

August 10, 2016
Regular & Executive Session
City of Gaston

Present: Mayor **Hall**, Council President Richard **Sager**, Chris **Jeffries**, Rod **Hale**, David **Meeker**, Don **Richter**, and Jerry **Spaulding**. City Recorder Wenonah **Blanchette**, City Attorney Ruben **Cleaveland**, City Clerk Sharon **Bregante-Candau** and others present are represented on the sign-up sheet (attached)

Absent: Sheriff James Haney.

I. Mayor Tony **Hall** called this regular meeting to order at 7:36 PM.

II. ADDITIONS/CHANGES OR CORRECTIONS – None

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

Councilor Jerry **Spaulding**: present

Councilor David **Meeker**: present

Councilor Richard **Sager**: present

Mayor Tony **Hall**: present

Councilor Chris **Jeffries**: present

Councilor Don **Richter**: present

Councilor Rod **Hale**: present

IV. STAFF REPORTS:

Police: Councilor **Sager** presented the monthly report for July in Deputy Wormington's absence. Total incidents 68; public demand 29; self-initiated 39; arrests 0, traffic stops 27; and citations 7. On July 3, there was an incident/property dispute following an unhappy break-up which ended in civil compromise, no crimes. On July 9, an unknown person broke into the Gaston School District bus barn, nothing reported missing or stolen. The incident was witnessed and reported quickly, so a dog track was conducted and led to the house close by, but no subjects were located. On July 11, a burglary occurred nearby Salter St. An unknown person entered the back door of the residence. The victim located drug paraphernalia, a bong, and a vaporizer, left behind by the suspects in the daughter's bedroom. The homeowner reported about \$4 missing from the home. There were no suspects at this time, but the victim suspected it was teenage friends of her daughter. On July 13, a male entered a local business and accused an employee of harassing his girlfriend. The argument was verbal until the male spit on the employee, who did not want to press charges. On July 15, a victim was contacted on the phone by an unknown suspect and released personal information. No money was given or taken; it is unknown what the victim's information will be used for. Contract hours expected 132.85; Contract hours by deputy, 141.75.

Public Works: Sharon **Bregante-Candau** presented pictures requested by the City Council for review, which included pictures of the City's water meters in various inaccessible locations and of streets painted with a marker. Several months were spent ensuring that all the meters were accessible. Some meters were poorly placed and had to be replaced. Mayor **Hall** noted in some cases, garages and decks were built over the top of the City's meters. The owner of the manufactured home park where these meters were located had been contacted by letter and

negotiations were underway to address relocating the meters. He commended City Clerk **Bregante-Candau** for doing an outstanding job above and beyond the job she was hired to do. Clerk **Bregante-Candau** reported that the sink hole in the middle of east Main St had been repaired. The hole was roughly 12 to 18 inches deep or more, which was a safety issue, so the City had to have it repaired right away.

Office: Recorder **Blanchette** reported the Country Mobile Estates Pump Project required a State review, which would cost the City \$3,300. The 2012/2013 financial audit was almost finished with just a few payroll items needed. The 2013/2014, 2014/2015 audit would soon follow that involved a few miscellaneous items. The City had several contractors using the bulk water permits. Administrative changes were needed regarding the City's workers' comp coverage for mandated court workers. Staff would be working on a training for a two-hour webinar tomorrow for the website to prepare for the 10-week timeline for the web design. The authorized signers for the BiMart, Ace Hardware, and Napa have all been changed. The City still needed to get the truck's passenger side door repaired. She would be attending the City's Community Development Block Grant mandatory meeting would be next Tuesday in Hillsboro. Staff was working on the Floodway Notice and Land Use hearing for the next meeting. The water service application for the Gaston Feed Store appeared to be set for September. The filing deadline for City Council positions was August 30th. The City would use Legacy Roofing for the roofing on the dugout and possibly door replacement.

Councilor **Meeker** asked if there was any way of knowing the City's water total usage and loss. Recorder **Blanchette** replied she would work on getting those stats. The City's water loss was supposed to be 12%, but the water loss has been at 13% or 14%. City Clerk **Bregante-Candau** stated the leaks had been found; they just needed to be repaired. Councilor **Meeker** stated Rick Henry had been contacted to repair the leaks.

V. COUNCIL REPORTS:

Councilor **Sager** updated on the security cameras, noting the camera printout distributed to Council which included pricing. He explained how the cameras would be set up to reach 1,900 ft adding the Council needed to pick the locations. One particular unit had four cameras, so it would be put in the firehouse. He had spoken with the neighbors next door about the contract the city attorney wrote up about accessing their property. The wife said it looks good but she did not have power of attorney and had to talk to her husband who was out of town until next Friday. The wife would attend the meeting next month and speak with City Council. He picked up three biosocks and he and Councilor **Meeker** would begin cleaning up the curbs and street tomorrow, so they could all be painted, including the speed bumps before the car show. He had finished the one line, which he would send to Lars and the City Engineer tomorrow. He would provide information on the Intelligence H2O water meter at the next meeting for Council to consider. The electronic meters would fit in where the existing meters were located. The meter is self-calibrating and uses the flow of the water to charge the battery inside. Due to liability concerns, a contractor should be hired to replace the library's lights and he recommended LED lights to save energy. He noted the City's water bond was paid off two years ago, so the \$5 fee on everyone's water bill should be removed.

Following a brief discussion about the water bond and lack of a former resolution adopting the current water rates, City Council consented to remove the \$5 fee by resolution. Mayor **Hall** directed Staff to draft the resolution.

Councilor **Meeker**, Parks and Recreation Committee Liaison, reported he visits the park almost daily and does basic maintenance, garbage removal, checks for vandalism, etc. The fields had been mowed twice, which took about four hours each time. Some safety related items were needed in the shop, specifically, traffic cones for the vehicle. The Committee is preparing for the car show. He clarified the irrigation system was not ready to be installed yet and that no bids had been received yet for the roof but they were scheduled to come in on August 15th.

VI. PUBLIC COMMENT:

Mick Harris – Tualatin Water Soil Conservation District Tax Levy

John **McCullough**, Chairman, Tualatin Water Soil Conservation District Board, requested Council's endorsement of a tax levy for the November ballot. The levy would be 9 cents per \$1,000 assessed value; therefore, a \$200,000 home would be taxed \$20 a year. He reviewed the Conservation District's background and work. Printed materials were distributed to the Council, as well as the District's Annual Report and 5-Year Plan. He reviewed the pie chart titled, "Where Are We Now" showing the distribution of funds, noting that money for the Restoration Program was very limited and involved use restrictions. Current funding did not cover the need across the county for things like water quality, basic weed control, pollinators, wetlands, flora health, etc. The levy was needed to expand services. He described how the District would work with cities to obtain needed grants to achieve conservation goals. He addressed questions from Council about the Million Tree Plan and the District's work. Mayor **Hall** called for a motion to endorse the Tualatin Water Soil Conservation District Tax Levy. No motion was made. Councilor **Jeffries** said she wanted to read more about the levy. Councilor **Hale** believed the program was beneficial. His issue was that the tax levy was permanent and citizens already pay a lot in taxes.

Bruce Bobek was not present.

Kirk Duncan & Dean Kampfer-Waste Management Rate Increase

Dean **Kampfer**, Municipal Marketing Manager, Waste Management, updated City Council on Waste Management's operations, contributions to the community, and the cost of solid waste recycling, referencing a presentation that was also distributed to Council. A chart on Page 19 compared the rates charged in various communities. He addressed clarifying questions and confirmed Waste Management's proposed rate increase was 1.233% and the City had countered with 0.25%. Councilor **Jeffries** noted that except for the 2- to 35-gallon rate, Gaston rates were higher overall for bigger cans and recycling than Cherry Grove or Laurelwood. Dean **Kampfer** noted 60% of customers were at the 2 to 35-gallon service level rate and Council could spread the costs however they chose. He confirmed there was always room for negotiation, adding the franchise agreement included a rate review process other than the CPI increase. Considering the fair rate of return for doing work and the 10% rate target projection before taxes, Waste Management believed it was operating within franchise agreement and the rate increase was in alignment with rates in surrounding areas. City Attorney **Cleveland** stated he had not received a copy of the franchise agreement, but was happy to review it and brief Council on the various

assumptions. Dean **Kampfer** stated the letter notifying about the CPI increase was submitted in May, but Waste Management was not notified the City of Gaston had not approved the increase, which became effective on July 1. He confirmed Waste Management was already charging the increased rate. Mayor **Hall** stated the Council would wait to hear from the city attorney before taking action.

Judith Mitchell-124 Front Street was not present.

Gwyn Ashcom-Trends and Tobacco Prevention, Law Changes

Gwyn **Ashcom**, Trends and Tobacco Prevention briefly overviewed a presentation she also distributed to Council regarding tobacco prevention and updated Council on the changes in Oregon's no smoking laws which addressed vaping. She provided no smoking/no vaping decals that were required to be posted in all businesses, and discussed new decals required for retailers. The State's goal was to encourage all cities to adopt smoke-free/tobacco-free ordinances for all City properties and City sponsored events. Gaston was one of three cities that had not yet adopted such an ordinance. She confirmed Trends and Tobacco Prevention could provide signs for the City park, but cities have erected their own signs with Trends and Tobacco Prevention supplying sample language and design suggestions. She clarified the idea was to prohibit all tobacco, not just smoking and vaping, on all city properties and at all city sponsored events like the car show, farmers markets, etc. Washington County currently only had a smoke free ordinance.

Council discussed the need for a better no smoking sign in park. The Council consented to have Mayor **Hall** review language samples for a new sign at the park.

NEW BUSINESS:

VII. Sosnkowski & Cleaveland. LLC, Assignment of Contract to Annala, Carey, Baker, Thompson, VanKoten & Cleaveland, P.C. Ruben D. **Cleaveland** provided a brief background regarding his working relationship with the new law firm and explained the proposed change would simplify paperwork; however, all of the terms of the existing contract would remain intact; only the payee's name would change on the checks. Mayor **Hall** confirmed there were no objections to the change.

VIII. Hiland Water Proposal Silas **Olsen**, General Manager, Hiland Water Corporation, provided a brief background about the company and its operations. He explained the proposal before the Council was based on a conversation with Mayor **Hall** regarding Gaston's needs for a water operator was basic, and did not include Hiland's comprehensive list of services. He reviewed the proposed set of monthly services for which the City would be charged a fixed fee, adding that a time and materials schedule was also included should Hiland be asked to perform other duties or increase its services. The proposal was not set in stone, but simply customized to address the City's needs as interpreted at this time. He addressed several questions from Council regarding the water meters, including that the costs of installing the new water meters would be considered a time and materials task, but a proposal could be submitted for such projects. If the City used the same manufacturer as Hiland for the radio read meters, it would save having to buy a radio and all of the software. He would provide Council with information about the brand Hiland used. As a licensed contractor, Hiland could do work beyond water utilities, including catching up on the maintenance of the City's storm water system which had many catch basins.

Addressing aging infrastructure was a nationwide issue, so Hiland would make recommendations for improvements as they learned more about the City's system. He clarified Hiland would not repair water leaks, but be the operator of record and oversee the contractor's work. The contract term was for one year, retroactive to August 1, 2016, when Hiland began working on the City's water system. Hiland's contracts were generally, long term arrangements in that the one-year contract would automatically renew each year unless otherwise notified by the City. Mayor **Hall** confirmed Hiland had already saved the City thousands of dollars by locating water lines prior to a subcontractor breaking a properly marked line.

Council discussed the pros and cons of the City hiring another employee for parks and street maintenance in addition to the water services contract. City Attorney **Cleveland** explained that Oregon's procurement statutes required that the City solicit three informal proposals for the water contract. Following discussion, Council consented to hold a special session on Monday, August 15th at 6:00 pm to allow time for the city attorney to review contract and the City to solicit proposals.

The Mayor called for a brief recess and reconvened the meeting at approximately 8:00 PM.

IX. Part-time Wage Increase: Mayor **Hall** noted the wage increase regarded the part-time position currently held by Sharon **Bregante-Candau**. Following discussion of the work duties involved, City Council consented to table the wage increase discussion until the special session scheduled for Monday, August 15th, so the wage scale information was available and Council determined whether the City would outsource or hire a part-time employee for street maintenance.

Mike **O'Rear** stated he had applied for the Public Works position and commended the City for doing an excellent job of getting the water meters ready to read. He questioned why the City would hire somebody else to do it, because the City could hire him to do everything. He reviewed his certifications and qualifications, and urged City Council to consider hiring him instead of Hiland Water Corporation to save the City money. Mayor **Hall** responded that Council would take it under consideration.

OLD BUSINESS:

X. Public Works Director Interview Selection Date: Mayor **Hall** stated the Council would wait until a conclusion was reached at the Monday meeting regarding this matter, and if City Council decided to hire someone on Monday, the hire date would need to be set.

XI. The Trail Head Project for Yamhelas Westsider Trail: No further updates were available.

COMPLAINTS: Recorder **Blanchette** noted the apple tree in the right-of-way at Church St and Trail St. Councilor **Meeker** noted another apple tree on Church St past Trail St was also dropping apples into the road. After a brief discussion about who was responsible for the tree, Council agreed the standard nuisance notification letter should be sent to the people living next to the tree, noting that if the tree was not pruned and the apples cleaned up, they would be charged for the cost of trimming the tree.

Councilor **Meeker** asked about Council modifying the Code regarding vinyl fencing. Mayor **Hall** suggested a resolution to allow vinyl fences. Recorder **Blanchette** stated Carol would need to prepare the resolution.

MINUTES: Mayor **Hall** called for a motion to adopt the regular session meeting minutes for July 13, 2016. Motion was made by Councilor **Meeker** and seconded by Councilor **Richter** to approve the minutes of the July 13, 2016 regular session meeting. Motion carried with aye votes heard from: **Sager, Jeffries, Hale, Meeker, Richter, Spaulding.** Nay: **0.**

ACCOUNTS PAYABLE: Recorder **Blanchette** addressed several clarifying questions from Council. Council consented to schedule the street sweeper just prior to the parade. Mayor **Hall** called for a motion to accept the accounts payable. Motion was made by Councilor **Sager** and seconded by Councilor **Meeker** to accept the accounts payable as presented. Motion carried with aye votes heard from: **Sager, Jeffries, Hale, Meeker, Richter, and Spaulding.** Nay: **0.**

Mike **O'Rear** stated if the City became part of the County Co-op, it could borrow street sweepers for free, adding he was also a street sweeper operator. Tractor trucks were also available through the Co-op for a fee.

XII. EXECUTIVE SESSION—ORS 192.660(b)-To consider dismissal or discipline of, or hear charges or complaints against an officer, employee, staff member, or agent.

Councilor **Jeffries** motioned to issue the reprimand agreed upon for Recorder **Blanchette**. Motion seconded by Councilor **Richter**. Motion passed with aye votes heard from **Sager, Jeffries, Hale, Meeker, Richter, and Spaulding.** Nay: **0.**

XIII. ADJOURNMENT: Mayor **Hall** adjourned the regular session at 8:25 PM to convene the Executive Session.

Mayor Tony Hall

Attest:

City Recorder Wenonah Blanchette