

## Rivergrove City Council Meeting Minutes April 10, 2019

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**CALL TO ORDER AND ROLL CALL** The meeting was called to order at River Grove Elementary School at 7:04 p.m.

Present: Mayor Walt Williams, Council President Brenda Ruble, and Councilors Dave Pierce, Bill Tuttle, and Jeff Williams. City Recorder Leanne Moll declared a quorum.

### CONSENT AGENDA

#### 1. Minutes – March 11, 2019 City Council Meeting

**Motion:** Councilor Williams **moved** that the minutes be approved as presented. **Seconded** by Councilor Pierce. The **motion passed 3-0** with Councilors Tuttle and Williams abstaining.

#### 2. Financials – February 2019 (Jeff Williams) and March 2019 (Walt Williams)

**Motion:** Councilor Williams **moved** that the February 2019 financials be approved as presented. **Seconded** by Councilor Tuttle. The **motion passed 5-0**.

**Motion:** Mayor Williams **moved** that the March 2019 financials be approved as presented. **Seconded** by Councilor Tuttle. The **motion passed 5-0**.

### PUBLIC COMMENT ON NON-AGENDA ITEMS

Michael Salch, 5255 SW Childs Road, Rivergrove Oregon.

Mr. Salch noted that he believes the City's residents are victims to cut-through traffic. He explained that he had been working with residents on McEwan who are having similar issues to Childs Road. He explained that the City has more the gain if it stops talking about individual cars and to instead speak about cut-through traffic. He wants the speed on Childs Road to be lowered to 20MPH. In addition, he explained that he believes the traffic data provided by the County via the temporary radar speed signs is inaccurate.

Carolyn Bahrman, 4780 Dogwood Drive, Rivergrove Oregon.

Ms. Bahrman thanked Councilor Williams for testifying against the proposed bus barn on Lakeview Avenue in Lake Oswego. She explained that the school district was not granted the necessary Conditional Use Permit. However, they may still appeal the decision.

### UNFINISHED BUSINESS

#### 1. Continue to plan for Arbor Day/Month celebration

Parks Councilor Pierce outlined the plan for the upcoming Arbor Day celebration. He explained that he would read the Arbor Day Proclamation again, Arne Nyberg would plant two white oak trees, and Councilor Pierce would lead a leaf printing activity.

Council also discussed holding a public clean-up day in the parks and on the boat ramp prior to the Fourth of July.

Council decided to hold the Arbor Day celebration on Saturday, April 27, 2019 at 11 AM in Heritage Park.

Councilor Tuttle noted that he would be opening his garden for residents of Rivergrove on the evening of May 19 as part of the arbor day celebrations.

### EXECUTIVE SESSION [Under ORS 192.660 (2F) – Employment]

Mayor Williams asked residents who were present at the meeting to leave the room as Council entered an executive session.

Council entered an executive session to interview three candidates for the position of City Manager/City Recorder: Nancy Ide, Jimmy Thompson, and John Leuthauser.

## **NEW BUSINESS**

### **1. Motion to approve new hire or to continue hiring process**

**Motion:** Mayor Williams **moved** to continue the discussion of City Manager/City Recorder candidates to a special meeting of the City Council on April 22, 2019 immediately after the Mayor's Evening at Rivergrove Elementary School.

## **PLANNING COMMISSION REPORT**

None.

## **COMMITTEE REPORTS**

### **1. Transportation**

None.

### **2. Parks**

None.

### **3. Giving**

None.

## **COUNCILORS' REPORTS**

None.

## **ADJOURNMENT**

**Motion:** Mayor Williams moved to adjourn the meeting. **Seconded** by Council President Ruble. **The motion passed 5-0.**

The meeting was adjourned at 10:18 p.m.

Respectfully submitted,  
Leanne Moll  
City Manager/City Recorder

Mayor Williams asked residents who were present at the meeting to leave the room as Council entered an executive session.

## **EXECUTIVE SESSION [Under ORS 192.660 (2F) – Meet with Counsel]**

### **1. LCDC Enforcement petition - discuss options**

City Council received an inquiry from Department of Land Conservation and Development (DLCD) staff who wondered whether or not the City was interested in mediating the complaint brought forth by Michael Salch and Mary Mann. Council conferred with City Attorney Bill Kabeiseman regarding their options.

City Recorder Leanne Moll invited the general public back into the room as Council moved out of Executive Session.

**Motion:** Mayor Williams **moved** to not participate in mediation and to allow the process set forth by DLCD to continue. **Seconded** by Councilor Tuttle. **Motion Passed 3-1** with Council President Ruble voting Nay.

Note: The evening's agenda was reordered so City Attorney Bill Kabeiseman could be present for two additional agenda items.

## **NEW BUSINESS**

### **1. Rewriting and revising the RLDO**

Council President Ruble explained that one of the issues that came up when Council was interviewing new City Planners was that the City's land use ordinances are difficult to follow and understand. When the City hired Matt Straite, Council explored various grant options for Ordinance codification and rewriting, including grants from Metro and other agencies. There were no grants that were a match for us. Mr. Straite presented another possibility: He reached out to some of the universities for an intern that would do the work under his supervision. Mr. Straite would provide a desk and the intern's work would be supervised by him at a fraction of the cost of an ordinance rewrite.

For many cities, an ordinance rewrite costs around \$100,000. Mr. Straite estimates that the cost of working with an intern would be around \$4,000 - \$5,000. Mr. Straite's firm, MIG, was concerned about hiring an unpaid intern. Likely, the intern would need to have a contract with City of Rivergrove. Mr. Straite did not want to move forward until Council agreed to pursue this project. He is also interested in asking his company if he can work *pro bono* and not get paid for his portion of the work.

Council Tuttle noted that this was a wonderful idea and would be very good for the City. He asked City Attorney Bill Kabeiseman if there were issues with having a volunteer contract. Mr. Kabeiseman's initial reaction was that would not be an issue, but he would have to think about it and discuss it with colleagues.

Mr. Kabeiseman explained that he believes the City can make it work from a legal aspect. The issue would be with Mr. Straite's firm. He agrees that the Rivergrove Land Development Ordinances (RLDO) could use an update. Since it is such a unique set of ordinances, the City will really need to consider which unique pieces of the RLDO would we like to keep and which can we do away with? There are standard small-city codes that the City could adopt. If we want to update and modernize the RLDO, it may be a more difficult project. Mr. Kabeiseman noted that public process would follow any ordinance rewrite.

Councilor Pierce noted his approval and mentioned that this item is clearly in goals for 2019.

Mayor Williams and all present Councilors noted their agreement. Council Present Brenda Ruble will communicate with City Planner Matt Straite and return with more details at a later meeting.

## **UNFINISHED BUSINESS**

### **1. Discuss potential adjustments to procedure and fee schedule for records requests (Resolution 261-2019).**

City Attorney Bill Kabeiseman explained the changes that appear in the draft of Resolution 261-2019. He noted that the language in the records request form was updated. The

email and web form addresses were also updated. He explained that if the City Manager has so many requests that she cannot complete them without interrupting regular City business, she may use a courier and charge the applicant for the cost. Mr. Kabeiseman explained that several records requests at once grinds the City's business to a halt.

The changes include

- In the fee section: transportation and delivery (courier) services at cost.
- 3F on page 2: Labor costs. City will charge the contractor's actual cost.
- Email and web form addresses updated

City Recorder Leanne Moll explained that she receives records request primarily through email and not the web or paper forms. Mr. Kabeiseman explained that is the reality with many Cities. While they have forms, day-to-day records requests are often sent via email and it is usually easier for staff to just reply via email. The difficulty comes when you have one person with multiple hats that has to spend an inordinate amount of time responding to emailed records requests. The question becomes what is the best way to manage city time and to best use resources?

Council and City Recorder Leanne Moll discussed the merits and drawbacks to the draft of Resolution 261-2019 and decided to continue the agenda item to the next meeting.

City Attorney Bill Kabeiseman left the meeting.

#### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

##### **Michael Salch 5255 SW Childs Road, Rivergrove, OR**

Mr. Salch noted that he was interested in the development progress on the lot at the corner of Pilkington and Childs Roads. He understood that the applicant would take the "in lieu" option when it came to road maintenance. However, when the development application was approved in December 2018, a new condition of approval appeared that sidewalks and curbs would be required. Mr. Salch believes this makes the lot unbuildable due to the width of Pilkington Road. He expressed that he wanted to be sure that the applicant and the County were informed about this condition of approval in writing.

##### **Carolyn Bahrman, 4870 Dogwood Drive, Rivergrove, OR**

Ms. Bahrman asked about the status of the transportation report. Mayor Williams explained he would be presenting an update sent by Councilor Williams.

#### **CONSENT AGENDA**

##### **1. Minutes – February 6, 2019 City Council Meeting**

**Motion:** Councilor Tuttle **moved** that the minutes be approved as presented. **Seconded** by Councilor Pierce. The **motion passed 3-0** with Councilor Ruble abstaining.

##### **2. Financials – February 2019 (Councilor Williams)**

Due to Councilor Williams's absence, the February 2019 financials were continued to the following meeting.

#### **UNFINISHED BUSINESS, continued**

##### **1. Determine City Council goals for 2019.**

This agenda item was continued to the next City Council meeting to allow for Councilor Williams's input.

## **NEW BUSINESS**

### **1. Plans for Arbor Day/Month Celebration**

Council discussed what has been done in the past to celebrate Arbor Day/Month, which is a requirement of participating in the Tree City USA program. The City has planted trees, given away books, had a community book club, held a movie night. Council discussed options and a potential timeline for this year's Arbor Day celebration.

Councilors Ruble and Pierce will work together to set a date and make a plan for the community celebration.

Councilor Tuttle offered to hold an open garden viewing of his property in the early summer that could count as a community event.

**Motion:** Councilor Tuttle proposed that \$100 be allotted towards the Arbor Day/Week celebration. **Seconded** by Council President Ruble. **Motion passed 4-0.**

The item was continued to the next City Council meeting to discuss the details of the event.

### **2. Arbor Day/Month proclamation**

Parks Councilor Pierce proclaimed Arbor Day 2019.

### **3.. Discuss Planning Commission decision to deny the cutting of dead, dangerous, or dying corkscrew willow trees in Lloyd Minor Park.**

The Planning Commission denied a tree removal application put forth by the City to remove eleven corkscrew willow trees in Lloyd Minor Park. Council discussed the options of appealing the Planning Commission decision or starting over and resubmitting an application to the Planning Commission for the tree removal. RLDO Section 4.080 outlines the "action of resubmission of denied application." It was generally conceded that it would be best to "mend fences" with the Planning Commission and to start the process again.

Councilor Pierce explained that he met with City Arborist Brian French and certified that the trees are dead, dying, and dangerous and need to be removed. However, there is a federal regulation that prohibits removal of the trees when nesting season has begun. That puts us at a disadvantage right now. Likely the City will need to wait until August to remove the trees.

In regards to the Planning Commissions concern that there was not written mitigation plan, Councilor Tuttle reminded Council and the public that the City has planted several trees in Lloyd Minor Park over the last five years that we could use as potential mitigation trees.

Councilor Pierce recommended that the issue be discussed further and subsequent meeting.

Council agreed that the bids should include stump removal and that spring would be the best time to plan the mitigation trees. The idea arose to plant mitigation trees ahead of time to meet that requirement.

City Recorder Leanne Moll explained that she has requested a full arborist and mitigation report from Brian French to be presented along with the second tree removal application.

### **5. Filling City Manager/City Recorder position – Councilor Pierce**

Councilor Pierce emphasized the importance of finding a City Manager/City Recorder replacement soon to prevent City business from stopping abruptly.

### **6. Update City Manager/City Recorder duties and review City Council and Mayor duties**

Council discussed and sought public feedback on the City Manager/City Recorder position and job description. Council was interested in possibly splitting the City Manager and City Recording positions into two distinct positions to alleviate the work load of having only one employee. Council discussed which duties the two positions could share and which could be distinct. It was generally agreed that the City Recorder would complete minutes, the *Rivergrove Report*, complete records requests and filing, and update the City's website. There were no comments from the public on the open position or the job description.

Council also discussed and sought public comment on the hiring process. Council will advertise the position in a variety of ways and then interview at least three candidates in executive session. Options discussed included: advertising with the League of Oregon Cities, placing a notice at a university that has a Public Policy program, and advertising in the *Lake Oswego Review*. Council also considered asking City Planner Matt Straite. There were no comments from the public on the hiring process.

## **PLANNING COMMISSION REPORT**

Council President Ruble explained that Steve Finley, who lives on Dogwood Drive, has agreed to join the Planning Commission. He owned his own title company for years and will be a wonderful addition to the group.

Councilor President Ruble noted that City Planner Matt Straite held a helpful training for the Planning Commission last week. She noted that Mr. Straite clearly explained the legislative process that the Planning Commission develops ideas and the City Council writes the ordinances and then hands them back to the Planning Commission to enforce.

## **COMMITTEE REPORTS**

### **1. Transportation**

Councilor Ruble explained that the City needs to submit testimony to the City of Lake Oswego regarding the bus barn on Lakeview Avenue by April 1. Councilor Williams gave testimony at the meeting to explain that the City of Rivergrove was never noticed in the matter of building a bus barn on Lakeview and the proposed increase in bus traffic on Pilkington and Childs Roads. In the last transportation study of the intersection of Pilkington and Jean Roads, 55 buses would travel down 65<sup>th</sup> and Childs per day. Mayor Williams explained that in a prior transportation study, nine buses on these roads was not feasible. The community is concerned about the impact of this increase in traffic on local roads and on the new fire station on 65<sup>th</sup> Avenue. In addition, buses traveling down Childs would contribute to pollution in a federally-protected nature park (Canal Acres). The intersection of Sycamore and Childs is also very dangerous and an increase in traffic is concerning. Councilor Williams and Mayor Williams will work on the response to Lake Oswego and submit a letter prior to April 1.

### **2. Parks**

Council discussed Jeff and Jeannie Williams's proposal to hold an Easter egg hunt in Lloyd Minor Park. Council decided that the event would be appropriate and the Williams would not need to pay a deposit. However, since the Williams will be advertising their business, the City will not include the event in the *Rivergrove Report* since it is not a City-sponsored event.

### **3. Giving**

Council will move forward with the previously-approved “No Parking” signs around Stark Boat Ramp. The signs will cost approximately \$200 and Clackamas County will install them for the City.

### **COUNCILORS’ AND CITY MANAGER’S REPORTS**

Council Pierce explained that the contact information that the League of Oregon City has on their website needs to be updated. All Councilors will use the City’s P.O. Box as their mailing address and the City’s message line as the phone number. City Recorder Leanne Moll will submit the updated contact information.

Mayor Williams explained that he will hold a question and answer session in the River Grove Elementary gym on Monday, March 18. The meeting will not be noticed as a special City Council meeting. He expressed interest in collaborating with the Rosewood Neighborhood Association by holding a joint town hall meeting.

Other items discussed:

- All spending needs to be approved by Council
- All events and actions by Councilors should be brought to City Council for approval

### **ADJOURNMENT**

**Motion:** Mayor Williams moved to adjourn the meeting. **Seconded** by Council President Ruble.  
**The motion passed 5-0.**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,  
Leanne Moll  
City Manager/City Recorder