

**CITY OF SCAPPOOSE  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 6, 2012 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
Mark Reed	Councilor

**Staff:**

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

Jeff Bennett	Legal Counsel
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**Press:**

Chelsea Bowen	The Chronicle
Stover Harger	The Spotlight

**Approval of the 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 Erickson, aye and Councilor Reed, aye.

**Public Comments**

None

**Consent Agenda ~ December 5, 2011 & December 19, 2011 City Council meeting minutes, Scappoose Historical Society Annual Car Show ~ August 11, 2012 & Scappoose Community Club Annual Scappoose Sauerkraut Festival ~ September 15, 2012**

Councilor Gedlich moved and Council President Bernhard seconded the motion to approve the Consent Agenda ~ December 5, 2011 & December 19, 2011 City Council meeting minutes, Scappoose Historical Society Annual Car Show ~ August 11, 2012 and Scappoose Community Club Annual Scappoose Sauerkraut Festival ~ September 15, 2012. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

**Old Business**

**Scappoose Boosters Club Pow Wow Request**

City Manager Hanken explained what is before Council this evening is to have a representative from the Scappoose Booster Club talk about the Pow Wow for the coming year and to make a request for an extension of an hour for the beer garden and dance area.

Michael Klobes, Scappoose, explained he is here on behalf of the Scappoose Boosters. He explained what he had talked to Council about previously was to extend the Pow Wow hours from 11:00 p.m. to midnight, just for the beer garden/concert area.

Council President Bernhard asked Police Chief Greisen if he sees an issue with this.

Police Chief Greisen replied he doesn't have an issue with that.

Michael Klobes explained the Pow Wow will be Friday July 13 and Saturday July 14.

Councilor Ingham explained everything went so well last year and 99% of everything that she heard has been very positive.

Councilor Gedlich asked Michael Klobes if he is going to notify the neighbors in the area like he did last year.

Michael Klobes replied yes, they will be notifying the neighbors.

Councilor Reed asked if there were any complaints last year from neighbors who were affected.

Michael Klobes replied he did have one complaint that someone said they thought it was too loud and then the next morning they said never mind it wasn't loud at all.

Councilor Gedlich moved and Councilor Reed seconded the motion that the Scappoose City Council approve all of the amendments from last years Scappoose Pow Wow and staying open one hour later ending at midnight for the beer gardens and the dancing area. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

### **Scappoose Historical Society Update**

Barb Hayden, Scappoose, explained she is the new President of the Scappoose Historical Society and she wanted to bring Council members up to speed with what they are doing at the Watts House. She explained the Scappoose Historical Society Board, with the consensus of the members of the Watts House, have decided to reopen the Watts House for community events. They don't want to become the community center but they do want the community to know that they are open for weddings, anniversaries, birthday parties and other events. They are going to be doing a lot of fundraising this year. They have launched a "Friends of the Museum Sponsorship Program" and they are going to be going out into the community to solicit donations for the house to help with their restoration project. She explained she is working with City Manager Hanken right now regarding dedication of the heritage trees around the Watts House. They have five trees on the property that are well over a hundred years old that were planted by the Watts family and so they have asked for dedication for those to become heritage trees. They are going to partner with the Scappoose Library and have on Arbor Day a big celebration for the school children and everyone in the community to come learn about the heritage trees and what it means to be a heritage tree and

how important this is to history of not only the Watts House but of Scappoose as well. She stated the Watts House is open for business.

Mayor Burge replied he is excited to hear about the events they are proposing.

Council President Bernhard explained he appreciates the sense of enthusiasm.

Councilor Ingham stated it is nice to see the new energy.

Councilor Gedlich stated we wish you luck.

### **Ordinance No. 819: N.E. 2<sup>nd</sup> Street Restriction**

Mayor Burge read the title for the second time.

Police Chief Greisen went over the staff report. He explained this is the second reading. He explained this would restrict large vehicles on NE 2<sup>nd</sup> Street between Crown Zellerbach and Columbia Avenue.

Councilor Gedlich asked is there a reason why there's not an emergency clause on this.

Police Chief Greisen replied staff didn't think it was necessary. He explained it is important but they would rather use an emergency clause for something more serious.

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

### **Police Department Policy and Procedures Manual**

Police Chief Greisen went over the staff report. He explained policy and procedures manuals are very common for police departments to operate out of. He explained what happens with policy and procedure manual is they get created and put on the shelf and forgotten. He explained with policy and procedures there are a lot of laws that are coming regularly that need to be updated so you have a lot of time involved. He explained in 2008 City County Insurance Services was offering grants through Lexipol that was for creating law enforcement entities policy manuals. The Scappoose Police Department applied for the grant and received it. He explained Lexipol has full time attorneys working on the policy manuals constantly. He explained 6 out of 7 law enforcement agencies in Columbia County have Lexipol policy manual and the other one is finishing up to get theirs. He explained what their policy is here in Scappoose pertaining to pursuits will be the same in St. Helens. He showed Council the new policy manual. He explained the policy manuals are on thumb drives and on the Mobile Data Terminals in the police vehicles. He explained with Lexipol for the policy manual update it's about \$1,900.00 a year and they have been subscribing to it. He explained every month they get updates and then they update their policy manuals twice a year. Lexipol is always right on top of the new changes from the Ninth Circuit Court to the State Courts to non-stop. He explained the Scappoose Police also subscribes to the Dailey Training Bulletin and its \$1,000.00 a year. He explained what the Dailey Training Bulletin is when an officer comes into work they have to get on line for a few minutes and answer some questions pertaining to the policy manual so they know and understand what is in the manual. He is hoping Council will approve the

policy manual. He explained if Council would like to review the manual please come see him at his office.

City Manager Hanken explained from the risk management standpoint the importance of this policy manual. He stated the fact that CCIS Insurance is very much behind this and apart of the risk management program in terms of keeping our insurance premiums down. He explained having these programs and policies in place shows CCIS that we are serious about making sure that we limit our liability in terms of risk for lawsuits. He stated having consistent policies and procedures and having officers understand those policies and procedures helps to reduce our risk therefore it reduces our insurance costs.

Councilor Gedlich moved and Councilor Meres seconded the motion that City Council adopts the City of Scappoose Police Department Policy Manual.

Councilor Ingham stated when she was reading this she looked on line to the Oregon Accreditation Alliance and it looks like a real comprehensive system. She asked Police Chief Greisen three questions ~ Where is the Scappoose Police Department in the accreditation process, when do you anticipate obtaining accreditation and what benefits do you see from the accreditation.

Police Chief Greisen replied the benefits you receive as the accreditation is best practice ~ what are we doing to prevent us from as much liability as possible. He stated it gets police departments on the same standards. The accreditation is normally a three year process and ours has been expedited for the fact that when City County did a surprised inspection on Scappoose Police Department we were so far ahead. He explained our Police Department has been doing a lot of the best practices for the last several years. He explained they were hoping to get their accreditation in March unfortunately it probably won't come until July or August when they have their inspection. Once they get their accreditation they will be the first in Columbia County to have it. He stated it is a long process and is very time consuming.

Council President Bernhard stated he understands the process and understands the methodology, which he doesn't have an issue with what so ever, the concern he has is Council being asked to adopt the current policy manual without really having any knowledge of it.

Police Chief Greisen explained what is difficult about this is a lot of this you want the public to know what we are doing but you have to be careful. He explained the policy manual is copyrighted through Lexipol so if he wanted to make copies for all of Council he has to get written permission from Lexipol to create and hand out the copies. He stated he is more than happy to extend this to another meeting if Council wishes to. He explained if Council wants to review the policy it covers from law enforcement authority to emergency operational plan, to training policy, electronic mail system, firearms, interagency agreements for pursuits, domestic violence, search and seizure laws, hate crimes, disciplinary policy that is adopted through the Guild.

City Manager Hanken replied a lot of times in terms of municipal government we find ourselves in what he'll call a catch 22. He explained you have policies and procedures in terms of how your officers are suppose to respond various situations however because of how our Charter is written only Council can approve those policies and procedures. Normally in a different type of environment the management staff would be signing off on those policies and procedures because we are a municipality and we can't do that. He explained because of the way our insurance company lists everything out all policies and procedures related to this has to go through Council.

Council President Bernhard explained his suggestion is if any of the Council members want to review the information in the next two weeks we obviously know where it's at and we have the ability to do so and then at the next meeting we can make a vote. He stated for him he doesn't feel comfortable approving something that he hasn't even seen.

Legal Counsel Jeff Bennett stated the other question you might want to ask yourself is assuming I look at the policy what changes am I qualified to recommend to be made in that policy manual. He stated in some respects it is not inappropriate in a situation like this for you to basically take the advice of your Chief of Police who is knowledgeable about these things and to rely on the expertise of the company that prepared this and take that recommendation and take the reliance that you might have on third parties preparing these kinds of things and say I'm not sure what position I am in to change it. He stated that said you certainly can review it to the extent you have questions about what's in there, maybe the Chief can clarify those questions for you in a couple of weeks.

Council President Bernhard explained he wants to make himself perfectly clear that he has the utmost faith in City Manager Hanken and Police Chief Greisen and that this is not a question of what the recommendation is what so ever and that his ultimate goal is not to suggest any changes that happen to be in that policy manual but more importantly to be educated on a piece that he is being asked to vote on is the only thing.

Mayor Burge replied he agrees with Council President Bernhard. He stated when they were elected they have some reasonability to see what they are voting on even if they are taking recommendation. He explained even though they can't really change it they should still be a little bit familiar with it so if there is question they can look at the public and say "Yes they did do due diligence in looking at it".

Police Chief Greisen explained when we went through Lexipol it took about a year to make this policy.

Councilor Gedlich stated she read what is in front of them and she feels there is plenty of information and she has no intention of looking at that document. She asked why do we want to wait two weeks to vote on something that is so important as this.

Councilor Ingham explained she agrees with Council President Bernhard. She explained it gives her as a Councilor the opportunity to become educated and spend time learning about the policy manual.

Councilor Reed explained he has had a similar back ground where they had a policy like that and he feels one of the reasons why we they hire police chiefs, city managers and planners is to sift through the items that Council don't know about and make recommendations for them. He stated in that represent he agrees with Councilor Gedlich.

Motion passed (5-2). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye. Council President Bernhard, nay and Councilor Ingham, nay.

## **Approval of Intergovernmental Agreement for sharing GIS Data with Columbia 911 District**

City Planner Brian Varricchione went over the staff report. He explained Columbia 911 and the City both have electronic mapping data, geographic data which would be useful for the other party to have access to in order to approve efficiency of the operations. He explained staff recommends approval of the agreement.

Councilor Gedlich stated maybe Legal Counsel Jeff Bennett can clarify 1.3 confidential.

Legal Counsel Jeff Bennett explained what this says is if there is confidential data it applies to both parties unless the Public Records Law requires that data to be disclosed as a public record.

Councilor Gedlich moved and Councilor Erickson seconded the motion that City Council approve the attached Intergovernmental Agreement for Providing GIS Data and authorize the City Manager to sign the Agreement. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

## **Naming Scappoose's South Columbia County Enterprise Zone Association Representative**

City Manager Hanken went over the staff report. He explained he will volunteer to be named as the representative for the City of Scappoose.

Councilor Ingham moved and Councilor Gedlich seconded the motion that City Council name City Manager Jon Hanken as Scappoose's representative to the South County Enterprise Zone Association. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

## **New Business**

### **Request to Renew Commercial Lease Agreement in Old Towne III Building**

City Manager Hanken went over the staff report. He explained the City of Scappoose has the opportunity to renew the lease agreement for units 120 and 130 of Old Towne III. He explained the current lease was only for 5 years and they have the options to renew the lease for another 5 years. He explained you'll see in the staff report the original agreement the lease rates for the optional years and Mr. Rosenthal has submitted a letter, which a copy is in the staff report, offering to modify the lease rates for years two through five of the renewal period if the City exercises the option to renew the lease and under that proposal Mr. Rosenthal is offering to keep the lease rate at the first year option rental of \$2,700.72 per month over a four year period and this would provide a savings to the City of over \$7,840.00.

Councilor Gedlich moved and Councilor Meres seconded the motion that City Council approve the request to renew the lease agreement with Mr. Rosenthal for units #120 and #130 of Old Towne III, located at 52610 N.E. 1<sup>st</sup> Street at the \$2,700.72 per month.

Council thanked Mr. Rosenthal.

Mr. Rosenthal replied he knows the City is under financial constraints.

Council President Bernhard stated he has to say Mr. Rosenthal is one of the City's best business partners that we have in our community. He stated over the years Mr. Rosenthal has worked very well with the City. He thanked him again very much for contributing.

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

**Resolution 12-04: A Resolution Supporting the Exploration of an Application for an Oregon Regionally Significant Industrial Site Designation**

City Manager Hanken went over the staff report. He explained tonight David Stocker who is the Executive Officer for the Columbia Economic Team is here to discuss the concept related to the recently significant site designation under Senate Bill 766.

David Stocker, Columbia County Economic Team, explained he is here speaking to Council about an opportunity that is a consequence of SB 766 and it pertains to essentially streamlining State Permitting Processes to expedite industrial development projects. He explained the intent of the Bill is to acknowledge the fact that local jurisdictions have already established a policy with the respect to lands that you have designated as industrial in your Comprehensive Plan and your Zoning Ordinance and in a sense putting the control back in your hands along with your Planning Commission so that when you make decisions on whether to approve or deny industrial projects, what ever the case may be. There are less opportunity for a project to get hung up in deliberations at the State level in fact the major benefit for the City and for developers of industrial projects is that within 120 days you'll know if the projects going to move forward rather than being stuck in limbo in defiantly. He explained it is their belief by having the local jurisdictions in Columbia and Clatsop County submit an application together as a joint application we are going to be better positioning. All of the communities who are interesting in participating in this program rather than having us face the situation where St. Helens is going to be proposing some sites, Scappoose is going to be proposing some sites, Astoria and so forth in which case the State's going to be forced to make a decision on one or fewer. He explained they are working very closely with COLPAC which is your Regional Economic Development District to see if there support interest in developing the joint application and really the reason he is here before Council tonight is to discuss this opportunity, see if this is something the City of Scappoose is interested in exploring and if so, he is looking for a resolution of support directing them to work with City staff in developing an application which clearly would have to be approved by the City Council prior to final submittal and approval by the State of Oregon. He explained really just at the beginning stages of this right now. He stated they are trying to be proactive about this opportunity.

Council President Bernhard stated this reminds him of other projects in how Scappoose has positioned itself in the past to be ready for success for down the road. He explained it aligns with what we have done in the past and it also aligns with what are goals are for the future.

Councilor Gedlich moved and Council President Bernhard seconded the motion that City Council approve Resolution 12-04: A Resolution Supporting the Exploration of an Application for an Oregon Regionally Significant Industrial Site Designation. Motion passed (7-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

## **Announcements**

Mayor Burge went over the calendar.

## **City Manager**

City Manager Hanken explained Council should have received a copy of the annual audit.

Councilor Gedlich explained she would like a hard copy of the audit.

City Manager Hanken explained he has been selected for Jury Duty.

## **Council**

Councilor Gedlich attended the Ron Wyden town hall and it was very informative. She thanked staff for all their hard work.

Council President Bernhard thanked the audience for attending this evening.

Councilor Ingham explained earlier in January she had the opportunity and the pleasure to go to New York City and visit Ground Zero and it was incredible.

Councilor Reed explained he has also been to Ground Zero. He explained he will not be here at the next Council meeting. He explained he also attending the Town Hall and he agreed with Councilor Gedlich, it was well attended. He commended all the students for attending.

Mayor Burge explained he also attended the town hall with Senator Wyden. He talked about the number of trains that might be coming through town and that is an issue that the Council may need to address.

Police Chief Greisen talked about the meetings he has been to regarding the trains.


City Manager Hanken explained they had a conversation with the railroad regarding the "Quiet Zone".

Mayor Burge stated something that will be coming before the City is a mobile food cart. He explained it is a land use so it would have to go through the Planning Commission.

## **Adjournment**

Mayor Burge adjourned the meeting at 8:00 p.m.

  
Scott Burge, Mayor

Attest:   
Susan M Reeves, CMC, City Recorder