

November 8, 2017
Regular Session
City of Gaston

Present: Mayor Tony **Hall**, Jerry **Spaulding**, David **Meeker**, Bill **Martin** Chris **Jeffries**, Rod **Hale**.

Absent: Public Works Director Brent **Whittaker** & Don **Richter** (excused)

Staff: City Recorder Wenonah **Blanchette**, City Clerk Sharon **Bregante-Candau**, Washington County Deputy Bobby **Wormington**.

I. Mayor Tony **Hall** called the regular meeting to order at 7:00 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**: present

Councilor Don **Richter**: absent (excused, medical)

III. **ADDITIONS/CHANGES OR CORRECTIONS:**

Mayor **Hall** added discussion of the damage evaluation on Cottonwood and 3rd Street under Old Business.

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

Police: Deputy **Wormington** reported the October 2017 statistics: 84 total incidents, 16 call ins, 68 self-initiated calls, 30 traffic stops, and 12 citations. Contract hours: 132.85 hours expected, 155.25 hours supplied. On October 9, a student left his backpack near the football field. When he came back later, it was gone. No suspect at this time.

- On October 20, there was a verbal domestic at 2nd and Mill Street. Female was arrested for an active felony warrant and transported to jail without incident. On October 20, the male half of that domestic came back and got into an argument with the female's aunt. He damaged the door to retrieve his property. Since he lived there, the aunt legally had to let him back in, but she refused. He left before the police arrived and no charges would be pursued.
- On October 22, a female was arrested for DUI down from the One Horse. She was over three times the legal BAC limit and transported to the jail without incident.
- On October 28, near 3rd Street and Park, there was a family altercation between two females. One was assaulted; the other was arrested on Assault IV charges and transported to the jail without incident. The Sheriff's Department has obtained a grand jury indictment on the male half of the incident for several felony charges and warrants were issued. Deputy **Wormington** assisted the other affected counties with interviews and obtained a good confession from the man, who resided in Gaston but has since left. Law enforcement was looking for him.

City Recorder: Recorder **Blanchette** reviewed her written staff report and addressed Council questions as follows:

- The Year-to-Date Budget report did not show the actual total balances, but it did show the line items and the amount spent to date. The Department of Revenue based the marijuana tax

revenue on population numbers from a year ago; the Department would switch over to basing the tax monies on marijuana establishments in those areas.

City Clerk: Clerk **Bregante-Candau** noted her written report was provided to Council. She would be attending NWACTION meeting in Astoria to discuss how funds for the new transportation bill, HB 2017, would be distributed. Staff was working on how to streamline municipal court and asked Council to review that. She noted Stephen **Richardson**, Certification Office for Business Inclusion and Diversity (COBID) contacted the City about coming to share resources and education on successful business strategies for small business growth and sustainability. His email was included in the packet. If Councilors believed this would be beneficial to Gaston businesses, let her know.

Public Works: No report given due to Public Works Director **Whittaker's** absence.

V. CITIZEN COMMUNICATION:

• East Main Street

Mayor **Hall** noted the information on East Main Street found on page 4 of the Public Works Director's report. He explained that City Council has debated doing a hydrology study on East Main to figure out how the water affected the road and to obtain an engineering report on the best way to repair the road and route the water to ditches farther east. Council has since decided that would not be an option and that the City would submit the road repair work to the Federal Highway Administration (FHWA). The engineering bid to repair the road as it was now came in at \$180,000. The City could get the repairs paid for through direct funding for the damage caused by the storm last winter. The repairs would replace the culvert and the road surface, as well as fix the road's shoulder. The Public Works Director informed him this afternoon that Washington County would be willing to fix the road up to the hydrant in front of the fire department. City staff was still checking into whether the repairs would cost the City any funds, and whether the City storm drain system in the area could be cleaned along with the repairs.

Mayor **Hall** opened the meeting to public testimony.

Mark **Zawodny** asked if larger culverts were considered as a way to move the water faster and underneath the road, as opposed to the water going over the top and eroding the asphalt.

Mayor **Hall** said the hydrology study would determine how to mitigate the flooding across the road, including the culvert sizes that might be needed. While there have been discussions about raising the road, the concern was raising the road without the appropriate drainage would flood nearby residences.

Clerk **Bregante-Candau** reported Oregon Department of Transportation (ODOT) suggested raising the road. The City Engineer was talking with the Washington County hydrologist about the County possibly doing the hydrology study.

Mayor **Hall** stated, while Council recently approved doing the hydrology study, which cost about \$26,000, the Council had a tie vote on which company to use, which nullified the study. Some Councilors wanted to hear input from the residents before going any further. He clarified Council voted to pay for the hydrology study. The City solicited three bids but only received two bids. The vote on the motion to select the lowest bidder, Firwood, was a tie vote. Therefore, the Council did not approve the contract. Councilor Hale was not in attendance at that meeting.

Recorder **Blanchette** further explained the City had been waiting to meet with ODOT, which told the City it could repair the road, but it would not fund the hydrology study. That left the City with no hydrology study and simply repairing the road as it was now instead of fixing it permanently.

Councilor **Hale** said he was concerned about process and asked if it made sense to repair the road in its current condition, which meant it could be a continuing issue.

Councilor **Spaulding** explained those who voted no believed if the City waited, other agencies, such as Washington County, would eventually be forced to step in and the City would not have to spend \$26,000 out of its budget to pay for the hydrology study.

Councilor **Martin** held Washington County might not deal with East Main because East Main was the City's problem and not the County's.

Mayor **Hall** recalled that at that meeting, Council believed funding the hydrology study through FHWA was possible, but discovered that FHWA would not fund the hydrology study, only the repairs.

Councilor **Hale** pointed out Council voted to fund the study itself with the hope of obtaining money from FHWA to help with the actual repair. Mayor **Hall** concurred, adding the Council ran into a political issue in approving the contractor.

Councilor **Jeffries** stated she was part of that, because there were other ways to fund the study through grants, ODOT, or any other avenue. She was not comfortable spending \$26,000 of the City's money when the study could be funded elsewhere. She could not in good conscience support spending money on a hydrology study for a water issue that has been there for hundreds of years.

Councilor **Hale** recalled the City spent \$7,000 last year patching the road and \$4,000 the year before. It would continue to be an ongoing problem.

Councilor **Jeffries** emphasized she could not approve spending \$26,000 for the hydrology study plus another \$200,000 to \$300,000 to repair the road out of the City's budget without looking at other avenues.

Mayor **Hall** noted the Council had this same debate two to three meetings ago. The issue now was Council not being able to select a contractor. The hydrology study has been approved; the question was how would the City pay for it.

Clerk **Bregante-Candau** said the Public Works Director explained to her that Council put a \$25,000 cap on the hydrology study. Since the bids came in higher than \$25,000, the selection went to a vote, which was a tie vote, and a tie vote was a no vote.

- The City should be receiving 90% of the \$180,000 from the FHWA to do the restoration, although the FHWA would not completely rework and reengineer the road. Now Washington County was stepping up to cover most of the cost because East Main eventually became Gaston Road, which was the County's responsibility.
- The County might do the hydrology study, but staff was working on getting the road restored this summer with the temporary fix while continuing to pursue funding for the hydrology study finding a permanent solution, but it would take time for the City to be able to afford the project.
- Washington County and FHWA, through ODOT, would most likely pay for 90% of the resurfacing, leaving the City with 10% of the cost. The City spent \$3,800 on patching in 2016, not \$7,000.

Mr. **Zawodny** clarified where the city limit boundary ended.

David **Wismer** said, as an adjacent property owner, he was concerned about ODOT's and the County's involvement, as the two agencies tended to do things without caring about the property owners. For example, the company hired to install guardrails along Hwy 47 attempted to install a guardrail across his driveway. He questioned whether he would have to put a culvert in under his field driveway to get into the ditch if the County wanted a three-foot ditch to handle the floodwater. People like to park in his fields during car shows, baseball or football games, and even now some people will not park in the field because the existing ditch was already too low, and even farm equipment drags on it due to the steep grade.

Clerk **Bregante-Candau** responded that ODOT was actively engaged on the issue and has worked closely with the Public Works Director and herself, which probably did not happen in the past. If citizens had any issues, they should not hesitate to talk with the Public Works Director. The current City staff had good contacts and communication with ODOT and hoped to continue to work more smoothly with ODOT.

Mr. **Wismer** said he was concerned about who would maintain the already steep and hard-to-maintain ditches if they were dug out even deeper. As the adjacent property owner, he wondered if he would have to clear out the weeds that grew in the ditches during the summer or wait until the County came by in September to clear only a small patch. In the past, both City Council and the County have made it clear that the road is a City road.

- He added that while the water was not a new problem, it was not a 100-year-old problem. When the dikes get backed up, and the water has nowhere to go, which has gotten worse over the years. He suspected the culvert was not doing its job, and there was excess water coming in from the Tualatin.

Councilor **Jeffries** acknowledged his point, but contended it was pointless to spend so much money to fix the road if the City did not fix the original problem.

Councilor **Spaulding** said it was very important for the residents along that road to communicate with City Hall, noting the Council's hard work on improving communications. The more input City Council received from the citizens, the better it was for Council in making a decision.

Mayor **Hall** added Council was aware of the water problems in the area. The City has actively tried to get the drainage issues addressed at every opportunity in talking with the Tualatin Valley Irrigation District (TVID), game refuge, and the City's State and Federal representatives.

Mr. **Wismer** thanked the Council for its helpful efforts to improve communication between the Council and the citizens using various methods, such as a Facebook page and water bill inserts. Mayor **Hall** noted the City also had a webpage with all the minutes, agendas, and other City documentation available to citizens for their review.

Councilor **Martin** noted once water was released from the dam, the water headed this way, backed up, and had nowhere to go, which meant it flooded every year, especially after a hard rain. He did not know what the solution was; culverts, dikes, and fixing the road all had their own problems.

Mayor **Hall** explained getting engineers in to find a solution was the point of the hydrology study. Forest Grove did a hydrology study to look at flooding at the yellow light around Hwy 47 and B Street in 1996; the engineers' solution of raising the road and installing big culverts solved the problem and the road no longer flooded.

Mr. **Wismer** concurred with doing the hydrology study. Perhaps installing several three-foot culverts and raising the lower section of the road between his property and Adam Wismer's property by a foot would handle the water. Even if 50 feet of the road flooded on one side, vehicles could still get through.

Mayor **Hall** assured he tried to represent the concerns of the local property owners in his discussions with engineers about culvert sizes and improving the inadequate storm drain system along East Main Street.

Mr. **Wismer** noted culverts would not necessarily fix the problem when leaves backed up the culverts, as happened three weeks ago when the area flooded. If the road was raised, would the City, County, or State look at options to prevent houses from flooding lower down in the area, such as repairing dikes on this side of the Tualatin River that have not been repaired since 1996. He clarified the dikes were along the Tualatin River, 200 feet west of the bridge on Hwy 47 and 200 feet upstream from his property line.

Mayor **Hall** stated the engineer walked the Tualatin River from the sewer plant up to the bridge on Hwy 47, to find if any dikes were there and how they had been installed, which is what the hydrology study would have to look at.

Mr. **Wisner** asked if it would be possible to get approval from the numerous agencies involved for the City to do something about the dikes, noting the State wanted a natural flow as opposed to dikes. He asked about the engineer's walk went, as many of those areas became covered with blackberries after they washed out. At peak flood times, streams could be seen flowing south on his dairy side.

Mayor **Hall** replied the Public Works Director had walked with the engineer, so he did not know how the walk went. There was no doubt the City needed the hydrology study. The issue was how and when to pay for it. The question facing Council was whether to repair the road because the City had the funding now and do the hydrology study later, or do the hydrology study now and use grant money to do the repairs. He clarified the repairs would occur anywhere there was water damage, including repairing the culvert, doing an overlay, and fixing the shoulder. The current total was \$180,000 in improvements to the road.

Clerk **Bregante-Candau** clarified that ODOT agreed to repair the road all the way up to the fire department and possibly up to Clean Water Services. She emphasized the importance of mutual communication between City staff and the property owners, as well as receiving input from the property owners.

Mr. **Wisner** asked if a three-foot culvert could replace the one slated for repair without raising the road, so now only 20 or 50 feet would flood rather than 200 ft up.

Mayor **Hall** replied that would require an engineer determination and noted the extent of the repairs was determined by the insurance company. Clerk **Bregante-Candau** described the claims process through the FHWA to restore the road to its condition prior to the storm. City staff was also checking into what funding ODOT could provide. Fixes to any of the problems with the road would be temporary until the hydrology study was done.

Mayor **Hall** acknowledged Adam **Wisner**, who was present, but had no comments.

Mr. **Zawodny** observed it made sense to do the study before putting in new culverts. He recalled how upset the local citizens were when Forest Grove redid a road and then dug it up three months later to put pipes underneath it.

Mayor **Hall** reiterated the funding would not cover the hydrology study or additional culverts, only repairing the road to its condition before the flood. The only alternative was to do nothing but continue to patch the road and hope there were no safety issues, such as the sinkhole that occurred last winter.

Councilor **Spaulding** asked if the property owners on the road wanted a hydrology study.

Danielle **Garza** believed Council was debating two things, the short-term repair of the road versus a long-term solution. She supported a hydrology study to find a long-term solution.

David **Wisner** agreed, adding that because the hydrology study would affect the County's section of the road near the sewer plant, and if the County would cover 90% of the study's cost, perhaps the City could count that toward the overall build. Additionally, if the insurance would repair the road to its previous condition, it made sense for the City to add enough money to the project to put in a bigger culvert while the repair work was underway.

Clerk **Bregante-Candau** confirmed the work was under FHWA review, but FHWA would likely take the culvert replacement size into consideration, as the engineer had been discussing culvert sizes.

Mr. **Wisner** suggested lining the road with no parking poles as a safety measure to delineate the edge of the road when it flooded. People drove through the high water because they had no other

access to their homes. He speculated the County was willing to help with this project because the County realized it could no longer close that road during high water, which might give the City more leverage in getting the County to do the hydrology study.

Mayor **Hall** reiterated the City has been working with all the appropriate agencies for quite some time on this issue, including TVID, the game refuge, and Clean Water Services.

VI. PRESENTATIONS: None

VII. CONSENT AGENDA:

- Accounts Payable for October 2017
- ~~Minutes for the October 11, 2017, regular session~~

Recorder **Blanchette** noted the October 11, 2017 minutes were not available.

Mayor **Hall** deleted the minutes from the Consent Agenda.

Motion by David **Meeker**, seconded by Jerry **Spaulding**, to approve the Consent Agenda with Accounts Payable at \$56,186.20. Motion passed unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, Jeffries, and Hale**. Nays: 0.

VIII. NEW BUSINESS:

- **Resignation for Council Seat No. 6**

Councilor **Jeffries** stated she wanted to resign her position effectively immediately. She believed she could do more in the community if she were not on the Council. She had a conflict of interest in that she was filing a complaint against the Public Works Director.

Motion by David **Meeker**, seconded by Bill **Martin**, to reluctantly accept the resignation of Chris Jeffries. Motion failed. Ayes: 0. Nays: **Spaulding, Meeker, Martin, Hall, and Hale**.

Councilor **Jeffries** left the meeting at 8:00 p.m.

- **Appointment of New Policy Advisory Board (PAB) – Member for Washington County Community Development Position**

Councilor **Spaulding** confirmed he wanted to resign from his position on PAB, and Councilor **Meeker** confirmed he was interested in filling the position.

Motion by Rod **Hale**, seconded by Bill **Martin**, to accept the resignation of Jerry **Spaulding** to the PAD Board. Motion passed unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, and Hale**. Nays: 0.

Motion by Jerry **Spaulding**, seconded by Rod **Hale**, to appoint David **Meeker** to the PAB. Motion passed unanimously. Ayes: **Spaulding, Meeker, Martin, Hall, and Hale**. Nays: 0.

Mayor **Hall** stated Council needed to find out who was the current alternate and would address appointing an alternate at the next Council meeting.

- **301 Park Street Sidewalk**

Mayor **Hall** reported he reached an agreement with Mr. **Christian**, the property owner at 301 Park Street, to allow the City to paint the curb another 20 feet from his west property line and make it a no parking zone to allow enough room for the buses to pull out. Deputy **Wormington** would enforce the no parking zone. Mr. **Christian** also supported the City installing a sidewalk in front of his property up to the school bus turn in. He proposed allocating money from the \$20,000 in the Sidewalk Fund to install a sidewalk the length of Mr. **Christian's** property, which would help enhance the new school project. If funds were available later, perhaps the City could install a sidewalk between 2nd and 3rd Streets.

Councilor **Martin** stated this might set a precedent as other neighbors might also ask for sidewalks. Mayor **Hall** noted the one block sidewalk would exhaust the Sidewalk Fund given the required ADA access points.

Council agreed by consensus to have the City Engineer do an analysis and cost estimate for a sidewalk in front of the **Christian's** property on Park Street across from the school.

- **City Clerk Job Description**

Mayor **Hall** said he asked all staff members to provide new job descriptions detailing what they actually did now, as their job duties have significantly changed from the job descriptions drawn up by the previous administration. In particular, more duties were added to the City Clerk's part-time job to relieve the workload of the City Recorder. He asked Council to review and approve the City Clerk's new job description and job title.

Clerk **Bregante-Candau** confirmed she did all the duties listed in the new job description. Her job has expanded beyond City Clerk to include Municipal Court Clerk, website management, grant funding research, and attending meetings. Her pay should reflect her change in duties. She asked the Council to consider her change in duties in the next budget year and increase her pay and hours to 32 hours a week with approval to work up to 40 hours a week when grant writing. Currently, she worked 20 to 24 hours a week at \$14 an hour. In comparison, other cities paid up to \$37 an hour for her position, and Gaston paid its City Engineer \$110 an hour to make a presentation. She noted the various meetings she attended, and the up to \$444,000 in grant funding that would potentially be awarded to the City due to her work.

Councilor **Spaulding** observed how much better the Council was informed in making decisions at its meetings when Clerk **Bregante-Candau** attended. He supported the change.

Mayor **Hall** concurred, commenting he was very happy with the City's current direction, to which Clerk **Bregante-Candau** has contributed greatly. He asked if there were any objections to the new job description for the City Clerk.

Councilor **Hale** concurred Clerk **Bregante-Candau** did a lot, and confirmed accepting the new job description would obligate the City to increase her pay. He asked how much the City would be paying the City Clerk.

Mayor **Hall** clarified he was the one who gave all the different job duties to the City Clerk. In serving as Mayor, he has come to realize if the City was going to get grants and move the City into the 21st century with web pages and Facebook, the City needed someone to do the work that Clerk **Bregante-Candau** has done. In the past, the Council decided not to pay grant writers, but the City needed someone to write grants. He confirmed the City paid for Clerk **Bregante-Candau's** grant writing classes, and noted she did more than just being the City Clerk.

Clerk **Bregante-Candau** clarified the City has not provided all her training. In addition to the four classes she took through the City, she had a B.A. in Computer and Information Science as well as extensive experience in technical writing, having worked at Intel as a software engineer. She disagreed that the City had provided all of her training.

Councilor **Hale** reiterated his request to know by how much the Council intended to incentivize Clerk **Bregante-Candau** by updating the City's job description. The City Clerk position would already receive a known pay raise in March. How much did Council think the duties listed in the new job description were worth?

Councilor **Meeker** noted the Wage Committee discussed all these issues before awarding a wage increase. He invited Councilor **Hale** to sit on the three-person committee.

Councilor **Hale** questioned what the City would pay for the position in the future when Clerk **Bregante-Candau** with her educational and professional experience was no longer the one in the position.

Councilor **Spaulding** held the new job description had nothing to do with wages, but was something Council had to adopt. The wage issue could not be determined tonight because it was determined by the Wage Committee.

Motion by Jerry **Spaulding**, seconded by David **Meeker**, to approve the updated job description for the City Clerk. Motion passed 3-2. Ayes: **Spaulding, Meeker, and Hall**. Nays: **Martin and Hale**.

Mayor **Hall** stated the City Charter allowed the Mayor to vote on every question, not only in a tie vote situation.

IX. OLD BUSINESS:

- **Parking on Park Street**

Councilor **Martin** complained people parked in everybody's driveway on Park Street when picking up their kids around 3 p.m. He could not even get into his own driveway. He did not have a solution, but noted people would continue to park in driveways even with no parking signs. He has even asked people to move out of his driveway.

Deputy **Wormington** said he would ticket people blocking driveways and sight lines, but it was legal to park on the public street in front of the homes. One homeowner put a 'no parking' sign right in front of their driveway, which has been successful.

Councilor **Martin** reported that parents waiting to turn off of Park Street into the school parking lot to pick up their kids stopped in front of **Christian's** and blocked traffic. Deputy **Wormington** explained there was no real solution to this problem, which plagued every school in a residential area in Oregon. The 15 to 30 minute periods for drop off and pick up were chaos, although Gaston's situation was far better than most other schools, such as in Beaverton. He suggested the Councilor go around the block and avoid Park Street.

- **Damage Evaluation on Cottonwood and 3rd Street**

Mayor **Hall** recalled Councilor **Martin's** concern at the last meeting that the heavy equipment working at the school may have damaged the south end of 3rd Street and part of Cottonwood Street. Mr. **Gilbert** also complained about damage from the large earthmovers dumping dirt in the field down there. The City Engineer checked the location by observation, Google Earth, and interviewing area homeowners. Along with the Public Works Director, the City Engineer determined there was a lot of damage present before the construction began; the City was unable to determine if there was any further damage. The City Engineer's report would be forthcoming.

X. COMPLAINTS

- ~~106 3rd Street~~

Mayor **Hall** deleted this item from the agenda.

Mayor **Hall** recessed the regular meeting at this time to convene the Executive Session.

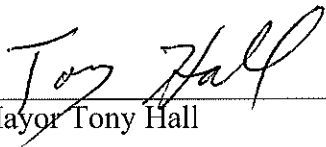
XI. EXECUTIVE SESSION

Mayor **Hall** convened the Executive Session at 8:40 p.m. pursuant to ORS.660 (2) (e) to conduct deliberations with the person(s) designated to negotiate real estate transactions,


XII. RETURN TO REGULAR SESSION

Mayor **Hall** reconvened the regular session at 9:11 p.m.

XIII. ADJOURNMENT: Mayor **Hall** asked for any further business, none heard. Meeting adjourned at 9:12 PM.



Mayor Tony Hall

Attest: 

City Recorder Wenonah Blanchette