

Rivergrove City Council Meeting Minutes June 11, 2018

CALL TO ORDER AND ROLL CALL

The meeting was called to order at Lloyd Minor Park at 7:00 p.m.

Present: Council President Arne Nyberg and Councilors Carolyn Bahrman, Brenda Ruble, and Bill Tuttle were present. Mayor Kibbey was not present at the **opening** of the meeting. City Recorder Leanne Moll declared a quorum.

PUBLIC COMMENT ON NON-AGENDA ITEMS

CONSENT AGENDA

1. Minutes from the May 14, 2018 Meeting

Motion: Councilor Nyberg moved to accept the May 14, 2018 meeting minutes with two amendments. Councilor Bahrman **seconded** the motion. **It passed 4-0.**

- Page 2, Committee Reports, Transportation Report, 2nd paragraph to read, "...Scott Mansur from DKS (the company that will engineer the radar speed sign equipment)...."
- Page 2, Committee Reports, Transportation Report, 4th paragraph to read, "The proposed lighted stop sign at Sycamore and Childs...."

2. May Financial Reports

Motion: Councilor Nyberg moved to accept the May 2018 financials as submitted. Councilor Tuttle **seconded**. **It passed 4-0.**

Mayor Kibbey arrived and joined the Councilors' table.

OLD BUSINESS

1. Adoption of Resolution 256-2018 to amend appeal fees in the Fee Schedule and Agreements to Meet Costs of Development Review and Appeal.

City Recorder Leanne Moll explained the changes to the fee agreement suggested by City Attorney Bill Kabeiseman. The City can require appellants to pay the actual costs of an appeal if they appeal a Type II, Type III, or Type IV land use decision that is made with a public hearing. Appellants who wish to appeal a Type I land use decision, made without a public hearing, will be required to pay a \$250 fee at the time of filing the letter of appeal. The new resolution reflects these changes and also include a new Agreement to Meet Costs of Appeal.

Motion: Councilor Tuttle moved to adopt Resolution 256-2018 to amend appeal fees in the Fee Schedule and Agreements to Meet Costs of Development Review and Appeal as presented. Mayor Kibbey **seconded**. The **motion passed 5-0.**

NEW BUSINESS

1. Adoption of Resolution 257-2018 to approve Budget FY2018-19.

Mayor Kibbey explained that the City expects to receive additional highway funds from the state because of the 2017 transportation bill, but this additional resource did not necessitate a further revision of the City's budget.

Motion: Councilor Bahrman moved to adopt Resolution 257-2018 to approve Budget FY2018-19. Mayor Kibbey **seconded**. The **motion passed 5-0.**

2. Adoption of Resolution 258-2018 to confirm municipal services to qualify for state funds.

Council President Nyberg opened the public hearing to discuss the potential uses of funds received from the state.

Mr. Salch asked about fire protection for homes that are not in the Tualatin Valley Fire & Rescue district and wondered if the City should have an intergovernmental agreement with Lake Oswego for fire protection.

City Recorder Leanne Moll cited the Intra-County Emergency Aid Agreement and explained that the closest first responder will respond to any emergency, regardless of jurisdiction. Ms. Moll noted that she had met with TVF&R Chief Allan Kennedy and Public Affairs Officer Kim Haughn on May 30, 2018 and they confirmed that Rivergrove will be served by the nearest police patrol, ambulance, or fire engine, regardless of what district the home resides in.

Mr. Nyberg closed the public hearing.

Motion: Councilor Bahrman moved to adopt Resolution 258-2018 to confirm municipal services to qualify for state funds. Mayor Kibbey **seconded**. The **motion passed 5-0**.

3. Discuss Airbnb Vacation Rentals

Mayor Kibbey explained that the Planning Commission has recently been working on addressing short-term vacation rentals and has asked City Planner Carole Connell to work on an ordinance. Mayor Kibbey would like City Council to give guidance to the Planning Commissioners on this issue, citing the May 15, 2018 *Politico* article "New York City poised to join Airbnb crackdown."

Councilor Tuttle asked if the City can legally refuse to allow short-term rentals. Mayor Kibbey explained that other cities are banning rentals that are less than 10-days (Lake Oswego) or less than 30-days (Portland). Cities are also taxing short-term rentals.

Councilor Tuttle suggested the City devise a community survey to ask feedback from residents. City Recorder Leanne Moll can send it out with the July newsletter and in an additional email communication.

Councilor Ruble stated that she had a favorable experience using Airbnb to rent out her beach home. She said that if short-term renters are screened, they can be an asset to the community. She mentioned that there are several people illegally renting out their homes in Lake Oswego. Since they are hiding their use of short-term rental platforms, it creates a problem in the neighborhood. Councilor Ruble asked if there is a way to embrace short term rentals so they are not illegal, but also not a revolving door.

4. Ice Cream Social

City Council also set the date and time for the 2018 Ice Cream Social: Sunday, September 9, 2018, from 2-4 pm. City Recorder Leanne Moll will invite TVF&R and the Clackamas County emergency preparedness managers.

PLANNING COMMISSION REPORT

City Recorder Leanne Moll reported that the Planning Commission continued to July 2, 2018 the potential duplex at the northeast corner of Pilkington Road and Childs Road at the applicant's request and that Renaissance Homes has retained attorney Michael Robinson. Council also approved the Chapman Estates Phase 2 subdivision at the end of Lorna Lane with several conditions and deemed complete the applications for two new single-family homes at Canal Park.

Councilor Tuttle asked if the path connecting the two City parks that is outlined in the Comprehensive Plan was approved with the application. City Recorder Leanne Moll reported that there was no condition to build the pedestrian path in the final decision. The Planning Commission cited concerns that the path will not provide connectivity.

Councilor Tuttle and Mayor Kibbey expressed disapproval and wondered if the Planning Commissioners fully understood the history of the pathway.

Motion: Mayor Kibbey **moved** that City Council appeal the Planning Commission decision to approve the development application for the Chapman Estates Phase 2 at 5450 Childs Road, on the sole issue of the pathway. **Seconded** by Councilor Tuttle. The **motion passed 5-0**.

Mayor Kibbey explained that the Planning Commission did not make a wrong decision, but City Council is responsible for providing facilities that are good for the entire community.

Councilor Bahrman asked why a Planning Commissioner was not present at the City Council meeting to provide the Planning Commission report and explain the Commissions' decision.

City Council asked City Manager Leanne Moll to direct a Planning Commissioner to attend each City Council meeting to provide the Planning Commission report.

COMMITTEE REPORTS

1. Transportation Report

Councilor Bahrman provided Council with the most recent details about the engineering and construction plans for the two permanent radar speed signs on Childs Road. Clackamas County has contracted with DKS Associates to provide the necessary engineering. They will provide free technical support for three years and guarantee a 10-year warranty on the LED panel.

The City will need to purchase the equipment and then hire a qualified electrical contractor by receiving a few bids. DKS or the County will advise the City through this process when the time comes. This will avoid the complexity of communicating with both the County and the electrical contractor and prevent the City being charged for any County staff time.

The County has required a new intergovernmental agreement with Rivergrove for the speed signs that clarifies that the County will handle and fund all design efforts and the City will coordinate and pay for all construction activities. The IGA was received by the City on May 24, 2018 and reviewed by City Attorney Bill Kabeiseman.

Councilor Bahrman also noted that over the next nine years, Rivergrove will receive \$118,500 in additional highway funds.

Councilor Bahrman concluded by noting that the Safe Routes to School grant program is a slow and complicated process. At the county level, SRTS is still in the research and analysis phase, and all associated funds are being spent to assess the concerns and needs of the Rivergrove Elementary School District and three other schools that have applied. There is no SRTS money available for immediate use towards the traffic calming devices Rivergrove intends to install.

2. Parks

Councilor Nyberg reported that the new mowing contractor is mowing every other week and is doing a good job. Both parks are in good shape.

3. Giving

Councilor Ruble stated that she needs to provide more tags in the Giving Tree mailbox due to popularity of the program.

COUNCILORS' REPORTS

Council President Nyberg, a Metropolitan Area Communication Commissioner, explained that MACC will be distributing 1 million dollars in July. Rivergrove will receive \$282 in extra funds.

City Recorder Leanne Moll reported that she met with Portland General Electric's new Local Government Affairs manager Brooke Berglund in May. Ms. Berglund resolved a streetlight payment issue for the City.

Ms. Moll also reported that WES Water Quality Analyst Andrew Swanson did not recommend a public advisory sign at the boat ramp warning residents of high e-coli levels at Stark Boat Ramp.

Ms. Moll explained that she has received no interest in the three open City Council positions. Potential applicants may begin collecting signatures now to meet the late August filing deadline.

ADJOURNMENT

Motion: Councilor Tuttle moved to adjourn the meeting.

The **motion passed 5-0.**

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

Respectfully submitted,

Leanne Moll
City Manager/City Recorder