

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
JUNE 4, 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
Donna Gedlich	Councilor
Larry P. Meres	Councilor
Jeff Erickson	Councilor
Mark Reed	Councilor

Jeff Bennett	Legal Counsel
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Staff:

Jon Hanken	City Manager
Norm Miller	Police Lieutenant
Susan Reeves	City Recorder

Press: none

Excused: Councilor Judie Ingham

Approval of the Agenda

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

Public Comments

There were no public comments.

Consent Agenda ~ May 21, 2012 City Council meeting minutes

Councilor Gedlich moved and Council President Bernhard seconded the motion to approve the Consent Agenda ~ May 21 2012 City Council meeting minutes. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Proclamation ~ Northwest Antique Airplane Club

Mayor Burge read the Northwest Antique Airplane Club Proclamation. The Wings & Wheels Car Show Event will be held on Sunday August 12, 2012.

Old Business

Drainage District Request for Fund to Re-Certification the Levee

City Manager Hanken went over the staff report. He explained as you recall at the last City Council meeting there was discussion related to the Drainage Districts request for \$11,592 for the 25% of the partial phase for certification. He explained at the last meeting Council asked some questions how the change in the floodplain zoning would effect the City's insurance premiums. He explained the bottom line answer is they don't affect the City's insurance premiums, what it affects is the deductible in which we pay in the event of a claim.

Council President Bernhard explained he was adamant last time about getting this information so we could speak to the rest of the 65% of the population of Scappoose if we were asked the question why we are spending these monies. He explained knowing that we have this information he thinks majority of the Council was in agreement of moving forward spending the \$11,592. He feels a little more comfortable with this information knowing that we have over 20 million dollars in assets that we are talking about. He feels they should consider moving forward with this amount, \$11,592 at this time, but also kind of send a message to the Drainage District they we may not be in a position in the future to do this again. He stated he is not sure exactly how they convey that or if that is Councils wishes or not. He said maybe we should have a discussion right now about even though this is just a portion of it and we are moving forward with it, what happens in the future.

Geoff Wenker explained they have the written explanation and detail of what they are going to do for engineering in what they call the certification process which is estimated it at \$199,000. He explained they do believe that is most of the cost that they will have, although they were told they can't just take what the CORP gives them and then give it to FEMA and then automatically done. He explained he guesses they do need to have an engineer come and look it over and maybe fill out some additional forms and they really don't know exactly what that is. He explained they are not asking the City for help with some of the things that they have already done. He explained the timing of the additional funds having to pay them they are working on coming up with a source of funds. He stated they have been messing with this for a long time and it is a pretty significant issue.

City Manager Hanken explained the Drainage District and our partnership is one component of what he is going to call a bigger issue that Council needs to reexamine. He explained back in 2009 we had the discussion about the need for a storm water utility fee, this is part of what that would help cover. He explained the Drainage District and our relationship with them is the bigger picture here.

Councilor Gedlich is a proponent of financing the \$11,592 because she feels we need to give them support. She thinks as being a responsible body we need to make sure that we are very closely connected with this District. She stated to Geoff Wenker that she really appreciates all the information.

Mayor Burge stated to Geoff Wenker during the last discussion there was mention that some properties in the Drainage District were not paying.

Geoff Wenker replied he will have to check into that.

City Manager Hanken replied all of the Cities properties in the Drainage District are paying.

Councilor Gedlich moved and Councilor Erickson second that the Scappoose City Council provide the financial assistance requested by the Scappoose Drainage District not to exceed \$11,592.00. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Prohibiting the Use of Council Chambers by Outside Groups

City Manager Hanken went over the staff report. He explained based upon the information that staff can find a policy was implemented on February 7, 1994 and has been in effect ever since. He explained we have worked with other groups such as the Drainage District to allow them to use the facilities the only premise there is staff, primarily him, has been associated with the organization that has been using the facility. He explained other types of activates that are held here would be federal or state legislators or League of Oregon Cities, staff is a part of that or somebody from the Council is a part of that to supervisor. He thinks it is important that they maintain that policy for a couple of reasons; this is a secured facility, we have computers that are in the Judges chambers that are connected to our "R" drive which is our servers. People can have access to those drives; they can erase files if they know what they are doing. He explained we need to make sure that we have a secured facility.

Councilor Gedlich remembers when this policy went into effect and staff, at that time, all took turns securing the building and making sure that everything was locked up. She explained at that time we didn't have the security locks like we do now. She explained she read the letter from Judge Grove and she has to say that because of the current issues that our youth are facing she thinks that we need to do everything that we can to help them. She explained the bad thing about Scappoose is we don't have a facility for any of these groups to meet in town. She thinks that we could open up the Council Chambers and make sure the two doors are locked where no one has access. She thinks depending on what the event is that she would be willing to volunteer if she is available to help facilitate this. She doesn't expect City Manager Hanken to be here 24/7 on call when the room is being use but we had it for town hall meetings and the Drainage District. She doesn't really think that there would be that many other organizations that would really want to use this room. She stated we have used it for the Sauerkraut Festival for economic development and there are people that are in and out of here throughout the whole event. She asked City Manager Hanken to explain what his real concern is. She stated if the police officers know there is going to be an event here during the evening they could patrol every five or ten minutes. She asked City Manager Hanken again what is his real issue.

City Manager Hanken replied his real issue is we worked to get rid of the former judge and now you are letting her back in and as a practice when you release somebody you don't allow them back in to the facilities in terms of job performance.

Councilor Gedlich replied basically what this is boiling down to is a personal personnel issue.

City Manager Hanken replied no, he wouldn't call this personal because again we are enforcing a policy here that is already there. He explained he had a conversation with Judge Grove early on and he said no it doesn't have to be in Scappoose City Hall. He stated now Judge Grove seems to be changing his mind. He stated the policy has always been in place since 1994. He stated the only thing that he was doing was enforcing that policy. He stated Ms. Taylor and Ms. Lewis keep bringing this back and like he said he had a conversation with Judge Grove and he said no it doesn't have to be here.

Councilor Gedlich asked if you were to recommend a location where would it be.

City Manager Hanken replied they are doing it in the school now.

Councilor Gedlich asked at Scappoose High School.

City Manager Hanken replied at Scappoose High School they have been doing it there since January. He stated that has not been an issue except that Diana Taylor doesn't feel that that is a proper location, he is sorry. He stated she was no longer associated with the City when she left, the policy goes into effect.

Councilor Reed explained his understanding is that it is held at the Middle School Cafeteria. He went to the Teen Court Wednesday after the last Council meeting and he spoke with Judge Grove and Judge Taylor and he spoke with several of the participants in there and he was he was real impressed, it's not a game and it's not role playing. He stated what these kids are able to do is extremely impressive. He made no commitment, obviously, and he asked the question what if we were able to obtain the council chambers, every single one of them said that would be great and the reason for that is in the Middle School cafeteria they have three refrigerators that are extremely loud and the atmosphere there just simple isn't conducive to what they are trying to do, people don't take it seriously in there, their jury room is the bathroom. Like he said all of this came without any prompting from them, they all said the same thing. He explained his opinion is courtrooms are built the way they are for a purpose, there is a certain atmosphere. He stated walk into a court room with nothing more than a traffic ticket and you are immediately intimidate by what happens. He explained we have, like what City Manager Hanken said, used this facility for other purposes. He stated we as a City don't have a problem going and using the High School auditorium, he doesn't see why we can do the same.

Councilor Meres stated his thought about this is he thinks we should open this up and he does believe the Judge's office should be secure and the locks should be change to where they can have access to the bathroom and not any further than that. He said honestly the Judge's office should have been secure a long time ago.

City Manager Hanken stated the bottom line is if someone from Council is monitoring this it's not an issue.

Mayor Burge stated wasn't the question last Council meeting though whether or not the policy allowed Council members to open up and close the chambers for these events.

City Manager Hanken replied the initial question that was posed wasn't for somebody to be here, they wanted to key.

Councilor Reed stated the question he asked was are members of Council, and again he only spoke for himself, included in that list of people who can be here to supervise.

City Manager Hanken replied and the answer is yes but under normal practice he has been here and he is not volunteering Wednesday nights, or whatever night that is, he wasn't going to volunteer for it.

Mayor Burge replied either way that if we do start talking about where this is opened the Judge's chamber needs to be keyed, where the Council can access there, and really no one else should be in there but staff. He doesn't really necessarily have a problem with them using it so long as the Judge's office is secured and he understands that on that being secured because of the information in the office. He thinks it should be restricted to community groups and none profits and those kinds of things.

City Manager Hanken replied then you need to redefine your policy for staff.

Mayor Burge replied community groups would include Senators coming to have town halls. He stated he guesses he is looking for something over all that would define that a little better. He said if it is already written that Council can then it is just a matter of setting it up so it is secure so it could be used.

Councilor Reed stated he believes they rotate where they hold Teen Court so he thinks they are talking one or two times a month at most. He would say they would have to be totally dependent on the schedules on people who are willing to come in here.

Mayor Burge replied that is the key because we are all volunteers and if none of us can make it they then can't have court here.

Councilor Reed replied then they would have to hold it somewhere else.

Mayor Burge stated and that could be a problem for them if they have to move and making sure people know it is moved, that is an issue Teen Court would have to deal with.

Councilor Gedlich stated when they talked to Ms. Lewis last time she didn't think that they would be here more than once or twice a month.

Councilor Gedlich moved and Councilor Reed would like the Scappoose City Council to allow the Teen Court to use the Scappoose City Council Chambers and that we secure the Judges chambers with new locks that Council has access to and that we change the locks so the restrooms are available and just have it for the Teen Center and town hall meeting and no non profit groups.

Councilor Meres stated they not give out keys to Council for the Judge's office and they could get some sort of nice custom wooden box that has a little simple lock on it and you could put the mail slots in and put it up against the wall and then they wouldn't have to access to the Judge's office at all.

Council President Bernhard stated one of the questions was the ability to have somebody here volunteering their time as they were here and what he is not hearing thou from Council is if there is going to be somebody here volunteering their time because he hates to say this but he is so busy as it is volunteering his time between sporting events and then with City Council at the same time he just can't make that commitment. As much as he supports the Teen Court and what they are doing unfortunately he can't make that commitment because he knows he'll end up breaking his commitment and that's just not fair. He stated you are not talking about just one month, you are talking months and years, and it is a large commitment to this.

Councilor Gedlich stated we can try it for a period of time like a year, she would be willing to volunteer and they can check out and see how it's working out here at this location, how many times they are using it. She stated if we can get a before hand schedule which we might be able to do if we're doing this, that would help also and she thinks at least we should try it.

Legal Counsel Jeff Bennett stated there was nothing in the motion that required the presence of a volunteer from City staff or City Council here.

Councilor Gedlich added that the volunteers will include present Councilmember's.

Mayor Burge replied he thinks what he needs, what he is asking is there must be someone from staff or Council present the entire time of use.

Councilor Gedlich's amended motion ~ Councilor Reed accepts that amendment.

Councilor Gedlich moved and Councilor Reed would like the Scappoose City Council to allow the Teen Court to use the Scappoose City Council Chambers and that we secure the Judges chambers with new locks that Council has access to and that we change the locks so the restrooms are available and just have it for the Teen Center and town hall meeting and no non profit groups. There must be someone from staff or Council present the entire time of use.

Council President talked about making sure there were enough volunteers. He asked if there is anybody else, either staff or Council that is willing to volunteer their time, because that could potentially impact what is happening here.

Councilor Reed replied he would, again it is dependent if they can give us the schedule ahead of time.

Councilor Meres said he would do it but it is so important to get that schedule.

Councilor Gedlich agreed in regards to the schedule.

Councilor Gedlich stated she feels if something were to happen where she couldn't be there she would call Councilor Meres or Councilor Reed. She stated that is why the schedule from Ms. Lewis is so important.

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

Water Deposit Discussion

City Manager Hanken went over the staff report. He explained Council has a memo in front of them from a landlord addressing four issues ~ increase deposit, bill monthly, allow landlord to turn off water and the landlord doesn't want to pay for someone else's water/sewer. He explained on average staff received one complaint per week that the water deposits are too high. He explained we are working on billing monthly, staff is working on replacing old water meters with radio read meters and that will take a couple more years but that process is in the works. He explained only the City can turn off the water. He explained if the landlords wants to be able to direct the City to turn off the water then they need to have the water in their name. He explained ratepayers of Scappoose

don't want to pay for somebody else's water and sewer either. He explained the State Statutes (ORS 91.225) outline the procedures to recover owed utility bills from rental properties so we follow that process as well. He explained our processes for collecting fees going after what is owed to us are within the law and do work and we don't see any need to make changes and modifications to our ordinances in terms of how we deal with water utility accounts.

Councilor Gedlich stated she has to say that she doesn't believe that we should make any kind of changes to this and the reason why she is saying this is after working at the City for 17 years there's many, many of the same landlords that have the same problems. She doesn't think this body should change anything at this time.

Legal Counsel Jeff Bennett explained landlords certainly have the right to include in their leases that a tenant's failure to pay any utility is an event of default under the lease toward which the landlord can apply the deposit in which the landlord received from the tenant. So the landlord can protect itself if it chooses too.

Councilor Meres stated as a landlord something's you just got to suck it up and it is a part of doing business. He couldn't change anything.

Mayor Burge stated his gut reaction is the landlord within his lease or deposit system should have it covered to protect himself.

Legal Counsel Jeff Bennett stated the typical problem landlords have is their contracts are right or they are too lenient in enforcing them.

Council President Bernhard asked if Mr. Weigandt was aware we were discussing this issue tonight,

City Manager Hanken replied no, he submitted this letter back on April 4 and frankly Mr. Weigandt has never contacted him to discuss the issue.

City Recorder Susan Reeves explained when she spoke to Mr. Weigandt she suggested he come to Council and he said basically it wouldn't do any good.

Council President Bernhard replied in the future if we are going to actually use a particular citizen and use their letter on an actually agenda item like this he would appreciate if staff would at least notify them and let them know that we are having this discussion, he would appreciate that.

Councilor Gedlich stated it would be nice if he was here.

Councilor Reed replied ultimately the goal of the drive by meters is to bill monthly eventually right?

City Manager Hanken replied yes, because we can cut down our time in terms of reading meters to an afternoon.

Mayor Burge and Councilor Gedlich thanked City Manager Hanken for the information.

New Business

2010 Amendments to UASI Intergovernmental Agreement

Lieutenant Miller went over the staff report. He explained in front of Council is the 2010 grant funding, UASI is always a couple years behind regards to grants and federal funds. He explained this is just saying yes, we will accept those grants and that money that come. He explained previously we have purchased data terminals, radios and public works have received items to include radio. This is just a continuing year after year process, the same IGA each year. He stated staff recommends approval.

Councilor Gedlich moved and Councilor Erickson seconded the motion that the Scappoose City Council approve this sub-recipient agencies amendment to the Intergovernmental Agreement between Columbia and UASI as presented. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Interagency Pursuit Agreement

Lieutenant Miller went over the staff report. He explained this is an agreement basically outlines that if the Scappoose Police are in pursuit and they do cross county lines, to include city districts limits they have an understanding what they pursuit will go into as in how many cars will be in the pursuit, who will be the main caller and who can terminate a pursuit in regards to each city and that's just outlined again. He explained this has been reviewed by the City Attorney and staff recommends approval.

Councilor Gedlich moved and Councilor Erickson seconded the motion that Scappoose City Council approve the Intergovernmental Agreement Multiagency motor vehicle pursuit among law enforcement agencies located in Columbia County, Oregon and the Chief of Police sign the agreement. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Announcements

Mayor Burge went over the calendar.

Police Lieutenant

Lieutenant Miller explained the Scappoose High School Graduation went well and everything else went well over the weekend after graduate, which is great.

Council

Councilor Gedlich thanked staff for all their hard work.

Councilor Meres asked if we have a power edger because it drives him crazy when he walks through the park and the concrete is not power edged. He explained in regards to Council President Bernhard speaking up to volunteering; his opinion is we should send letters to people on the budget committee because year after year people are on it but they never show and we should just send them a thank you letter and get people who are going to show up.

Councilor Gedlich replied she agrees.

Mayor would like a list of Budget Committee members and those who were not in attendance for the last couple of years.

Council President Bernhard explained he is the coach of the Baseball Minor Division and this year St. Helens and Rainer are part of that tournament. He explained we are actually the host this year so we are going to see a lot more traffic at Veterans Park. He explained he was talking to some of the parents and some of the coaches and they are so impressed with our park. He stated again there is so much pride in the park and he thinks our crew does a phenomenal job at the park. He asked City Manager Hanken to please pass that on to staff, he knows Tim works really hard down there and you can tell, he thinks he does a really good job down there, rest of the staff too.

Councilor Erickson will not be here at the next City Council meeting.

Mayor Burge recessed at 7:50 p.m.

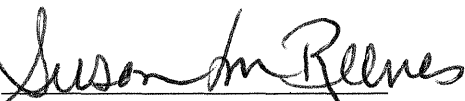
Mayor Burge went in to executive session at 7:54 p.m.

Executive Session

ORS 192.660 (2) (d) Labor Negotiator

Adjournment

Mayor Burge adjourned the meeting at 8:07 p.m.

Attest: 
Susan M. Reeves, MMC, City Recorder


Scott Burge, Mayor