

**Rivergrove City Council Meeting Minutes  
November 13, 2017**

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**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at the River Grove Elementary School library at 7:00 p.m.

Present: Mayor Heather Kibbey, Council President Arne Nyberg, and Councilors Carolyn Bahrman, Brenda Ruble, and Bill Tuttle were present. Leanne Moll, **City Recorder**, declared a quorum.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Michael Salch was concerned about storm water run-off affecting Tualatin River's water quality. He explained that e-coli measurements at the Stark Boat Ramp have increased in the last year. The cause is unknown: It may be duck or goose excrement or septic tank failures.

Mayor Kibbey asked at what level should the City warn the public about health risks.

Michael Salch suggested at 1500 MPN per 100 mL, according to some health experts. Currently, the e-coli measurements are not at that point, but may reach that measurement soon.

**CONSENT AGENDA**

**1. Minutes from October 9, 2017 Meeting**

**Motion:** Councilor Tuttle moved to accept the October 9, 2017 meeting minutes with the following amendments. Councilor Nyberg **seconded** the motion. Councilor Bahrman abstained. **It passed 4-0.**

Amendments:

- Page 1, Planning Commission Report, third bullet, to read, "...Chair Dausman would like to know if it would be possible to have potential Commissioners 'on deck' to serve.... and the ordinance was changed to reflect this."
- Page 1, clarification of out-of-order agenda to read, "Councilor Bahrman gave the Transportation Commission report early."
- Page 1, Committee Reports, Transportation Report, to read, "... citizens'..."
- Page 3, 3. Giving to read, "...The letter will be sent out in early December."

**2. October Financials**

**Motion:** Councilor Tuttle moved to accept the October 2017 financials as submitted. Councilor Nyberg **seconded**. **It passed 5-0.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

**1. Type IV Hearing for an amendment to Ordinance 70-2001 to allow docks, City File No. 2017-01.**

City Manager/City Recorder Leanne Moll read the instructions to the public for a Type IV Hearing. There were no conflicts of interest or ex-parte contacts. Councilors Nyberg, Ruble, and Bahrman all noted that they live on the river and have docks.

Mayor Kibbey explained that the proposed ordinance to allow docks is necessary because the City's ordinances are silent on approving docks. This ordinance clarifies how the Planning Commission proceeds with approving docks.

Mayor Kibbey asked if there were any proponents, opponents, or neutral comments regarding city file, no. 2017-01.

There were no public comments. Mayor Kibbey closed the public hearing.

Councilor Tuttle asked to add two items to Section II, Item 9, that would clarify the orientation of the dock and how far the dock can extend into the river.

The Councilors discussed whether or not the ordinance should stipulate the width/length of the dock and its orientation and how far the dock can extend into the river.

The Councilors agreed to add the following clarification to item c.

“c. The dock shall not exceed 12 feet in width and 20 feet in length. Width is the distance perpendicular to the river bank (generally south). Length is the distance parallel to the river (generally east-west).”

Mayor Kibbey suggested to allow the dock to extend 20' into the river from the Ordinary High Water mark. Applicants can get a variance and hardship relief if they want more room.

Mayor Kibbey asked if anyone would want to park a boat between the dock and the ramp. Councilor Ruble suggested that that would not be possible because of the way docks are hinged to the staircase.

The Councilors decided to remove the clause “from the Ordinary High Water mark,” to avoid confusion.

The Councilors agreed to add the following item to Section II, Item 9:

“d. The dock, including the ramp, stairs, or access shall not extend more than 20 feet into the river.”

Councilor Bahrman asked about the color clause, and if it eliminates the option of allowing aluminum docks. Councilor Tuttle asked if someone could install an aluminum dock. Councilor Nyberg mentioned that existing aluminum docks are grandfathered in. Mayor Kibbey noted that the language of the ordinance, “The dock must be colored white or a neutral earth tone as allowed by the City,” allows for some interpretation by the City.

Councilor Ruble noticed that the water is considerably warm under her dock and wondered if that was enough of a concern to warrant a change in the ordinance to account for the environmental impact.

City Manager/City Recorder Leanne Moll noted that **City of Rivergrove Planning** Commissioner Jeff Williams researched the environmental impacts of docks on rivers and found no negative impacts.

Councilor Nyberg noted that the heat footprint of one dock is probably not a real concern. Any standing water gains the temperature of the air. The water coming down from Scoggins dam is already warm coming from upstream.

Mayor Kibbey noted that City Planner Carole Connell added a section that amends the Rivergrove Land Development Ordinance (RLDO) R Zone section and original flood hazard district section. Ms. Connell wanted to avoid any conflicts in the RLDO to clear up any contradictions. Mayor Kibbey read the addition:

*“**Section 3.** Rivergrove Land Development Ordinance is amended by adding a dock as a permitted uses in the R Zone Section 5.050 (h) and the Flood Hazard District Section 5.060 (c) subject to compliance with the proposed dock development standards of Ord. #70-2001 (G.9). Further, state a dock is exempt from the requirement to be elevated above the regulation flood protection elevation in Section 5.060 (b) and the Ordinary High Water Mark 25-foot setback requirement in Sections 5.070.”*

**Motion:** Councilor Nyberg moved that Ordinance #91-2017 be a read for the first reading, title only. The motion was **seconded** by Councilor Tuttle.

Mayor Kibbey read the ordinance by title only.

**Motion:** Councilor Nyberg moved that Ordinance #91-2017 be a read for the second reading, title only. The motion was **seconded** by Councilor Tuttle.

Mayor Kibbey read the ordinance by title only for the second time.

**Motion:** Councilor Nyberg moved that Ordinance #91-2017 be a read for the third reading, title only. The motion was **seconded** by Councilor Tuttle.

Mayor Kibbey read the ordinance by title only for the third time.

**Motion:** Councilor Nyberg **moved** to adopt Ordinance 91-2017 with the changes Council discussed. **Seconded** by Councilor Tuttle. **It passed 5-0.**

## **2. Tree maintenance on public land adjacent to Canal Road.**

Rivergrove owns land between Canal Road and the first home (the Williams-Ryan house). It's a triangle of land on the river. Mayor Kibbey noted that it's in the boundary to the City in the Comprehensive Plan, and Clackamas County has verified that it is public land **belonging to** Rivergrove.

There were two trees **on this land** that were **in danger of falling** on the Williams-Ryan home, so Mayor Kibbey authorized that the trees be removed by City Arborist Brian French. One was felled and one was topped. The tree maintenance cost the City \$500.

## **PLANNING COMMISSION REPORT**

Councilor Nyberg commended Planning Commission Chair Andrew Dausman and his son, Quentin, for constructing and donating a Free Little Library to Lloyd Minor Park

Chair Dausman gave a report from the October Planning Commission meeting:

- Jacob McKay was sworn-in as Commissioner. Jonathan Sweet was elected the Vice Chair. Chair Dausman would like City Council to have a name on hand of a potential **candidate** in **case** of another resignation.
- The Planning Commission denied a Tree Cutting permit for a lot where a single-family home would be built.
- The Commissioners decided that an application for a deck renovation and new patio in the floodplain needed to be notified and heard as a Type III hearing because the renovation was in the floodplain.

- There was an emergency tree removal for an apple tree with beaver damage in the floodplain.
- The Commission suggested that the dock ordinance be forwarded to the Council to help clarify the code.

Mayor Kibbey noted that the Council adopted the Ordinance with two additions that clarified the size and orientation of docks.

Chair Dausman and Councilor Tuttle suggested that City Manager/ City Recorder Leanne Moll add a section on the website that clarifies the dock application and permitting process.

## **COMMITTEE REPORTS**

### **1. Transportation**

Councilor Bahrman relayed a report from the Transportation Committee:

Christian Snuffin, **Clackamas County Traffic Engineer**, has referred the City to the Outreach Coordinator in Charge of Grants to assist with the joint application to the Safe Routes to School Grant, which will accept application inquiries in Spring 2018.

There will be a Clackamas County Engineers and Public Works Coordination Meeting on Thursday, Nov. 30 from 8-10am. Councilor Bahrman or Mayor Kibbey will try to attend.

Councilor Bahrman requested the price of permanent radar signs on Childs Road because the County has offered to help with engineering costs. The County reported that two signs **would be** \$50,000 and three would be \$70,000. Councilor Bahrman is not eliminating any of the City's other proposed techniques for traffic calming.

Mayor Kibbey said the County quoted the City \$5,000 for a permanent radar sign in 2010, and the current price quotes seem very high.

Councilor Nyberg noted that the City's priority should be lighted crosswalks, which are effective and cutting-edge **technology**. Mayor Kibbey added that the crosswalks are needed for pedestrian safety at Pilkington/Dawn and at the other school crossings. Councilor Ruble asked Councilor Bahrman if she could ask if the lighted crosswalks are a similar price to the permanent radar signs.

Councilor Bahrman does not believe **additional safety features** at Sycamore will be included in the Safe Routes to Schools grant, even though the school bus stops there regularly.

Councilor Bahrman will continue to investigate the City's traffic calming options.

### **2. Parks**

Councilor Nyberg continues to coordinate with **Rivergrove resident** Connie Dalton on planting three mitigation trees in Heritage Park (Oregon White Oak, 5 gallon). Connie Dalton cannot get a development permit without the trees being planted.

### **3. Giving**

Councilor Ruble suggested the City hold a holiday "Gratitude Tree" celebration in Lloyd Minor Park at 1:00 p.m. on November 25<sup>th</sup>, the Saturday after Thanksgiving. Residents are welcome to write something they are grateful for on waterproof tags that can then be hung on the gratitude tree. The City could provide light refreshments and hot cocoa and residents could be encouraged to bring hand-made ornaments made out of natural items. There could be a box by the tree with the tags for residents that cannot attend the celebration.

The Councilors viewed a sample Giving letter. Mayor Kibbey asked if the price will be the same for the park bench, or will installation cost more. City Manager/ City Recorder Leanne Moll will call for a current quote for the park bench, brass plaque, and concrete installation.

**COUNCILOR’S REPORTS**

The City received a grant from DLCD for \$1000 to help defray the costs of the amendments to the Comprehensive Plan.

Mayor Kibbey would like to request \$2000 in legal fees to allow the City Attorney to draft the staff report on the amendments to the Comprehensive Plan.

**Motion:** Councilor Nyberg **moved** to approve the \$2000 in legal fees needed for the administrative costs of the amendments to the Comprehensive Plan. **Seconded** by Councilor Ruble. **Motion passed 5-0.**

Councilor Nyberg noted that progress is being made on the revised tree ordinance. There will be a public work session soon. Then the ordinance will go to the Planning Commission as work session, **so there will be a lot of opportunity for public input** before the public hearing.

**ADJOURNMENT**

**Motion:** Councilor Nyberg moved to adjourn the meeting.

Mayor Kibbey **seconded**.

**Motion passed 5-0.**

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Leanne Moll  
City Manager/City Recorder