

**April 12, 2017  
Regular Session  
City of Gaston**

**Present:** Mayor Tony **Hall**, Jerry **Spaulding**, David **Meeker**, Bill **Martin**, Chris **Jeffries**, and Don **Richter**

**Absent:** Rod **Hale**

**Staff:** City Recorder Wenonah **Blanchette**, Public Works Director Brent **Whittaker**, City Clerk Sharon **Bregante-Candau**, Washington County Deputy Bobby **Wormington**

**I.** Mayor Tony **Hall** called the regular meeting to order at 7:20 PM.

**II. ROLL CALL:** Recorder **Blanchette** conducted the roll call for the record with:

Councilor Jerry **Spaulding**: present

Councilor David **Meeker**: present

Councilor Bill **Martin**: present

Mayor Tony **Hall**: present

Councilor Chris **Jeffries**: present

Councilor Rod **Hale**: absent

Councilor Don **Richter**: present

**III. ADDITIONS/CHANGES OR CORRECTIONS:** There were none.

**IV. STAFF/COUNCIL/COMMITTEE/SUPERVISOR REPORTS:**

**Public Works: Water Meter Replacement:** Public Works Director **Whittaker** requested approval of the Ferguson bid on 350 i-PERL MAG water meters for \$123,450 with an estimated installation cost of \$31,500. If the City purchased only the 320 meters it actually needed, the price would be less. He addressed questions from the Council. The estimated installation cost would likely drop once the installer did a site walk and determined exactly what needed to happen. He could not do the install himself. Using Ferguson's installation team would further solidify the warranty. When compared to other contractors, Ferguson was significantly less. He would not know how long the installation would take until they did the site walk. Councilor **Spaulding** moved to approve \$123,450 for the i-PERL meters and an estimated install for \$31,500 to be funded through the State Revolving Fund, seconded by Councilor **Richter**. Councilor **Spaulding** asked to look at the other companies' bids, although he liked Ferguson. He agreed they needed to replace the water meters because the City's water waste was too high. His ultimate goal was to reduce the cost of water to the customers. Although it might take up to a year to determine the actual waste, installing this system would help reach that goal. Public Works Director **Whittaker** explained comparing the three other quotes he obtained to the Ferguson quote was similar to comparing apples to oranges because the three quotes were for the older positive displacement technology and the Ferguson quote was for the most current technology, the magnetic flow meters. While the positive displacement quotes averaged one-third less than the magnetic flow meters quote, the majority of municipalities and water systems, including their neighbors, were moving towards the current magnetic flow technology. He recalled sending the quotes to the Council several months ago, but he could pull them up again after the meeting. He confirmed Banks, Newberg, Laurelwood, and LA Water all had the Sensus system. At Mayor **Hall**'s request, Public Works Director **Whittaker** explained to the audience the mechanics of both the positive displacement meter and the magnetic flow meter. He explained the automatic radio read of the meters by his handheld unit not only reduced staff time in the field reading meters but also alerted staff to potential leaks and provided data documenting water usage in the event of billing disputes. The system proposed for Gaston could be upgraded to an AMI (Advanced Metering Infrastructure) system that did not require meter readers.

However, it was substantially more expensive. The motion passed 5 to 1. Ayes: **Spaulding, Hall, Martin, Jeffries, and Richter**. Nay: **Meeker**

**Public Works: Clean Water Services (CWS) franchise extension.** Public Works Director **Whittaker** asked for approval to form a committee of two Councilors and himself to enter into negotiations with Clean Water Services to extend the City's franchise agreement to address storm drain issues, including maintenance and street sweeping. The City would save money by not having to hire the work out to separate contractors on a per basis. Including this service in the franchise agreement could increase the customer's bill up to \$7.25 per month. He asked that the Committee be given the autonomy to make the decision up to \$7.25 to custom build a program that would be most cost effective for Gaston. He addressed Council questions. The City Attorney's approval of the agreement was required. In extending the franchise agreement, the City would continue to own its storm drain system but CWS would take over maintenance and street sweeping. The City needed to maintain storm drains as a budget item in case it ever needed to replace the system due to catastrophic collapse. The deferred maintenance on the storm drain system has resulted in the vast majority of the vaults being full with roots growing through both the vaults and pipes. The City did not have the tools or budget to do all the necessary maintenance work needed. The City would still have to take care of the issue with the school district regarding the storm drain line that went nowhere.

Mayor **Hall** asked for public testimony. There was none.

Councilors **Martin** and **Meeker** volunteered to serve on the committee. The Council agreed by consensus to bring the request for Committee autonomy up to \$7.25 back to the Council at a later time. Councilor **Richter** moved to approve appointing a committee to look into the storm drain system cost with Clean Water Services, seconded by Councilor **Spaulding**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0

**Public Works: Storm Drain Issue at the High School.** Public Works Director **Whittaker** explained that while doing some pro bono clean-up work on the City's storm drains, Clean Water Services (CWS) identified this storm drain as stopping at the property marker. While the high school had two separate sets of 'Not in Contract' plans showing a line connecting this dead end line to the main line on Park Street, no plans showed the connection was ever made. He proposed it was the City's responsibility to install the connecting line from the top down to the bottom line in Park Street, which would alleviate the flooding at the high school, and to do it while the ground was open. The City had no budget for storm drains. He estimated the cost at less than \$10,000. He addressed Council questions. He personally inspected what CWS found and confirmed that it was in fact, a dead end line. This situation called for immediate action before the contractor poured concrete over it and the expense to fix it quadrupled. Recorder **Blanchette** said they could move money in the General Fund from Capital Outlay to Maintenance to cover this expense. Councilor **Jeffries** moved to fix the dead end line per the Public Works Director's explanation up to \$10,000, with a phone-in or email vote by the Council on more than \$10,000, seconded by Councilor **Richter**. Public Works Director **Whittaker** said the contractor currently working at the site could do the work and provide the City with a quote. Since obtaining the typical three bids would significantly extend the bid process time, and the contractor already being mobilized on site would significantly reduce the cost, he recommended using this contractor. Mayor **Hall** noted that the public contracting laws required the City to obtain three bids for a project costing over \$10,000. Councilor **Meeker** suggested splitting the work into two different projects if the cost went about \$10,000. Motion passed 5 to 1. Ayes: **Meeker, Hall, Martin, Jeffries, and Richter**. Nay: **Spaulding**.

**Public Works: Surplusing Items.** Public Works Director **Whittaker** requested approval to surplus a Chevy truck, two squad cars, and two tractors, all in a state of disrepair, in order to fund the purchase of a new to mildly used, all-purpose tractor that would better fit the City's

needs. Councilor **Spaulding** supported surplus the police cars and the Chevy. Mayor **Hall** explained the City had to declare the cars surplus before auctioning them off or donating them to the State. He recommended auctioning them off at the car show. Clinton **Nelson** suggested donating the police cars to a non-profit agency. Public Works Director **Whittaker** said no agency would take the cars because they were out of date and out of Code. With some work, the Chevy could be used, but it was not safe to drive in its current state. While the Ford tractor still worked well, it was very small and ill equipped. It might be worth investing in repairing the Kubota tractor because of the size of its tires, but the City would still need to purchase equipment to go behind it. Councilor **Jeffries** moved to declare the two City of Gaston police cars as surplus, seconded by Councilor **Richter**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0. Public Works Director **Whittaker** said he wanted to pull the lift gate off the Chevy to put on the Ford if it fit or could be modified to fit. The **Council** agreed by consensus to wait to get rid of the Chevy until the lift gate issue was resolved.

**Public Works: Hazmat Removal.** Public Works Director **Whittaker** commented it made sense to remove the hazmat items in the Consolidated Screw shop at the same time as the removal of the hazmat items in the parking lot next door. This request has already been approved by the City's contract with Allan Mitchell, the property owner next door, to remove his hazmat items. The two bids received, both subject to change because it was hazmat, were \$3,319 and \$4,100. He recommended accepting the lesser bid. Mayor **Hall** explained the City negotiated a contract with Allan Mitchell to get access to City Hall's south wall for repairs, as it was built right on the property line so, the City had no access to it, and to use Mr. Mitchell's parking lot for equipment staging in exchange for paying for the hazmat part of Mr. Mitchell cleaning up his parking lot. The money would come out of the City's General Fund. Councilor **Meeker** moved to approve the \$3,319 for hazmat removal of the Consolidated Screw shop, seconded by Councilor **Spaulding**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0

**Public Works: City Hall and Library Lighting.** Public Works Director **Whittaker** asked for approval of the lighting upgrades to City Hall and the library. The LED lighting would be a significant upgrade as well as a cost savings. The City qualified for the energy refund. Public Works Director **Whittaker** addressed questions from the Council. The first bid was \$2,995 for the City Hall offices and break room with \$620 in rebates paid directly to the City. The second bid was \$4,400 for the library and storage, which was the south shop, with a \$1,895 rebate directly payable to the City. Lighting in the evidence room was taken care of by the work for the fire marshal. Councilor **Meeker** moved to approve the lighting for the library, seconded by Councilor **Richter**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0

**Police:** Deputy **Wormington** presented his written report for the month of March 2017. Stats for March included a total of 83 incidents with 12 call-ins, 60 self-initiated calls, 1 arrest, and 25 traffic stops and 7 citations. Contract hours: 132 hours expected, 155 hours provided. On March 2, the Department of Human Services (DHS) called about juvenile abuse, but the crimes were not identified and the case was suspended. On March 10, there was a physical fight at Gaston High School with one student injured; the case was still pending. On March 10, there was a physical fight at the One Horse Tavern; the case was suspended. On March 14, there was theft of property from the back parking lot behind Bart Brown's old place (102 Onion Lane); Deputy **Wormington** was still working the case. On March 15, an unknown person keyed a student's car at the school. On March 18, two high school students were found behaving inappropriately behind the school and their parents were notified. On March 18, a female was arrested on 3<sup>rd</sup> Street for domestic assault and lodged at the Washington County Jail. On March 27, an unknown person siphoned all the gas from the Gaston Public Work's Chevy truck. There have been other incidents of gas siphoning at night lately and a pressure washing was stolen this morning. These

thefts within the city limits were most likely committed by someone on foot because they occurred in places not visible when driving by in a car. There were also rumors of unlocked cars rifled for loose change and other things, which might be kids. Deputy **Wormington** addressed questions from the Council. Councilor **Jeffries** asked about the possibility of the City doing an addendum to its contract with Washington County to increase the number of police hours provided, similar to Washington County's arrangement with the City of Banks. Deputy **Wormington** said he could pursue that and he would talk to the sergeant. Mayor **Hall** said he heard from a citizen looking for his pressure washer at the Cornelius pawnshop that the pawnshop clerk said there has been an increased uptake in the number of items pawned from the Gaston area, which could be from theft. Deputy **Wormington** concurred, noting the areas south of town especially, adding he had also heard the same information from the pawnshop owner. He asked Council to encourage citizens via social media or any other means to report anything stolen to the police. Knowing serial numbers has helped police track down thieves and retrieve stolen items.

**City Clerk's Report:** Clerk **Bregante-Candau** presented her written staff report, covering City website maintenance and safety announcement updates, continued work on the local government grant program, working on grants for Safe Routes to School, including environmental considerations, obtaining private property easements, and Council reviewing the 2009 Transportation Master Plan, providing information on the State Revolving Fund, preparing municipal court citations, safety-related tasks, billing, receiving federal emergency aid, working on the Waste Management franchise agreement, setting up hazard waste contractors' site visits, working with Comcast on a video streaming/data bid, compiling a business license fees list, learning how to take water samples as a backup for the Public Works Director, and reviewing old minutes. Clerk **Bregante-Candau** addressed questions from the Council. Collections on both current and in arrears municipal court citations were going well.

**City Recorder's Report.** Recorder **Blanchette** presented her written staff report, covering the work on a planning grant from the Department of Land Conservation and Development (DLCD), upcoming community events and town hall, the security proposal, temporary liquor applications, City audit updates, business license and City fees, and written and verbal complaints about roosters on 2<sup>nd</sup> Street and Cottonwood Street.

Mayor **Hall** asked for a briefing on the rooster issue. Deputy **Wormington** said he thought he had taken care of the rooster issue several months ago in response to Mr. Lorenz' complaint. Mario **DePiero**, 111 2<sup>nd</sup> Street, said his wife filed a written complaint about the rooster next door at 109 2<sup>nd</sup> Street, which they heard again this morning. Recorder **Blanchette** noted there were now two different roosters. Deputy **Wormington** said he would follow up on the second rooster. Clerk **Bregante-Candau** said the City ordinance required livestock to be held 10 feet from the property line. Mr. **DePiero** confirmed his fence was one of the walls of the chicken coop. Deputy **Wormington** reported the owner of the trailer at 207 Cottonwood did not live there herself but rather her father did. The owner had to be living in the trailer to be in violation. He said he would take care of the complaint.

## V. CITIZEN COMMUNICATION:

Clinton **Nelson**, representing the Junior Baseball League, asked what the City's plans were for draining standing water off the fields and repairing the broken dugout so the kids could play their first home game on April 25. Mayor **Hall** reported on his recent meeting with the Tualatin Valley Irrigation District, Tualatin Valley Game Refuge, and Yamhill County Parks and Recreation Department about the flow restriction problem caused by beaver dams and the lack of dredging and dike maintenance since the Game Refuge took over the area. No agency was willing to take responsibility for maintaining Wapato Creek. Ongoing research included engineers identifying possible solutions, such as repairing an unmaintained private dike that

might prevent flooding on East Main Street and continuing the drainage ditch down to the concrete abutment as part of pumping water through a ditch system. Public Works Director **Whittaker** explained the backed up standing water was due to pumping Wapato Lake into Wapato Creek. Next year the agency was not planning to drain Wapato Lake, which meant it would not be pumping into the Gaston system, but the water level would remain high. A suggested solution was to build a dike around the park and pump out the water. The fact was the park was a low point for the water drainage. He did not know what the City could do to address the situation this year. City Council approved beginning the work to demolish the dugouts in advance of the insurance company approving the \$40,000 plus bid because it was a safety issue. The City would get three new dugouts from the insurance claim and possibly a fourth donated by the contractor. It was not likely the work would be finished before the game on April 25. Mr. **Nelson** asked if the City would refund part of the fee charged for using the park if the park was not usable. Mayor **Hall** said the City has prorated field usage fees in the past. He noted the red lava rock, lime, and Turfis (23:56) were available for volunteers to apply to the fields.

Rick **Lorenz** raised the issue of the bus stop in front of the One Horse Tavern. If the City wanted to maintain that bus stop, it needed to mark the curbing adequately and provide signage, as the bus frequently blocked Park Street with no access to Highway 47. A possible alternate bus stop site was the parking lot where Long's old tire shop was, which would require negotiating with the church that bought the property. Putting bus shelters on both sides of the highway would create a significant bus stop. Mr. **Lorenz** knew a vendor who acquired and resold bus shelters. Councilor **Jeffries** mentioned an alternate northbound bus stop down by the coffee place where the bus could pull off the road. It might also work as a southbound bus stop. Public Works Director **Whittaker** noted the marked crosswalk located next to the proposed bus stop. With Council permission, staff would take on this project. Mayor **Hall** recalled from his conversations with the bus company owners last year that they were willing to pay for bus shelters. Mr. **Lorenz** said he would check with the bus shelter vendor. Mr. **Lorenz** noted the commercial vehicles parking in front of the market on Front Street and Hwy 47. The City could designate that area as a downtown district, which the State would recognize. The City could then lower the speed limit and install signage limiting the height and type of vehicles allowed to park in the designated block. Mayor **Hall** concurred there were problems with sight lines when the big trucks parked there. Councilor **Jeffries** noted the same sight line problems with Park Street in front of the market. The **Council** agreed by consensus to direct the Public Works Director to look into designating the area in front of the market on Front Street and Hwy 47 as a downtown district.

**~~Curt Mykut: US Fish & Wildlife: Wapato Lake Wildlife Refuge Update~~**

Mayor **Hall** noted Mr. Mykut was not present to give this update.

**VI. PRESENTATIONS:** None.

**VII. CONSENT AGENDA:**

Councilor **Mecker** moved to approve the bills payable for April 2017, the minutes for the February 8, 2017 Public Hearing, and February 8, 2017 Regular Session, seconded by Councilor **Martin**. Motion passed unanimously. Ayes: **Spaulding, Mecker, Hall, Martin, Jeffries, and Richter**. Nay: 0

**NEW BUSINESS:**

**VIII. Resolution 017-002**, A Resolution of the City of Gaston Expressing Disapproval and Rebuke of the Gaston School District for Improper Conduct in their Actions Regarding the School District Bond Project

Mayor **Hall** read the resolution title and confirmed there were no amendments. Councilor **Spaulding** moved to approve Resolution 017-002, seconded by Councilor **Jeffries**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0

#### **IX. Wapato Showdown Trophy Sponsor**

Councilor **Martin** moved to approve the \$260 for the two trophies for the Wapato Showdown, seconded by Councilor **Spaulding**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0

#### **X. Protection One Upgrade**

Public Works Director **Whittaker** stated the City was operating with a subgrade alarm system. The City Recorder had requested a quote from the City's current security alarm provider for a system upgrade. Recorder **Blanchette** asked Council to read the information provided in the packet, noting the two options to lease or own the equipment. The estimated installation cost was \$1,825 with a \$52 monthly service fee. Staff was also researching an offsite camera option. Public Works Director **Whittaker** explained outside cameras would go in the unsecured area, including behind City Hall, at the park, and at the water pump stations with an indoor camera installed at City Hall. Councilor **Spaulding** moved to table the security alarm system request to next month's meeting to allow Council to review the information, seconded by Councilor **Richter**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0

#### **XI. Veterans Day Lunch**

Mayor **Hall** said he would like to host a Veterans Day Lunch to honor the veterans in their community that would be coordinated with the school district and its Veterans Day Breakfast. Clerk **Bregante-Candau** recalled the District had events going on all day on Veterans Day. Councilor **Jeffries** observed if the District had events going on all day, the veterans would most likely stay up at the school with their children and not attend a Mayor's Luncheon. Clinton **Nelson** commented the District's Veterans Day plans might change this November, given its heavy involvement with the bond construction project underway by November. He agreed with the City working in coordination with the District for the City stepping up to help. Mayor **Hall** assigned the project to the City Clerk. Councilor **Martin** suggested contacting the Knights for help, as they had a lot of veterans in their group.

#### **XII.6 Month Review Public Works Director**

Mayor **Hall** stated he concurred with the employee performance review the Public Works Director submitted on himself. With the six months' probation up, the Mayor recommended approving Public Works Director Whittaker for permanent employment at the City of Gaston. Councilor **Jeffries** moved to make Brent Whittaker a permanent employee of the City of Gaston as the Public Works Director, seconded by Councilor **Richter**. Motion passed unanimously. Ayes: **Spaulding, Meeker, Hall, Martin, Jeffries, and Richter**. Nay: 0 Councilor **Jeffries** expressed her appreciation for Mr. Whittaker's work and accomplishments in the short time he has been here.

#### **COMPLAINTS: Rooster on 2<sup>nd</sup> Street**

Mayor **Hall** noted Council has already addressed this issue. Councilor **Jeffries** asked if the ordinance allowed only three chickens on a 7,000 to 10,000 sq ft lot. Councilor **Spaulding** recalled Council had copied the Forest Grove ordinance. Councilor **Jeffries** commented the City needed to enforce the ordinance with every Gaston resident, after making sure the ordinance included roosters. Deputy **Wormington** said he would follow up on the rooster and chicken complaints. The **Council** agreed by consensus to the Mayor's suggestion to send a copy of the ordinance out in the water bills to notify the citizens of the issue.

## OLD BUSINESS:

### **XIII. Business Registry**

Recorder **Blanchette** asked for Council review and input on the business license/tax information compiled by Clerk Bregante-Candau and what the City should be doing for a business registry. Councilors **Richter** and **Spaulding** did not support a business tax. Recorder **Blanchette** said the City's ordinance defined the registry fee as a tax, so the verbiage needed to be updated. Mayor **Hall** commented the City needed a business registry for the fire marshal and safety issues. Recorder **Blanchette** highlighted the history of the registry fee, adding the City had no current updated contact information on businesses in the city which was to be updated yearly. A business registry was the one thing Staff could not provide to the fire marshal for his fire code compliance inspections of businesses in town. Councilor **Richter** contended the State would use this information to tax business owners. Councilors **Richter** and **Spaulding** did not support a business registry. Councilor **Jeffries** supported a \$10 per year flat fee, not based on the number of employees, but otherwise similar to Forest Grove's program. Councilor **Meeker** agreed the issue was fire safety. Public Works Director **Whittaker** suggested staff research the issue to see whether the State required cities to have a business registry and fined them if they did not. Staff could develop a fee schedule if necessary. Councilor **Jeffries** moved to charge a flat business license fee of \$10 per year with an exemption allowed for non-profits that provided emergency contact information to the City on an annual basis, seconded by Councilor **Meeker**.

Councilor **Richter** asked if they were talking about Gaston residents with a business or people who did business in the city. Councilor **Jeffries** replied people who ran a business within the city limits of Gaston. Deputy **Wormington** clarified Councilor Richter was referring to cities requiring contractors working in the city to pay a flat rate fee. Clinton **Nelson** asked how the Council was defining business: somebody registered with the State or anybody conducting any business in Gaston, including stay-at-home moms with a Mary Kay business on the side? Clerk **Bregante-Candau** reported her information gathering on business licenses found city programs specifically listing broad categories of businesses, such as street vendors, temporary vendors, and permanent businesses with employees, as well as the fees charged. Recorder **Blanchette** clarified businesses registered with the State or filing business taxes would pay the fee; an unregistered babysitter not filing taxes would not pay the fee. Mayor **Hall** observed that the City lacked the staff to check everyone in the community to see whether or not they were running a business. The City could only check the storefront businesses, which the fire marshal could also check. Clerk **Bregante-Candau** noted the City could obtain business contact information on businesses from the State Registry if necessary. Public Works Director **Whittaker** said the idea behind a business registry was not to conduct intrusive searches for people making money within the city, but rather to provide the fire marshal with a list of State-issued business licenses operating within the City of Gaston. The fee would cover the cost of filling out the paperwork. A business registry provided business owners with an opportunity to promote their business within the city. Motion failed 3 to 3. Ayes: **Meeker, Hall,** and **Jeffries**. Nays: **Spaulding, Martin,** and **Richter**. Councilor **Jeffries** moved to reconsider this matter at the next City Council meeting. The motion died due to the lack of a second.

### **XIV. Garbage Franchise Update**

Recorder **Blanchette** reported obtaining a copy of the City's ordinance from Waste Management, since the City did not have one. The City Clerk contacted a few of the surrounding garbage companies, but only two said they were interested in serving this area. Staff would contact the City Attorney about the process for terminating contracts with the franchise. The **Council** discussed the situation with Waste Management, which constantly raised its fees with the City stuck in a contract requiring a five-year notice of termination. A shorter contract would give the City more leverage to negotiate a better deal. Competition by multiple bidders when the contract term was up was a good tool for negotiating from a position of strength instead of having no option but accepting Waste Management's terms like the City had to last time.

Recorder **Blanchette** confirmed Staff was working on setting everything up to give Waste Management a five-year notice of intent to terminate per the Council's previous direction.

Mayor **Hall** called for a brief recess at 9:12 pm.

**EXECUTIVE SESSION**

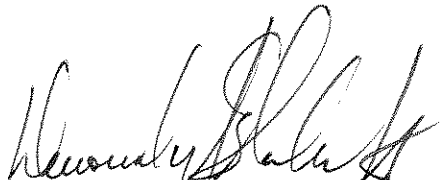
**Pursuant to ORS 192.660(2)(a) To consider the employment of an officer, employee, or agent.**

Mayor **Hall** reconvened the meeting in Executive Session at 9:25 p.m.

Mayor **Hall** reconvened the Regular Session at 10:09 p.m. and confirmed there was no further business.

**XV. ADJOURNMENT:** Meeting adjourned at 10:10PM.

  
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Mayor Tony Hall

Attest:   
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City Recorder Wenonah Blanchette