

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
APRIL 1, 2013 AT 7:00 P.M.
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON**

Call to Order

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

Flag Salute

Attendance:

City Council Members:

Scott Burge	Mayor
Larry P. Meres	Council President
Donna Gedlich	Councilor
Jeff Erickson	Councilor
Mark Reed	Councilor
Jason Meshell	Councilor
Barbara Hayden	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Susan Reeves	City Recorder
Doug Nassimbene	Utility II

Press:

Ron Guerra	Legal Counsel	Robin Johnson	South County Spotlight
		Shari Phiel	The Chronicle

Approval of the Agenda

Councilor Gedlich moved and Councilor Reed seconded the motion to approve the agenda as amended. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye

Public Comments

Duane Meissner, Scappoose, came before Council to talk to them about the clear cut. He explained he feels it was a rushed decision. He explained what he would suggest is that the clear cut be put on hold at this time and a committee be organized that is made up of stake holders people of interest, people who have interest in the water shed and the City Forester and hopefully some day in the future Urban Forester put together a number of possible strategies that the committee and the Forester consider these suggestion and they draw up a proposal for the Council. He stated one thing that wasn't mentioned was if this is cut, what is going to be planted. He stated he would be very cautious about this and he would get comments from the community and would not rush into any judgment because this will not solve all the financial problems of the City.

Council thanked Duane Meissner.

Keri Hall, Scappoose, explained she would like to invite council, staff and the audience to the Grant Watts Auction. She handed out postcards with the time and date of the event.

Council thanked Keri Hall.

Linda Chval, representing the South Columbia County Chamber of Commerce, explained she is here to pass on some information. The Chamber of Commerce was given an opportunity, a fundraiser to host a circus and they have booked the circus. She explained it will be held on June 1, 2013, which will be the same day as Scappoose graduation.

Council thanked Linda Chval.

City Manager Hanken asked if the Executive Session was added in the agenda.

Mayor Burge asked for an amendment to the agenda to add the Executive Session.

Councilor Gedlich moved and Councilor Reed seconded the motion to add Executive Session, Litigation Likely to Occur, to the agenda. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed; aye; Councilor Meshell, aye and Councilor Hayden, aye.

Council Report/Committee Reports

None

Consent Agenda ~ March 18, 2013 City Council meeting minutes & Appointment of Angela Kane as alternate to the Scappoose Planning Commission

Councilor Gedlich moved and Councilor Meshell seconded the motion to approve the Consent Agenda ~ March 18, 2013 City Council meeting minutes & Appointment of Angela Kane as alternate to the Scappoose Planning Commission. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed; aye; Councilor Meshell, aye and Councilor Hayden, aye.

Mayor Burge congratulated Angela Kane.

Councilor Meshell thanked Angela Kane for serving.

Proclamation ~ National Child Abuse Prevention Month

Mayor Burge read the National Child Abuse Prevention Month.

Councilor Meshell asked Police Chief Greisen if it would be possible to get just some very basic figures, not anything really specific, just about child abuse that has been investigated in the City of Scappoose. He just wants to see how we are trending, just so the Council is aware. He explained he is going to take this Proclamation that Mayor Burge has given us seriously and he has called upon them to review this. So he would like to get that information if possible at a future meeting.

Old Business

2013 League of Oregon Cities Legislative Agenda

City Manager Hanken went over the staff report. He explained Council asked to be able to review LOC Legislative priorities and do an “up or down” vote.

Mayor Burge said the first issue to discuss is Voter Control Referral. He read the description ~ The League’s proposed constitutional referral would allow local voters the ability to consider a temporary tax outside of compression. The referral would not raise anyone’s taxes, but would empower voters to authorize a tax for local operations.

Councilor Meshell explained his position typically on taxes and revenues is that anyway we can keep them from going up he really likes that, however there is something in his personal belief system that also believes that local control is a very important issue. He explained if the City of Scappoose decides at sometime that if for some reason whether it be a community center, a pool, a new road, whatever thing is on the citizens of Scappoose’ mind, if they want to band together, pool their resources and have the City participate, he thinks the ability to have local control trumps at this time the need for the State to keep this tax lid on.

Councilor Gedlich stated she tends to agree. She thinks the voters should make the decisions of projects and infrastructures stuff that we have to do. She doesn’t think the State should force its citizens to participate without voting.

Mayor Burge stated he doesn’t know how much effect this currently has on the City of Scappoose right now.

City Manager Hanken replied right now we are hovering around the compression area but he thinks the point that needs to be clarified is if we are all property owners and because we do live in different districts within the same City and if we go for a pool measure and it passes, if someone’s property is at the \$15 limit they would pay nothing, if someone was under that \$15 then they would have to pay. He explained that is why the activity that you are trying to fund doesn’t get the anticipate revenue.

Mayor Burge explained having grown up here before those caps you can see why we weren’t being taxed at a higher rate because there were no parks.

Councilor Reed stated he thinks local governments have been under the threat of compression back since 1994 and at that time he just wondered how long it would take before local entities started to burst at the seam and he is surprised that we made it 20 years. He stated it is time for something like this.

Councilor Meshell moved and Councilor Gedlich seconded the motion that the Scappoose City Council take a position supporting Voter Control Referrals. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye.

Mayor Burge stated the second issue to discuss is Population Forecasting. He read the description ~ HB2253 would provide cities with population forecasts that would be updated every four years and be fully funded by state resources. These forecasts would be provided by the Population Research Center (PRC) at Portland State University, would not be considered a land use decision, and not subject to appeal at the Land Use Board of Appeals (LUBA).

Councilor Meshell moved and Councilor Erickson seconded the motion the Scappoose City Council take a position supporting Population Forecasting House Bill 2253. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye.

Mayor Burge explained the third issue to discuss is Reset at Sale. He read the description ~ The League's second proposed constitutional referral would reset a property's taxable value to its real market value at the time of sale or construction. The referral would not raise anyone's taxes on their current home, but would restore equity by recalibrating taxes based on the market's valuation of a property at the time of sale ~ a better measure of the property's value and an owner's ability to pay.

Council President Meres stated he does oppose this one and he believes the citizens of Oregon spoke on this one.

Mayor Burge explained what the reset at sale means.

Councilor Meshell stated he feels the State needs to live within its means and this is one that he doesn't support.

Councilor Gedlich and Councilor Hayden replied they agree with Councilor Meshell.

Councilor Meshell moved and Councilor Erickson seconded the motion that Scappoose City Council to oppose SJR 11/HJR13 and that the State should live within its 3% annual increase budget. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye.

Mayor Burge explained the fourth issue to discuss is Jobs and Economic Development. He read the description ~ Support investment in three funding requests from the Oregon Business Development Department that will create, retain, expand and attract businesses that provide sustainable family-wage jobs for Oregonians through public-private partnerships and leverage funding and economic opportunities for Oregon companies and entrepreneurs. He read over the three initiatives. He explained he sat on this committee for the Jobs and Economic Development issue.

Councilor Gedlich stated she supports this.

Councilor Hayden asked where is the money coming from.

Mayor Burge replied his conversation with Senator Johnson during the City Day at the Capital was that the \$10 million from the State to recapitalize the Brownfield Revolving Fund was a no brainer because it is cleaning up polluted sites and they can't get money anywhere else and it is

lending the money. He explained when it came to the \$25 million Senator Johnson explained she quite frankly said that she doesn't see anything happening there because how is she going to be looking at teachers who have to have more kids in their classrooms when there is \$25 million dollars going to this program.

Councilor Gedlich stated maybe we can just support the first one at \$10 million and not support the other two right not until we know more information.

Councilor Erickson agrees with Councilor Gedlich in regards to supporting the first one.

Councilor Meshell asked Mayor Burge so this loan funding for cleaning up the industrial sites, so basically the State gets into the loan business and the State is going to get involved because we want that site cleaned up.

Mayor Burge replied yes.

City Manager Hanken explained the process.

Councilor Meshell stated do we have any that would qualify for any of these funds in our City today.

City Manager Hanken replied not that he would say qualify. He stated depending upon what the future holds anything in terms of businesses that were manufacturing along the railroad would probably be a good possible candidate.

Councilor Meshell moved and Councilor Gedlich seconded the motion that Scappoose City Council support \$10 million to recapitalize the Brownfield Revolving Loan Redevelopment Fund and oppose the other two. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye.

Mayor Burge explained the fifth issue to discuss is 9-1-1 Tax Renewal. He read over the description ~ The League will work with other stakeholder groups (principally those representing public safety organizations and jurisdictions) to extend the 9-1-1 emergency services tax beyond its expiration in 2014. In doing so, the League seeks several important policy changes to the 9-1-1 system.

Councilor Meres explained he is for the prepaid cellular phone tax. He doesn't think the voice over internet should be taxed.

Councilor Gedlich stated she thinks everybody should pay it. She stated she is in support of this and stated 9-1-1 needs the money so the whole agency can work better.

Councilor Hayden explained she likes the idea that it requires the State to use the revenues derived solely for the provision of emergency reporting services.

Councilor Meshell explained as more and more people move to internet and voice over ip, probably a lot of people don't have landlines, they have cell phones or they use their Comcast to voice over ip. He explained if they are prepaid cell phones they're not getting any 9-1-1- money for that and if they are using voice over ip they are not getting any 9-1-1 money for that. He explained like Councilor Hayden said taking the tax revenues for 9-1-1 that are specifically designed to set up 9-1-1 centers for public safety and then diverting those out of those into the general fund for whatever project a Congressman or Legislator has in Salem, that is the part that gets him the worst. He stated the second part that gets him is we had 9-1-1 sit here and talk to us about the fact that there is a huge population that calls 9-1-1 all the time that use prepaid cell phones who pay no tax whatsoever. He stated so for those two he strongly supports it. He stated if this once again gets down to his local control argument, he also doesn't like to pay a lot of taxes to the federal government, but at the same time he can oppose the fact that he doesn't like sending his taxes to Washington. He stated if this stays in Oregon and gets routed directly to 9-1-1 services and allows the chief to do his job better and they get to my house faster he is willing to do that part of the voice over ip piece.

Mayor Burge explained to him it is about fairness.

Councilor Meshell asked City Manager Hanken on a future agenda when a Comcast Representative is actually here he would like to get a presentation on where the taxes go in Scappoose and what people are paying. He thinks it would be good for Council to actually know that so they can communicate to the citizens and know what they are actually paying.

Councilor Hayden moved and Councilor Gedlich seconded the motion that the Scappoose City Council support the 9-1-1 Tax Renewal House Bill 2035/ House Bill 2496. Motion passed (6-1). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed; aye; Councilor Meshell, aye and Councilor Hayden, aye. Council President Meres, nay.

March 12, 2013 Election Results Abstract

City Manager Hanken went over the staff report. He explained after each election, the Columbia County Clerk's Office submits an abstract of the election results for the Council to approve. The City had Ballot Measure 5-231 "Shall the City of Scappoose Continue to Add Fluoride to the Drinking Water." Voters in Scappoose approved the measure.

Councilor Gedlich moved and Councilor Erickson seconded the motion to approve the March 12, 2013 Election Results Abstract. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed; aye; Councilor Meshell, aye and Councilor Hayden, aye.

New Business

Resolution No. 13-02: A Resolution Adopting a New City Vision Statement, Goals, and Repealing Resolutions No. 00-03 and No. 692 for the City of Scappoose

City Manager Hanken went over the staff report. He explained on March 16 Council had a goal setting session and drafted a new vision statement for the City. He explained they also worked on goals that fell into three categories: Live, Play and Work.

Councilor Gedlich moved and Councilor Hayden seconded the motion to approve Resolution No. 13-02: A Resolution Adopting a New City Vision Statement, Goals, and Repealing Resolutions No. 00-03 and No. 692 for the City of Scappoose. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed; aye; Councilor Meshell, aye and Councilor Hayden, aye.

Award Bid for NE 3rd Street Project

Doug Nassimbene, Utility II, went over the staff report. The City of Scappoose issued an invitation to bid for the NE 3rd Street improvements and extension. Improvements and extension of 3rd Street include pavement, sidewalks, curb, storm system, water line, striping and site work. The approximate length of the project is 270 feet. This project also includes a grind and overlay on NE 3rd. When completed, NE 3rd Street will be connected to Crown Zellerbach Road as a through street. The project was advertised in the Daily Journal of Commerce, the Scappoose South County Spotlight, and Quest CDN (Construction Dailey Network). The City has received seven qualifying bids. He explained Kennedy Jenks reviewed the experience and qualifications and recommends awarding the contract to Eagle Elser Inc. for \$165,987.

Councilor Gedlich asked if Doug Nassimbene can explain whether or not there's a need for street lights in that short amount of area.

Doug Nassimbene stated he is not really familiar with that right now but he could look into that and get back to her.

City Manager Hanken replied right now without going through the plan and he would say yes there is probably a need for street lights as you go through that intersection.

Mayor Burge explained in the bid there is one light to be installed.

Councilor Gedlich asked what about funds for change orders.

Doug Nassimbene replied hopefully the project goes smooth and there are no change orders but if there is a possibility there is money aside if needed.

Councilor Reed moved and Councilor Erickson seconded the motion that City Council award the bid for NE 3rd Street Project improvements and extension to Eagle Elser Inc. for the base and Alternate # 1 bid amount of \$165, 978.

Councilor Meshell stated on 10.1 under our city goals, one of the things that they did under live was to develop community garden. He said there may be some green space on either side so he would ask that City staff would keep an eye on that when we move towards completion on NE 3rd that there might be a couple of strips there possibly to support one of our City goals.

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

Position on Coal Trains

City Manager Hanken went over the staff report. He explained at the City's Goal Setting Session on March 16, Mr. Rosenthal was present and asked City Council to take a position on the coal trains. He explained the company is Kinder Morgan and they are looking at developing some sort of a facility out at Port Westward. He explained Scappoose City Council has never taken any position on the coal trains. He explained in May of 2012 Amber Energy came to City Council. They are the company proposing the barges up the river to haul coal. They asked Council to take a position on their proposal. They submitted a draft resolution, staff and the City Attorney reviewed it and weren't comfortable with what Amber Energy wrote and then submitted it to Council and at that time Council did not wish to make any recommendations on that particular project. He explained Mr. Rosenthal submitted a draft resolution along with his request. He explained after going through it is staff's recommendation that if Council decides to take a position that we not use that resolution that we draft a different resolution to deal with an issue of being fair. He explained this is just a staff report.

Councilor Hayden stated she has always been one that has been greatly concerned about the trains that are coming through for an economic and safety issue for our City. She explained from what she understands of the resolution Mr. Rosenthal is not asking Council to take a stand on the coal trains, per say in this, he wants Council to agree that there needs to be studies done on this. She explained she thinks there are so many people in the city that are opposed to this that she thinks we should seriously look at doing something on this.

Council President Meres stated he applauds the effort on this but his opinion is this isn't our fight. He stated we didn't take a position on any of the other coals issues and he doesn't plan on taking a position on this.

Councilor Gedlich explained she talked to lots of people since Brian Rosenthal came before Council at the Goal Setting Session and she doesn't really like his resolution at all. She explained her main concern is public safety, the number and length of the trains coming through town. She stated not only the safety issue but how it's going to effect the local businesses, the citizens and she has to say that personally she doesn't think this body should take a position but personally she is very opposed to the coal trains. She doesn't know whether or not this body even has all of the pertinent information from the EPA or the State of Oregon. We haven't heard anything from the County Commissioners and we have gotten very little input from the Port of St. Helens.

Councilor Erickson stated he does agree with Councilor Gedlich, there is a lot of real hard scientific information that we need to have.

Councilor Reed would like to have more information and he would like to visit the place where they load this to see exactly what it is they are doing to protect the environment. He stated personally he doesn't like the idea of unit trains going through town. He stated whether or not we should take a position on it, he doesn't see a problem with it if we get some information, but at this point no, let's get some information and then make a decision.

Chief Greisen explained he visited a facility approximately a year ago. He explained he would be more than happy to share what he saw.

Councilor Meshell asked Legal Counsel Ron Guerra if there is any authority other than public opinion that this Council has over Federal railway law, determination, transportation goods based upon his knowledge of Interstate Commerce and other laws that we have to abide by as the Council.

Legal Counsel Ron Guerra replied the City has no authority over railroads. He explained it is the Surface Transportation Board which is the successor to the Interstate Commerce Commission that regulates all railroad trafficking, setting lines and so forth, so the City has no legal rights to regulate in the area of railroads passing through the City.

Councilor Hayden asked if we have talked to any of the other Mayors like Rainier and Clatskanie about their feelings.

Mayor Burge replied yes he has but he doesn't feel it is proper for him to say, it is up to them to take their positions on this issue, not for him.

Councilor Gedlich stated if there isn't anything Council can do really legally, so to speak, maybe we just shouldn't have it on the agenda anymore.

Mayor Burge replied he thinks what it is we are the political body and there is the political side of it. He explained we just took a position on five positions that the League of Oregon Cities just passed, it would be in the same vein as that. He explained this could be saying to the Port we don't want you to sign these types of contracts.

Councilor Gedlich asked they can have several Councilmember's or Mayor Burge and or the Council President go before the Port of St. Helens and request meetings or town hall meetings so people can become aware of what is happening or what the City's position is. She explained we can do a resolution requesting that the Port of St. Helens does not enter into any kind of any agreement with either one of these two companies without the study.

Mayor Burge explained what we are requesting is environmental studies that are already being requested by the Governor.

Brian Rosenthal explained the draft resolution is an adjusted version of the resolution that was passed in Milwaukie. He explained he was looking for a resolution from Council to request more research. He stated the Port is the issue, that's the whole issue.

Council President Meres stated he suggests the people who oppose this should go to the Port meetings and talk to them. He stated there is information out there if people get the information. He thinks we spend too much time on this and he would just rather move it down the road and not take a position on this.

Councilor Reed stated he disagrees with that. He thinks to sit and do nothing is to imply some acquiescence on our part and he wouldn't like to see that happen.

City Manager Hanken explained he understands the request for a merit based study in terms of the impact. He explained one of the things he is looking at is the resolution for Amber Energy and it basically says that Council would endorse the merits base review of the company's application and again Council took no position on this. He explained from staff's standpoint as

he looks at this in terms of the railroad, as he looks at this in terms of community development and he looks at our community growth what product being hauled isn't his first priority in terms of looking at community safety. He explained one of the things when we started back in 2000 with the rail corridor study we recognized there would be more trains, they would be more frequent and they would be longer. He explained that is how we were able to get funding for the Havlik Highway 30 Crossing, it took 10 years to do that, but that is what it took. He explained we have before us two members of the Transportation Master Plan Committee, Councilor Gedlich and Councilor Meshell. He explained from staff's perspective as we look at the communities future one of the needs we really need to focus on is the crossing at Johnsons Landing Road, there needs to be a traffic control device there, upgraded intersection and some sort of a more direct route to get to the southeast part of the City. He explained as we look at the north end, West Lane Road, we recognize that that is another intersection that will need improvements, there is also going to need to be a traffic control light there and better access into the City as we move forward. He explained we need to be proactive in terms of taking what resources, what access points that we have and making sure that we do the best job we can to make our citizens have those access points without being interrupted for extended periods of time. He does believe as the traffic occurs the railroad will be upgrading their tracks to move at a higher speeds. He explained from his standpoint whether it is coal, lumber, or auto parts trains are coming through. He asked how do we make this community work with our Transportation System to minimize the impacts.

Shannon Benner, Scappoose, explained she is a resident, a business owner and a mother. She explained she submitted letters to Council and also to the Port. She explained a couple things that were said tonight kind of struck her when someone said something about talking about this in meetings is kind of a waste of time since you guys can't make any of the decision. She stated she understands that but in the conversation you had before you were talking Scappoose' vision, in her mind that is a waste of time. She stated if you are talking about this a place that we are going to live, play or work, because if this train comes through people are moving. She knows someone who will move out of the area if this train comes through, she's got a big family, and she will close her business. She stated people are not going to move in to this County, this County will be set back. She doesn't care what it is transporting, coal definitely makes a difference. She stated all of our schools are on the train tracks and that is a huge concern for her as a mother. She stated even if it is not transporting coal just the sheer fact how long these trains are and how many are coming through is a problem. She explained we've got the police department on one side, the fire department on the other side and schools on opposite sides and if these trains are taking five or six minutes to go through, that's a problem.

Council President Meres stated there is one solution and actually they brought it to the public one time before and that was Havlik Drive. He stated we went to the public and asked if they wanted to fix that intersection because of safety and it didn't pass and if we are really concerned about the safety we can build an overpass but it is going to come out of your pocket. He explained there will always be one way into this town; the train cannot block the entire City. He explained he knows people are concerned about the coal trains.

Councilor Gedlich thanked Shannon Benner for her comments. She explained she thinks what this body is saying is we are going to work with the Port of St. Helens so that they don't sign any kind of an agreement for the coal trains. She stated we don't have any control over the railroads, but this body can work with the Port of St. Helens and that is why this body is requested all of you also to get active and send your letter to the Port or a petition, that's fine we'll go along with

that but we have to do exactly what our City Attorney instructs us to do for liability issues but she is sure this body is going to work very closely with the Port of St. Helens.

Mayor Burge the City has had meetings with the railroad and they told them at the meetings they are not discussing whether it is coal or not we are going to be discussion the impacts on more issues through Scappoose. He stated he is frustrated that the Port is signing on to bring all these trains through the communities without doing a proper study on the impacts of the added rail. Council President Meres asked what prevents this company to access the river on their own property to move their coal if they bought river access to build their facility to transport the coal.

Legal Counsel Ron Guerra explained if they were to purchase river front property there could be land use issue that may slow down, prevent or whatever depending on the city or organization that has to rule on a particular land use issue. So there are another of other things that come into play under those circumstances.

Councilor Meshell thanked Shannon Benner for coming tonight. He explained it sounds like there are seven specific issues ~

Family and children

Home values

Schools

Security

Emergency issues

Coal dust

Business impact

Councilor Meshell wanted to make sure that we captured those in the record and make sure any interface we have with the Port and make sure they are aware that the citizens of Scappoose who live here, work here, play here, send their kids to school here, have these seven issues that they brought to us and they were research thoroughly. He think whether we have authority or not we can at least take a position, according to Councilor Reed, that we have at least addressed these issues and done it thoroughly, even though we have no authority and it is just strictly an opinion.

Mayor Burge stated we are just asking for studies that support the conclusion that was already made.

Council thanked Shannon Benner.

Brian Rosenthal explained part of one of the decisions that the Port and in fact the whole County and the City of Scappoose has to decide is what kind of rail traffic are you looking for, are you looking for transport trains that create very few jobs and a large disruption to the County or are you looking for industrial trains that are servicing local factories and creating industrial jobs and family waged jobs. He explained one of the other issues is there are impacts to current business

but also impacts to future businesses to people who don't come here because they don't think of it as business friendly environment for them.

Mike Clarke, Scappoose, stated Council President Meres talked about there are these studies out there and how come we haven't gone to these Port meetings and listened and talked to them to find out where are these studies or what do they look like, he has done that. He explained he asked the Port for the studies and very kind of the Port they say they will provide them to him. So they directed their attorney to provide them to him and he received only the 2009 study that has been talked about tonight. He responded with an email to everybody and basically it said thank you for talking all the time you did speaking to him at length after the Port meeting but where are the studies that they talked about where the Port has tried to convince him that they have done all those studies. His position has been that we don't have those studies and he thinks it is smart that a City along the path take some sort of care in this. He stated this is our City and we need to make sure we are being protected here.

Councilor Reed stated he would like to talk about the other issues this could bring for example the devastating train incident by Cornelius Pass.

Mike Clarke stated he urges the Council to really think about coming out publically and trying to pursued the Port publicly by saying we do want these studies done.

Mayor Burge asked how many members of Council would be interested in having City Manager Hanken and Legal Counsel rewrite the resolution asking for the studies that we have requested in the past on the rail version of the coal trains. He explained there are four or five Councilors that would like to see this.

Councilor Meshell explained he wants to make sure the seven reasons brought forward by the public listed as to why we are doing what we are doing.

Council President Meres thanked everyone for coming and he thinks it is important that they come to the meetings.

Bill Blank, Scappoose, explained he has been to many of the meetings and discussion related to coal. He explained he knows a lot of citizens are concerned about this. He stated if you want clean healthy business and you want things to come to this community that will bring business to this community that is one of those things that needs to be also emphasized to the Port. He stated some of the Council was saying why should they take position, we can't do anything about it, we wouldn't have an effect on it, then why did several other different communities take position against it. Yet the other communities felt that they had to do something for their citizens at least put down on paper where they stood on the issue and he sees nothing wrong with that.

Discussion on LEDS Ordinance

Chief Greisen went over the staff report. He explained during the 2012/2013 LEDS audit through the Oregon State Police, it was recommended that the City of Scappoose review our current ordinance concerning criminal background checks for our business licenses and volunteers. He explained the Oregon State Police gave us some example ordinances. He explained staff is looking for input from Council on what you would like to see added to the city ordinance if possible. He explained some suggestions have been: All applicants for the City of Scappoose for

employment, appointment volunteers and City Council with the City of Scappoose, public service volunteers with the City of Scappoose. He explained we would like to add Business license applicants, liquor license applicants, non-profit organizations serving youth in the community, the Scappoose Fire District has shown an interest.

Councilor Meshell asked Police Chief Greisen about the current background check for volunteers for Little League does the police help with that or do they run an independent one currently.

Police Chief Greisen replied right now they run it independently and they get charge \$50 per person.

Councilor Gedlich stated we aren't appealing Ordinance No. 650 are we, the one that was passed in 1997 regarding background checks for volunteers.

Council President Meres moved and Councilor Gedlich seconded the motion to extend the meeting 15 minutes. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye.

Councilor Gedlich explained she worked for the City for years and she has had background checks and she has authorized background checks for the volunteers that we used to have and committee members but evidently we aren't doing that anymore.

City Manager Hanken replied he is going to disagree with you in terms of not doing it anymore. He explained one of the things we are not able to use under the current ordinance is LEDS. He explained the primary reason why this is coming before you in terms of discussion is because we want to be able to use LEDS in the background reports but based upon our current ordinances we can't.

Councilor Gedlich replied okay, she just wants to make sure. She has a real issue that has a volunteer that has a record.

City Manager Hanken replied the purpose of this being discussed here is to allow the City to use LEDS for background checks.

Mayor Burge explained on back two of his staff report is the list that he would like to be able to do background checks on.

Police Chief Greisen replied yes.

Mayor Burge and Councilor Gedlich like the list that he submitted in the staff report.

Council President Meres asked if we're going to charge these people for this.

Police Chief Greisen replied he would rather not, he feels it is giving back to the community and it is a quick check.

Mayor Burge explained he thinks Council likes the list that he has spelled out on page two. He said it looks good.

Announcements

Mayor Burge went over the calendar.

City Manager

City Manager Hanken explained the SEI forms have been mailed out and need to be turned in by to the State by April 15.

Council

Councilor Gedlich thanked everybody for coming this evening and telling Council their concerns and views, she appreciates their attendance.

Councilor Hayden also wanted to thank everybody. She explained it is really important for them to step in here and voice their opinion and she is really glad they are here.

Council President Meres stated he also appreciates everyone being here. He explained the other thing is that you get involved. He explained his personally opinion is this is your seat, it is going to be available in a year and a half and if you want to get involved run for City Council. He appreciates everyone showing up.

Councilor Reed feels the same.

Council President Meres moved and Councilor Gedlich seconded the motion to extend the Council meeting until 9:30 p.m. Motion passed (7-0). Mayor Burge, aye; Council President Meres, aye; Councilor Gedlich, aye; Councilor Erickson, aye; Councilor Reed, aye; Councilor Meshell, aye and Councilor Hayden, aye.

Mayor Burge recessed before going into Executive Session.

Executive Session

ORS 192.660 (2) (h) Litigation Likely to Occur


In attendance: Mayor Burge, Council President Meres, Councilor Gedlich, Councilor Erickson, Councilor Reed, Councilor Meshell, Councilor Hayden, City Manager Hanken, Legal Counsel Ron Guerra, Robin Johnson, South County Spotlight and Shari Phiel, The Chronicle.

Council came out of Executive Session.

Adjournment

Mayor Burge adjourned the meeting at 9:30 p.m.

Attest:


Susan M. Reeves, MMC
City Recorder


Scott Burge, Mayor