

Donna Gedlich Councilor

Judie Ingham Councilor

Larry P. Meres Councilor

Jeff Erickson Councilor

Mark Reed Councilor

Jeff Bennett Legal Counsel

Staff:

Jon Hanken City Manager

Doug Greisen Police Chief

Brian Varricchione City Planner

Press:

Spotlight

Excused: City Recorder Susan Reeves

Approval of the Agenda

Mayor Burge amended the agenda to remove 10.0 Executive Session.

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

Public Comments

Jean Lewis, Coordinator for Teen Court, is here tonight to comment on the teen center and update. She stated first, of all you helped support the Teen Court considerably and she doesn't know how many people report back to let Council know what the money was used for but she would like to. She explained all together with the other donations she received they have raised about \$9,000.00 and that was over three years ago. She was told by the Juvenile Department that it was going to cost \$15,000 per year to run the teen court. She explained she has ran the Teen Court for three years and they still have \$6,000.00 in the bank. She wants Council to be aware of the benefits and the things that have happened in this court process. She explained this school year they had 50 students sign up to participate and half of those are Scappoose students. She explained these students are doing their research and doing a great job. She explained they have a new opportunity, she just got an email about three weeks ago, the Federal Government is realizing the importance of the Teen Courts that are all over and because of all the cutbacks in the court the juvenile department is going to be cut majorly, instead of her having up to 30 to 35 defendants, she is going to have 100 a year. She explained the potential grant is being offered to Teen Courts, it is in combination that they work

with CCMH so we can put this together. She explained what this court will be doing is they are going to be expanding considerably with Federal funding (grant) to have the defendant automatically part of their sentence will be sent to CCMH for an evaluation. She explained if they receive the grant they will be expanding and covering the entire Columbia County.

Jean Lewis stated we need to use this court room. She explained currently they are using the lunchroom at the Middle School and that is not environment that they are getting to see, this is court, this is a real court and the importance of the environment is important.

Councilor Gedlich asked Jean Lewis if she has talked to the new judge.

Jean Lewis replied no, she just found out who it was today.

City Manager Hanken replied he has talked to Judge Wood on this issue and Judge Wood is wanting to implement a night court once he gets done with his MBA program. He explained in terms of his availability for Teen Court, he is not sure if he is available to do it. He explained he doesn't have staff to stay here during the process and City's policy has always been there is a staff person here all the time when an outside group is here, he doesn't have staff to pay overtime and he is not volunteering for it.

Councilor Gedlich asked if there is some reason why all the offices or doors can't be locked.

City Manager Hanken replied he doesn't believe there is a lock on the judge's office.

Councilor Gedlich would like to table this and it should be on a formal agenda, where we get a staff report, the judge's comments, city staff, and legal experts.

Mayor Burge replied this is really something that the City should have been contacted about and put on the agenda.

Walt Pesterfield, Director of Community Corrections for the Adult Division, explained starting July 1st the adult and juvenile divisions will be merged together and he will be director over both. He explained this is one of the things that he was told about today so this is very new to him and this is a new venture for the County, mostly because of funding and whatnot but today we talked about a variety of different things and opportunity. He explained the grant opportunity is a very good thing and it has been very much evidence based practices that it's been successful in many counties and states and throughout the Nation. He explained one of the things we would like to be able to present and be part of is whatever we can do, our department, to help facilitate this process, to help kids and adults both. He explained one of the other things is that we would like to be able to lay out there the opportunity to do community service or work crew for juveniles or minors. He does think this is a very worthwhile endeavor for Scappoose and all the cities in Columbia County. It is very new but it's very hopeful with this grant that we can open up things and have some researches that doesn't pull money from each city and we are able to give back more than take. He explained the one thing that the Judges impressed on him; Judge Grant, Judge Reed and Judge Grove really requested is that they have the opportunity to have this forum in a court like setting versus in an office or a training room.

Councilor Ingham asked if it is a stipulation of the grant to have it in a court like setting.

Walt Pesterfield replied it is very impressed upon that that setting is something that they definitely want so we want to put that in there because it could be a very big hindrance if we get the grant or not. He explained even his adult probation officers would be interested in being a part of this and they also have internships with Portland State University Students that want to be a part of something like this.

Jean Lewis explained the reason why she doesn't want to do all of them in St. Helens is because she tries to have one over there in St. Helens and the next one here in Scappoose because of your Scappoose students that are in the program. She explained we end of losing some of the kids that originally signed up because of transportation issues.

Councilor Reed asked Jean Lewis when do they currently hold the Teen Court.

Jean Lewis replied they hold Teen Court in September and in May.

Councilor Reed asked City Manager Hanken is it appropriate for any members of Council to be here the nights of Teen Court versus staff.

City Manager Hanken replied if Council wishes to take on the responsibility he has no problem with that.

Mayor Burge asked for this discussion to come back at the first meeting in July after the budget gets done.

Councilor Reed said if it is doable with his schedule he would help with being here so they could have Teen Court in Scappoose.

Walt Pesterfield explained as part of this process they would like to get, he thinks, one of the goals for the grant would be to have really a good schedule and a process so then if someone would like to volunteer there would be a schedule where it would be good for everybody. He explained they care about kids and if we can have early intervention we are going to have more success all the way through and we can make a big difference in their lives now versus if they get caught up in the adult system all the way through. He stated that is part of the goal here.

Council President Bernhard thanked Walt Pesterfield.

Jean Lewis asked Council if one of them could please attend Teen Court this coming Wednesday.

Council thanked Jean Lewis.

Fay Stratford, Scappoose, stated she has stopped by and hasn't been able to get an answer, she is curious to know what is the future of our swimming pool here in town.

City Manager Hanken explained the City bought 2.5 acres on SE 2nd Street and that is where the site is going. He explained in terms of design plans, construction, there isn't anything simply because there is no budget to move forward with real costs. He explained realistically trying to get a ten million dollar bond measure past is probably going to almost impossible in this economic condition. He explained another thing we are looking at is building the facility in phases; start with an outdoor pool and then move that forward. His goal is to before he retires in 10 years to have the pool done.

Councilor Ingham explained the idea of a pool is not lost on this Council.

Mayor Burge explained the pool is always is discussed in the budget in fact several years in a row, before the recession, they were putting a little money aside each year.

Consent Agenda ~ May 7, 2012 City Council meeting minutes

Councilor Gedlich moved and Councilor Erickson seconded the motion to approve the Consent Agenda ~ May 7, 2012 City Council meeting minutes. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Old Business

Ordinance No. 821: An Ordinance Relating to Land Use and Amending the Scappoose Comprehensive Plan Map and Zoning Map

Mayor Burge read the title for the second time.

City Planner Brian Varricchione explained this ordinance would amend the Comprehensive Plan Map and Zoning Map for approximately four areas on SE 2nd Street near Havlik Drive. He explained the Planning Commission held a hearing on this on April 12 and City Council held a hearing on this on May 7.

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

New Business

Comcast Presentation

City Manager Hanken explained one of the things that he and Tim Goodman are talking about is the franchise agreement that will need to be renewed here at some point and time. He explained in addition they want to talk about the projects related to being able to stream Council video and Planning Commission video all over the internet in terms of providing greater access to the public regarding our activities.

Tim Goodman, Comcast, explained he has been out a couple of time to speak with City Manager Hanken and talk about the franchise renewal and some other things. He handed out his business cards to Council and explained if ever there is any issue where there's a problem or a good thing with Comcast and their service here in the community he explained please feel free to contact him. He went over a handout that he gave Council regarding a low cost broadband program for low income families; in order for a family to be eligible for this program, which cost \$9.95 a month, a family would need at least of their kids to be eligible for free or reduced lunch program in the schools. He explained his role is making the Government portion aware of the program just so you know it is out there. He explained it is a great program and they are starting to get some good numbers as far as families enrolled in the program.

Tim Goodman explained there will be changes to those customers in Scappoose that have antilog, which is the very basic tier and they are going to need digital boxes. Comcast will be moving the customers over and if they need more than three boxes the customer will be charged \$.50 per digital box per month and this will only affect about 10% of the customers. He explained Comcast will be donating the time and the equipment to be hanging those banners that will be placed along Highway 30.

Council thanked Tim Goodman.

Resolution No. 12-08: A Resolution Amending the Capital Improvement Plan

City Planner Brian Varricchione explained several years ago the City Council purchased the property at the north end of NE 3rd Street with the intention of extending 3rd Street up to the Crown Zellerbach Road and in December last year authorized staff to proceed with the engineering design, which is currently under way. He explained in order to make this project eligible for funding through the system development charges the project does need to be added to the City's Capital Improvement Plan. He explained the resolution before Council tonight would add that project and it would also delete six projects from the Capital Improvement Plan; four of them have been completed and two of them are no longer relevant due to the closer of the intersection of Williams Street and Highway 30. He explained pretty simple kind of house keeping amendment.

Councilor Gedlich moved and Council President Bernhard seconded the motion that the Scappoose City Council adopt Resolution No. 12-08: A Resolution Amending the Capital Improvement Plan as presented.

Councilor Ingham asked what is the cost of this project.

City Planner Brian Varricchione replied the estimate is \$375,000.00.

Councilor Ingham asked what is the span of this project as far start and complete, does it all need to be done this year.

City Planner Brian Varricchione replied the intention would be to complete it all in one budget cycle.

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

Discussion on water deposits

Mayor Burge explained this is regarding a letter that Council received about a citizen that was requesting an increase in the water deposit. He asked City Manager Hanken if he would like to delay this until the next meeting so he can do a little research and recommendations.

City Manager Hanken replied yes.

Drainage District Request for Fund to Re-Certification the Levee

City Manager Hanken explained just to kind of give Council an overview in 2008 we starting working with the Drainage District; they requested about \$7,500.00 for a levee restoration work and over the course of 2008, 2009, 2010 the City has provided monies in access of a little over \$6,000.00 to help make that happen. He knows the Drainage District isn't getting clear answers in terms of what they costs of getting to certification, of getting to where they need to be is and he knows that is frustrating for the Board, it is also frustrating for him, simply because in terms of time to budget things, it makes it extremely difficult. He explained what you have before you is a request for \$11,500 and as he looks at our budget we are to a point that at this time of the year his answer to everybody who wants to spend is no and he has to be consistent with that. However he will say the \$11,500 is over his spending limit so it has to come to Council anyway. He explained one of the areas where he is concerned is where do we pull dollars. He explained when we started talking about this back in 2009 we talked about the need for a storm water utility fee because there are issues that we had as a City. As water runs down hill it impacts in to the drainage district and we need to have revenue to help offset pumping costs, pump replacement, all those things that need to occur. He explained that fee hasn't happened, it is listed in the budget since 2009, but Council said no they don't want to move forward with it. He explained if Council wishes to do something that money would have to come out of contingency.

Geoff Wenker, President Scappoose Drainage Improvement Company, explained he has been on the board for about 10 years and has lived out by the dike for about 30 years. He explained the Drainage Improvement Company came before Council in April of 2008. He explained he actually had made a memo then so he just edited it and added a few things and that is what Council has before them. He explained it is kind of sad that in 5 years not a lot has changed as far as getting certified. He reviewed the handout he gave to City Council. He explained just in Columbia County there are 13 dike districts. He explained really on Scappoose, Warrenton and maybe Rainier really only stand a chance at being certified and if they are not certified then eventually the maps that flood insurance, building permits and getting financed from will be treated like there is no dike, so you will be in a flood zone magically and that was the initial thing they said. They have since realized that is not practical and getting certified has become a way bigger deal then anybody thought. He explained the current estimate to be certified is \$200,000.00.

Geoff Wenker explained we have the dike that will not stand every flood but it is designed to be more the base flood level as a 100 year flood or a 1% probability of a flood. Well that's happened three times in the last 100 years; the VanPort Flood, 1948 flood and 1996 flood. Those were all within inches of 27 feet above sea level. He explained the dike is 32 feet above sea level; the sewage treatment plant is 12 feet above sea level. So the City has a lot of assets that are protected by the dike. He explained the dike was originally built by the local farmers then added on to by the Corp three times and improved, so the Corp is builder of record per say and then we took possession of it, we meaning all the land owners within the district. He explained they have been asking the Corp for a schedule and they haven't received a schedule yet but he did get them to break it down to a phase I and a phase II to be \$43,196.00. He said they have been verbally told it might be around there but they didn't have anything in writing so they really couldn't go about trying to get any money or change the assessment level. He explained three years ago they changed the assessment level from \$200,000.00 a year to \$250,000.00 and the \$50,000.00 has gone towards things that are counting towards getting certified. He explained they are looking at trying to finance it over 10 years because the certification process is good for 10 years and then you have to do it again. He is not sure they could get Council to authorize any funding today but they really need to think about it. He explained he doesn't really want to give them the \$43,000 and sign the contract for phase 2A without knowing how they are going to handle 2B, the other money. So they are working on that

trying to find someone who will finance the project. He explained the difficulty is you are not financing anything physical, you are just financing engineering.

Councilor Ingham replied she is on board with this and it is obviously important to all of the people that live on the southeast side and the eastside. She would like to get some more information on their options of funding.

City Manager Hanken replied back in 2009 we talked about a storm water utility fee and that would go for more than just the district. He explained one of the requirements that we have under the Clean Water Act has to deal with the UIC (underground Injection Controls) and we have a lot of issues that are going to be facing us and we haven't got to that part of the budget yet.

Geoff Wenker went over a map to show what locations are in the Scappoose Drainage Improvement Company area.

Council President Bernhard asked City Manager Hanken if we have any idea what the impact would be if this is not recertified and what kind of an increase we would be looking at in regards to those assessments. He is also talking from an insurance standpoint.

City Manager Hanken replied he hasn't sat down with CCIS to discuss what that impact would be.

Council President Bernhard replied he is curious to know what that impact is because if we make a decision, and the reason why he is going down that road is because as a Council not only do they have to be thinking about potential what the costs are going to be to the citizens within the district. He explained but he thinks we have to be even more conscious of our City properties and what that is going to cost us because there are also a lot of people that are outside this district and we are also asking them to pay with these tax monies for people that are inside the district. So he thinks we need to find some type of common ground that says the sewer plant that's within the district if this is not recertified we are going to see an "x" amount of cost go up.

City Manager Hanken replied one of the things in terms of what our insurance policy is with CCIS there is, he believes, a 5 million dollar limit on flood insurance and usually if you have some type of event it would be more than 5 million. He explained we would be looking at other types of FEMA sources to help.

Councilor Ingham explained she is ready to make a motion regarding the money however she would like to honor Council President Bernhard request for information so we can make a decision on this at the next meeting.

Councilor Gedlich feels this should be discussed at the budget committee meeting so they get a lot more peoples impact and or comments.

Councilor Ingham replied her thinking is not for next budget year, she thinking is out of contingency for this year's budget and to move forward now.

Councilor Meres feels we should give the money; it affects a large portion of this side of the City. He stated the bridge on the other side of the City doesn't affect him but he still has to pay for it. He would like to just go forward with it.

Councilor Ingham moved and Councilor Gedlich seconded the motion that Council approve the Scappoose Drainage Improvement Company's request for funding to recertify the levee of \$11,592.00 to be taken out of contingency.

Council President Bernhard stated he thinks we also need to keep in mind that the comment was made that we wouldn't want to see our facilities flooded. We have to remember that work is not being done on the dike here, not to the point where we are going to stop a flood. This is paperwork that we are talking about here and so now we are authoring the cost of \$11,500 for paperwork on only a certain part of our population within our community without the information to explain to the rest of the population why we did what we did. So if you guys are all in a position where you can handle those questions then feel free to vote yet because right now you don't have that information. You can't honestly say I'm spending this money so that way we can ensure that we don't flood or we don't have flooding in our sewer plant or you're not going to have flood waters reaching your house. That isn't way you are saying what you are saying.

City Manager Hanken replied he is going to play devils advocate with Council President Bernhard because one of the things he wants everyone to understand here is just because that levee is certified that doesn't mean that can't give way, it doesn't mean that something can't go wrong.

Council President Bernhard replied he thinks he and City Manager Hanken are on the same page here. He stated his point being is feel free to answer those questions for the community members that aren't inside the Drainage District and if you can answer those questions, congratulations because right now he sure can't, there's no way he can.

Councilor Ingham asked if she can table to the next meeting and we get the information and then vote on the motion at the next meeting.

Legal Counsel Jeff Bennett replied you can't table the motion but you can withdraw it.

Mayor Burge stated if is on the next agenda that would be June 4.

Councilor Ingham stated she won't be at that meeting.

Mayor Burge asked if there was any other discussion.

Motion failed (3-4). Councilor Meres, aye; Councilor Ingham, aye; Councilor Erickson, aye; Councilor Gedlich, nay; Council President Bernhard, nay; Councilor Reed, nay and Mayor Burge, nay.

Mayor Burge stated he has to agree with Council President Bernhard on this at this point and that is way he was trying to encourage everyone to postpone it because he would like to have more information before he votes yes on it. He asked City Manager Hanken to put this on the June 18th agenda so they can have a full complete discussion especially the impacts on the water treatment plant so that they can look at their constituents and say the reason why we are doing this is because this needs to be done for the sewer plant, the water plant and those items inside that floodplain.

Council thanked Geoff Wenker.

Announcements ~ Mayor Burge went over the calendar.

City Manager

City Manager Hanken explained Chief Greisen and he had their first meeting with the Police Guild today.

Police Chief

Chief Greisen explained May 18 was the safety fair at the high school. He wasn't there but he has heard nothing but positive responses on it. He explained he will not be at the Council meetings in June but Lieutenant Miller will be here in his place. He explained last week Port Director Patrick Trapp, Port Commissioners Chris Iverson and Colleen DeShazer, Columbia City Administrator Lynette Rivers and himself had flown to Newport News, Virginia to take a look at the coal operation and when they were back there they had toured a couple of terminals and it was very informational. He explained after being there and talking to individuals who have lived by there tracks there is no coal dust. He even saw the trains dump and it was very educational.

Council

Councilor Gedlich thanked staff for all their hard work. She said it was nice to see all the students.

Councilor Meres explained the Farmers Market opened and there was a pretty good attendance of vendors and people. He went to the grand opening of the dog park. He stated the downtown core was buzzing this weekend between the tea event at the Watts House and the Farmers Market and also Veterans Park events.

Council President Bernhard explained they had another successful Little League parade from the Middle School to Veterans Park. He explained they had a huge turnout and a lot of people enjoying the day. He wanted to apologize for this lateness, as you all know he coaches Little League Baseball, but it is almost done.


Councilor Ingham explained she won't be here on the 4th of June. She stated this is a good night and that is what they are here for; the dialog, the debate, talking things out, making informed decisions. She stated we are now working forward in a very positive direction and we as a Council are working to solve the problem or resolve the issue, which is our job.

Councilor Erickson stated he will not be at the June 18 City Council meeting.

Mayor Burge stated the dog park opening on Saturday was great. He also made it to the Farmers Market ~ it was a beautiful day.

Adjournment ~ Mayor Burge adjourned the meeting at 8:40 p.m.


Scott Burge, Mayor

Minutes typed by: 
Susan M Reeves, MMC, City Recorder