

Rivergrove City Council Meeting Minutes March 9, 2020

EXECUTIVE SESSION – 6 - 7 PM Council and staff may adjourn to Executive Session pursuant to authorization under ORS 192.610 2(f) To consider information or records that are exempt by law from public inspection.

Meeting held, records are confidential

EXECUTIVE SESSION – 7 PM Council and staff may adjourn to Executive Session pursuant to authorization under the following Oregon Revised Statutes: ORS 192.660(i) - To review and evaluate the performance of an officer, employee or staff member if the person does not request an open meeting. ORS 192.660(2)(b) - To consider dismissal or discipline of, or to hear charges or complaints against an officer, employee, staff member or agent, if the individual does not request an open meeting.

Meeting held, records are confidential

CITY COUNCIL MEETING STANDING ITEMS

1. Call to order and attendance

Mayor Williams called the meeting to order. Mayor W Williams, Council President B Ruble, Councilor D Pierce, Councilor J Williams and Councilor W Tuttle were present and formed a quorum. City Manager J Leuthauser was absent.

Guests: M. Salch, C Barman, Arne Nyberg

2. Review/Approval of minutes from January meeting

The agenda item is in error, January minutes were approved in February. Councilor Tuttle sent a draft of the February minutes (albeit only a day ago) to Councilors and Councilors Ruble and Pierce responded with corrections/additions. There was discussion about postponing approval, but the City Attorney said they could be approved, posted on the website and modified at the next meeting if so desired. The minutes were approved with the proposed corrections/additions. (3 approve, two abstentions)

3. Review of financials for January and February - Councilor J Williams

Councilor J Williams had not received the data to review the financials. These will be carried forward to the next meeting.

PUBLIC COMMENT ON NON-AGENDA ITEMS

C Bahrman: Expressed concern that Councilors be ready (e.g. read relevant material and that material be submitted in a timely manner) when meetings are held and that things get finished.

M Salch: Provided a handout purporting that the City is not allocating highway funds to footpaths and bicycle trails as required by Oregon Statute. Wanted an accounting by July 1.

Stated in the budget record that an item should be called highway funds not gas tax since gas tax revenues are only part of highway fund revenue received by the City.

Questioned why/what was the nature of a transfer of \$8700 from the general fund to the highway fund.

EMERGENT ITEM:

The City received an e-mail from the City Manager, John Leuthauser, tendering his resignation as of March 16, 2020. Per advice of the City Attorney, the following resolution, 265-2020 was proposed.

“Whereas John Leuthauser was hired as City Manager in 2019,

Whereas John Leuthauser has submitted his resignation as of March 16, 2020,

Now therefore the City of Rivergrove resolves as follows: The City Council hereby accepts the resignation of John Leuthauser as City Manager as of March 16, 2020.”

There was a motion and second to approve resolution 265-2020. It was approved unanimously (5-0).

UNFINISHED BUSINESS

1. An installed fence adjacent to Heritage Park and FEMA requirements:

Councilor J Williams reviewed correspondence with Linda Adair (Floodplain Insurance coordinator for Oregon), Oregon Statutes and guidance and our own regulations. The situation is still unclear, and specifics cannot be provided by any one, and nowhere (so far) can they be found. We need clarification on where there is a floodway and flood plain (FEMA map lacks sufficient detail). Some guidance suggests a chain-link fence is permitted provided it is anchored properly and has breakaway features.

Councilor Tuttle pointed out a conundrum that houses are permitted provided there is proper venting, but chain-link fences may not be. It seems clear that a development permit is required no matter what (if any) type of fence is permitted. The home owner I question is submitting a development permit. **[OPEN]**

Lead Individual: Councilor J Williams

2. Planning Commission – discussion of adding a fifth member, and reviewing when the terms expire for current commissioners:

Councilor Ruble received no response from the notice in the Rivergrove Report. She reached out to one individual which led to another candidate. Bill Beckwith had served on the Rivergrove Water Commission. He is quite interested and eager to become familiar with the code. He was approved (5-0). The Mayor will swear him in at the Mayor's earliest convenience.

Planning Commissioner Sweet's term expires in six months (September), Planning Commissioner McKay's term expires in October.

[OPEN]

Lead Individual: Mayor W Williams

3. City Budget Committee Status:

Councilor Ruble stated that she had contacted three individuals who will serve. Arne Nyberg and Carolyn Behrman also agreed to serve so we now have (as required) the same number of public members and City Councilors. The Committee's first meeting will be at 6:00 PM before the City Council meeting on April 13, 2020. [closed]

4. Duplex at the Corner of Pilkington and Childs, status of "bump out" approval by Clackamas County:

Councilor Ruble reported that in September Clackamas County had sent their ruling to the City Manager. A dashed line on the drawing was missed. The City needs to pay more attention to detail (suggesting better training of Planning Commission (PC) members and the need for outside review for compliance) going forward. Also, the PC is not getting information in a timely manner which suggests holding developers to set deadlines that facilitate this. The issue is closed per correspondence from the County. [closed]

5. Status of removal of dead/dying Corkscrew Willows at Lloyd Minor Park: Lead Individual:

Councilor Pierce provided a detailed record and timeline of the process. Trees were assessed by City Arborist, found to be hazardous and dying. An emergency tree cutting permit was submitted. A mitigation plan was also submitted. The trees were cut down to about 5 feet high, but not further because it was too wet for the proper machinery to enter the Park. This will occur later in the year when conditions permit.

An excellent batch of chips were delivered to Heritage park. Further updates to be provided in the Parks report. [closed]

6. Chapman Estates II, discussion regarding elevated fill on Lorna Lane extension:

Councilor Ruble reported that Clackamas County would not inspect regarding this specific issue, but that the City Engineer had stated that balanced cut and fill had been met for this specific issue. The issue of balanced cut and fill in order to connect the houses to Lorna Lane still must be addressed, but that is separate from this issue. [closed]

7. "POD" storage unit residing on a property for over a year:

Mayor Williams reported he received an e-mail from the homeowner detailing a hardship situation. This e-mail will be forwarded to City Council members but will not be entered into the public record because of its' sensitive personal information. The Mayor also stated that there are three "tents" that appear to violate section 2.040(d) of our Code. It was recommended that we put up a note in the Rivergrove report pointing out this requirement. The City Attorney stated that the City (not the City Attorney) is the one to interpret the wording "tent or similar portable temporary structure". **[OPEN]**

Lead Individual: Mayor W Williams

8. Status of the elevated playhouse at 5775 Dogwood Dr.:

Councilors Pierce and Tuttle reported the structure has been lowered. [closed]

9. Status of the revision of the Rivergrove Land Development Ordinance (RLDO):

The initial meeting for presentation to the public about the process (NOT the code) was postponed due to lack of a meeting space. The Subcommittee is working on scheduling a meeting to review the document the City Planner has prepared.

[OPEN]

Lead Individual: Councilor W Tuttle

10. Status of the alternatives for construction inspection beyond what is done by Clackamas County:

Mayor Williams stated that the City of Molalla has a two-step process. Their contracted construction reviewer inspects the site for compliance with Molalla code and conditions of approval after framing, then posts a note for Clackamas County. If the contracted reviewer' posted note says ok, Clackamas County will then review it for conformity to their codes. When construction is completed, the same process occurs.

The City Attorney stated he never received a copy of the agreement for contracted inspection (to our code and conditions of approval) with the City of Tualatin. The City

Attorney was to modify it as necessary and have the City Manager return it to the City of Tualatin for approval. The Mayor (or new City Manager) will need to obtain the document necessary and restart the process by forwarding it to the City Attorney.

[OPEN]

Lead Individual: Mayor W Williams or the City Manager

11. Canal Acres Development, far eastern end of Dogwood Dr., status of Tree Mitigation Plan:

The topic should read “far eastern end of West Road”. The issue was an approved development had not planted mitigation trees as required. The Mayor misunderstood the issue and will meet with the developer and report back at the next meeting.

[OPEN]

Lead Individual: Mayor W Williams

12. Possible modification of the City Manager/City Recorder position:

Councilor Ruble reported that since current City Manager J Leuthauser had submitted his resignation, we needed an immediate, at least temporary, replacement. The city Attorney says we can appoint a temporary. Former Mayor and Planning Commission Chair Heather Kibbey was contacted and said she would be glad to serve. She is very well qualified. It was moved and approved (5-0) to offer her the position at the current pay rate. Councilor Ruble will check with the City labor Attorney regarding how long the temporary appointment can last and other matter applicable to this situation. Given the current situation, the possible modification of the position will be put on hold and added to unfinished business to be discussed at a future City Council meeting. [closed]

13. Discussion of billings from MIG, the City Planner.

Councilor Ruble stated there have been issues with the billing from MIG and paying them. She will try to resolve them and work to insure, In the future, a standard procedure is set up with oversight in case of failures. **[OPEN]**

Lead Individual: Councilor Ruble

THE FOLLOWING ITEMS ARE UNFINISHED BUSINESS THAT THE WILL BE DISCUSSED AT A FUTURE CITY COUNCIL MEETING.

1. Review proposal for creating Administrative Rules, Resolution 264-2019.

No action at this meeting

2. Review proposal for Council Ethics and Council Rules Documents.

No action at this meeting

NEW BUSINESS

1. Consideration for having a Councilor in charge of IT/Records management separate from the City Manager.

As a backup, and separate from the City Manager, Councilor Tuttle will oversee Records Management. [closed]

PLANNING COMMISSION REPORT

The developer of Chapman Estates, phase 2, stated he would honor the footpath at the north end of the development that is part of the pathway that eventually can connect our two Parks. He has plans for it to minimize impact on adjacent houses. There are still issues (e.g. connection of driveways to Lorna Lane extension) with two proposed developments that will be addressed at the next Planning Commission meeting.

COUNCIL REPORTS

1. Councilor J Williams: Transportation report (recurring) and any other matters:

There have been three bids for the installation of the radar speed signs, but some of the bidders want more information.

2. Councilor Pierce: Parks report (recurring) and any other matters

See item 5 in Unfinished Business above.

3. Councilor Ruble: Giving Program (recurring) and any other matters

Councilor Ruble has received three nominations for citizens to be honored. She will provide a brief write up for the Rivergrove Report and they will be placed in the report at appropriate intervals.

4. Mayor Williams: Mayor's Report

Mayor Williams has been working with other Mayors on a disaster plan. He has been weighing in on transportation issues before the Oregon legislature. He has been dealing with the issue of the maintenance of Canal Road. Citizens have complained about it. The City of Lake Oswego is required to maintain it as it is a public access road. Lake Corporation is also supposed to be a player. The City of lake Oswego would like Rivergrove to take ownership, but Council is opposed to this.

5. Councilor Tuttle: Code Revision (recurring) and any other matters

See item 9 in Unfinished Business above.

CITY MANAGER REPORT

No report, The City Manager did not attend.