

City Council Meeting Minutes

THURSDAY, MARCH 20, 2014

CITY HALL COUNCIL CHAMBERS

CITY OF COLUMBIA CITY, COLUMBIA COUNTY, OREGON

AGENDA ITEM 1 **CALL TO ORDER/ROLL CALL:**

CONVENED:

Mayor Cheryl A. Young called the meeting to order at 6:00 p.m. Mayor Young led the flag salute.

COUNCIL MEMBERS PRESENT:

Mayor Cheryl A. Young
Council President Sally Ann Marson
Councilor Shannon Fitzgibbons
Councilor Casey Wheeler

COUNCIL MEMBERS ABSENT:

Councilor Josh Fromm

ALSO PRESENT:

Michael McGlothlin, Chief of Police
Micah Rogers, Public Works Superintendent
Leahnette Rivers, City Administrator/Recorder

ATTORNEY PRESENT:

Harold Olsen, City Attorney

A quorum was present and due notice had been published.

AGENDA ITEM 6 **UNFINISHED BUSINESS:**

6.1 Further discussion of restrictions on weapons and explosives: Mayor Young said our City Attorney recently discovered a discrepancy in one of our ordinances which requires a correction because the existing ordinance is not written properly.

Harold said before he retired from his practice, everyone knew not to make an appointment with him during the month of October because he was hunting. He said he is very jealous of his right to bear arms. However, he said there was a time when a fellow threatened his life. Harold said this fellow had threatened to shoot him and everyone in his office, so he did not sit with his back to the window because the window faced the sidewalk. He said he is also very conscience of the safety of himself, the people in his office, and all of the people here in this room, which is why he is pleased to see the Chief of Police here tonight. He said he does not want to have some nut come into a meeting like this and start shooting at people randomly.

Harold said for years the City has had an ordinance in place which restricted the use of guns at certain times. He said the ordinance states that whenever an emergency is declared, such as a volcanic eruption, earthquake, terrorist attack, or a train explosion, the Mayor may prohibit the sale, carrying or possession of weapons upon public streets, public places, and public right-of-ways.

Harold said a group of people (a gun advocacy group) contacted the City several months ago and brought to our attention that this particular ordinance was probably unconstitutional, but at the same time we were also contacted by some news media representatives that were on the opposite side of the spectrum (they were opposed to guns). He said these inquiries prompted him to look at the current ordinance to determine whether or not it was unconstitutional, and he concluded that it was unconstitutional and should be corrected.

Harold said he has prepared four optional corrections for the Council to consider. He said Option 1 is based upon an existing City of Portland Ordinance that was recently upheld by the Oregon Supreme Court as being constitutional. He said it will repeal the unconstitutional section of the City's ordinance, and adopt a new amending section in its place. It would allow, during an emergency, loaded weapons to be prohibited in public places and on public streets during a declared emergency, subject to a list of 14 exceptions, if the Mayor so declares.

Harold said Option 2 is similar to Option 1 but is worded a bit differently.

Harold said Option 3 is a new ordinance based upon the existing Portland Ordinance that would make it unlawful to carry loaded weapons in public places and on public streets, subject to a list of 14 exceptions, at any time.

Harold said Option 4 is simply a repeal of the unconstitutional section of the City's ordinance and adds no regulations of any sort.

Chief McGlothlin recommended the repeal of the unconstitutional section of the existing ordinance. He said of the four options outlined by Harold, he prefers Option 3 because it mirrors existing Oregon Revised Statutes, except that he recommends striking Item m from the list of exceptions because the Sheriff's Office issues permits for carrying weapons under current Oregon law. Chief McGlothlin said Option 3 does not change anything the police department currently does operationally. He said Option 4 would also not change anything that the department does operationally, because it is all currently covered under Oregon Revised Statutes. He recommended the Council move forward with Option 3 after striking Item m, or with Option 4.

Mayor Young read Option 4 in its entirety. She said this is her first choice of the options. Leahnette suggested Option 4 be referred to as Council Bill 14-714, and noted that it does not currently contain the emergency clause.

MOVED (WHEELER), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO DECLARE AN EMERGENCY.

MOVED (MARSON) AND SECONDED (WHEELER) TO ADOPT COUNCIL BILL NO. 14-714 WITH THE EMERGENCY CLAUSE.

Frank Hupp of Columbia City said he is President of the Columbia County Hunters Association and he asked how we can be assured that other similar ordinances will not creep back in to infringe upon our civil rights.

Mayor Young suggested people watch the City Council meeting agendas.

MOTION CARRIED UNANIMOUSLY.

Mayor Young thanked members of the audience for their interest in attending.

AGENDA ITEM 1

CALL TO ORDER/ROLL CALL (continued):

1.1 Recognition of Officer Cowen's graduation from the Basic Police Academy:

Chief McGlothlin said that Officer Cowen served as a Reserve Officer for the City for nearly four years. He said as a Reserve Officer, Officer Cowen used his own funds to become certified as a Reserve Officer, which involved a lengthy process that consisted of a background investigation and all of the same hiring practices that a full-time officer would have gone through. He attended a Reserve Academy and completed a very intensive field training program so that he could work solo as a Reserve Officer for Columbia City at no charge to the City. Chief McGlothlin said at the same time, Officer Cowen was working full-time, five days a week as a supervisor with an armed security company in Portland, and volunteered his time on weekends for Columbia City.

Chief McGlothlin said when the City had an opportunity to fill a full-time Police Officer Position, Officer Cowen applied for the position, was consistently ranked the highest of all 43 applicants, and was hired by the City. He said the position is partly funded by an ODOT Motor Carrier Grant.

Chief McGlothlin presented Officer Cowen with the Basic Certificate from the Oregon Department of Public Safety Standards and Training, which he recently earned during his attendance at the Police Academy.

AGENDA ITEM 2

PUBLIC HEARINGS:

None

AGENDA ITEM 3

CITIZEN INPUT:

3.1 Proclamation declaring April 2014 as Sexual Assault Awareness Month:

Katie Troha, representing SAFE (Support Advocacy Freedom Empowerment) of Columbia County, said Columbia County is underserved and they want the public to know that they are here for them if needed, and they provide support to victims of sexual assault.

Chief McGlothlin said SAFE is an excellent organization that provides their department with a lot of support in this area.

MOVED (MARSON), SECONDED (FITZGIBBONS) AND CARRIED UNANIMOUSLY TO PROCLAIM THE MONTH OF APRIL AS SEXUAL ASSAULT AWARENESS MONTH.

Other input: Bill Okrasinski of Scappoose thanked the Mayor and Council for their service. He noted that ORS 401.198 deals with the seizure of fire arms during an emergency, and states that a unit of government may not seize a firearm from an individual who lawfully possesses a fire arm during a state of emergency declaration. He questioned whether or not the Council's actions tonight conflict with ORS 401.198.

Harold said they do not.

Jim Gibson of Clatskanie applauded the Council for making, in his opinion, the best decision as far as the options go to correct the ordinance. He said he is a retired jail manager and used to work for the Sheriff's Office, and he is a strong gun advocate and has used one most of his life. He said he is now a private investigator, and he travels into each of the City's while conducting his work. He said he wanted to remind everyone that the Columbia County Jail Levy will be on the May ballot, with a new provision that includes a citizen oversight committee, and he encouraged everyone to support the levy and spread the word because without the levy, this county will be crippled. He said the levy will keep our communities safer and it is desperately needed.

Mayor Young said she wholeheartedly agrees and is supportive of the Columbia County Jail Levy and the oversight committee, and we do need to work on getting the word out.

Wayne Mayo of Scappoose expressed support for the action taken by the Council regarding the weapons ordinance. He said he will be pouring the footings for the veterans

wall next Tuesday at 1:00 p.m. and they could use some volunteers to help if anyone is interested.

Ray Biggs of Columbia City congratulated the Council for their action to repeal the ordinance earlier tonight. He said he had an incident a few years ago on Second Street that led to situations at the School District where they addressed similar issues. He reminded the Council Members that they all took an individual oath to support the constitution, and they should take a few moments to review it. He said with all due respect to Harold, there are Oregon Supreme Court decisions that are shot down every single year, and there have been US Supreme Court Justices that have been removed from office for making unconstitutional decisions. He said when it comes to safety, if there is an emergency and you have perpetrators out there carrying guns, you will want your honest citizens to have guns. He said in 1990 the federal government passed gun free school zones, and on their own website they said between 1990 and 2010 there was an increase in shooting incidents on school property and they could not figure out why. Ray said it appears as though the gun free school zone increased school shooting incidents - it is a law that does not work. They restrict law abiding citizens from being able to protect themselves, while the criminal element continues to ignore the law.

Mayor Young said, for the most part, that she agrees, but she does not personally feel that the matter should be pushed to the extreme in either direction.

Ray said one of the problems with the ordinance that was repealed is that the Police Officers that were charged with enforcing the ordinance would have been facing the option of arresting the violator or confiscating their gun. He said we don't want to have laws on the books that no body wants to abide by.

Rita Biggs of Columbia City asked if Officer Cowen has been hired by the City.

Chief McGlothlin said he was hired almost a year ago to fill a vacancy.

AGENDA ITEM 4

COUNCIL REPORTS:

4.1 Parks Committee: Chair Fitzgibbons said they recently had a very successful two-hour meeting.

4.2 Water and Sewer Committee: Micah said the Public Works Crew has been very busy with water, sewer and park projects.

Micah reported that the RCE lift station was not able to keep up with the flow following a recent two-inch rain event, which resulted in an overflow of approximately 3,500 gallons to the City storm system, which flows to the Columbia River.

Leahnette said unidentified sources of inflow and infiltration (I & I) allow rain water and storm water into the sewer system, which increases flows during heavy rain events. Leahnette said the Sewer Improvements Project, which is currently in the engineering design phase, will add capacity to the RCE lift station.

Leahnette explained that during the recent Water System Improvement Project involving the abandonment of old, redundant four-inch water piping along Sixth Street, a large number of water customers unexpectedly lost water service. She said the Public Works Crew had provided door-hanger notices of the planned shut off 24-hours prior to the event, but only to the homes they believed would be impacted by the work.

Micah explained that it took some time to restore service to because they could not figure out why the service was off in areas that, according to their records, should not have been shut off.

Leahnette said the water system in that area is confusing and poorly documented. She said this project should improve our operational understanding of the water system in this area.

Leahnette said the City Hall was flooded with phone calls from customers that were inconvenienced by the unplanned shut-off, and one of those callers sent in a letter of complaint. The Mayor and Council reviewed the complaint about the incident dated March 12, 2014, from Kathy Mullican. Mayor Young noted that Ms. Mullican asked for a credit for the loss of service. It was the consensus of the Council to take no action.

4.3 **Street Committee:** No report.

4.4 **Audit Committee:** No report.

4.5 **Hazard Mitigation Planning Group:** Team Member Wheeler said the Hazard Mitigation Planning Group is scheduled to meet on Monday.

The Council reviewed an e-mail message from Richard Leanna dated March 20, 2014, expressing his resignation from the Hazard Mitigation Planning Group.

MOVED (WHEELER), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO ACCEPT RICHARD LEANNA'S RESIGNATION FROM THE HAZARD MITIGATION PLANNING GROUP AND THANK HIM FOR HIS SERVICE.

4.6 **Other Reports:** None.

AGENDA ITEM 5

CONSENT AGENDA:

- 5.1 **Minutes of the Regular City Council Meeting of March 6, 2014.**
- 5.2 **Financial report for the month ending February 28, 2014.**
- 5.3 **Activities report for the month of February 2014 from the Chief of Police.**
- 5.4 ~~**Activities report from the City Administrator/Recorder.**~~
- 5.5 **Appointment of Beth Sisemore to the Basketball Hoop Study Group.**

Item 5.4 was removed from the consent agenda.

MOVED (MARSON), SECONDED (FITZGIBBONS) AND CARRIED UNANIMOUSLY TO APPROVE THE CONSENT AGENDA AS AMENDED.

AGENDA ITEM 7

NEW BUSINESS:

7.1 **Release of Easement:** Release of Easement on property located at 550 "B" Street, Columbia City.

MOVED (MARSON), SECONDED (WHEELER) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO THE RELEASE OF EASEMENT ON PROPERTY LOCATED AT 550 "B" STREET.

7.2 **Addendum No. 1 - Major Crimes Team:** Addendum No. 1 to Intergovernmental Agreement for Columbia County Major Crimes Team.

MOVED (WHEELER), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO ADDENDUM NO. 1 TO INTERGOVERNMENTAL AGREEMENT FOR COLUMBIA COUNTY MAJOR CRIMES TEAM.

7.3 **Council Bill No. 14-711; Resolution No. 14-1113-R:** A Resolution authorizing a transfer of appropriations within the General Fund during the fiscal year beginning July 1, 2013.

MOVED (WHEELER), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 14-711.

7.4 Council Bill No. 14-712; Resolution No. 14-1114-R: A Resolution adopting a Five-Year Capital Improvement Program for the 2014-15 fiscal year for the City of Columbia City, Oregon.

MOVED (MARSON), SECONDED (WHEELER) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 14-712.

7.5 Council Bill No. 14-713; Ordinance No. 14-679-O: An Ordinance declaring a moratorium on medical marijuana facilities for the City of Columbia City, Oregon; declaring an emergency.

Mayor Young read Council Bill No. 14-713 in its entirety.

MOVED (MARSON), SECONDED (WHEELER) AND CARRIED UNANIMOUSLY TO DECLARE AN EMEGENCY.

Mayor Young read Council Bill No. 14-713 by title only.

MOVED (MARSON), SECONDED (WHEELER) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 14-713.

AGENDA ITEM 8

OTHER BUSINESS:

Letter of resignation: The Mayor and Council read an e-mail dated March 19, 2014, from Shannon Fitzgibbons announcing her resignation from the City Council. Mayor Young said Shannon's accomplishments during her time in office have been many and have been of great benefit to the City, and she thanked her for her service.

Chief McGlothlin thanked Shannon for her support of the Police Department.

MOVED (MARSON), SECONDED (WHEELER) AND CARRIED UNANIMOUSLY TO ACCEPT SHANNON FITZGIBBON'S RESIGNATION FROM THE COUNCIL WITH REGRET.

Mayor Young said she will make a recommendation to fill the Council position for the remaining term at the next Council Meeting.

City Attorney report: Harold said today is International Happy Day, and the Council made a lot of people happy today.

Medical Marijuana Facility Moratorium: Rita Biggs asked why the moratorium on medical marijuana facilities will expire in May 2015. Leahnette said that is the amount of time the legislature has provided us with, and we will need to see what happens between now and then and, in the meantime, study the issue further.

AGENDA ITEM 9

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 7:13 p.m.

APPROVED:

Cheryl A. Young
Mayor

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ATTEST:

Leahnette Rivers
City Administrator/Recorder