

## **RIVERGRGROVE CITY COUNCIL MEETING**

**AUGUST 10, 2020**

### **STANDING ITEMS**

#### Call to Order and Roll Call:

Mayor asked for a roll call at 7:02 pm. Mayor Williams and Council President Ruble, Councilors Jeff Williams and Bill Tuttle were present. Councilor Pierce was not present at the start of the meeting but arrived shortly thereafter. Guest: Michael Salch

Review of Minutes: Council President Ruble suggested that Council established a cut off time for receiving information for the meeting. Neither Councilor Tuttle nor Mayor Williams had a recollection that this had been added to the minutes.

Councilor Tuttle moved to approve the minutes if the City Manager can verify this after reviewing the tape to see if a time for submission had been set. Seconded by Councilor Pierce.

Approved Unanimously 5/0

City Manager noted that Councilor Pierce had arrived (7:05)

Both Councilor Tuttle and Councilor Pierce commented that if a cut-off time had not been established, they were in favor of doing so at the next meeting. Councilor Pierce suggested 5 days before the meeting would be idea. The mayor asked again if this had been done—no one could remember but Councilor Tuttle suggested listening to the end of the meeting. He and the City Manager will look and see if the minutes can be amended if necessary. He moved to approve the minutes subject to the inclusion of the set time for documents

Approved: 5 in favor.

#### Review of Financials – June/July

The City Manager noted that one of the bank statements would not print, although it was visible online. All Councilors except Councilor Ruble were able to see it online.

The mayor had reviewed both months and declared them to be correct. Councilor Tuttle passed a motion to adopt the financials for June.. Seconded by Councilor Jeff Williams.

Vote: In favor: 4 , with 1 abstention (Ruble)

Councilor Tuttle moved to approved the July financials. Mayor Williams seconded.

Vote: In favor:4, with one abstention (Ruble)

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

Mary Lou Van Slavie: She expressed concern that in these times of coronavirus, no one is doing anything to protect safety around the boat ramp.

Susie Lahsene: Traffic has increased tenfold at the boat ramp since coronavirus started. She and her neighbors would like to work with Council to create a safer plan for the use of the ramp.

Carolyn Bahrman: Re: the timeline for submitting items for council's review, she emphasized the need for early submission. She also suggested that two councilors should review the financials each month. She also apologized for suggesting that the City allow BBQs into the park—a real danger with the dry grass. She is concerned about the cost of the new code. And finally, the new councilor should be told that he/she will be responsible for transportation. She said that the fire dept wants people to learn how to swim, but there are no pools open.

Michael Salch: Had sent previously a written document re: pods and containers that said that under Rivergrove's code # 2.040, these cannot be assumed to be unusable as building materials. He would like to see them used creatively, with ordinances allowing acceptable use.

## **UNFINISHED BUSINESS**

1. Pods or shipping containers—Mayor submitted addresses of those who have carport tents. City Manager sent out the letters to those with the carports. POD will be
2. Mitigation, Canal Acres: Trees were planted on lots 2 and 3 for Canal Acres, yet no record of any mitigation plan. We have only a mitigation plan for lot 4 which is not yet under construction. Councilor Pierce was asked to look at this situation. There are trees on both lots 2 and 3.

Councilor Tuttle suggested they leave it open for the City Manager to look further back to 2016 to try to find them.

3. Need for Audit: Council needs to determine whether an audit is needed. In the meantime, the City Manager has been able to straighten out John's payroll messes so an audit may not be needed. Bruce Tabor of Tabor Accounting has not returned her call on this matter.

Councilor Tuttle suggested the CM obtain a price from Tabor.

4. Boat Ramp Issues and Statutory Limitations: Mayor Williams checks the boat ramp frequently. Noted congestion. Parking on one side could limit congestion and improve sense of safety. Council could consider an automated gate so that it is always operable from the inside. There is an opportunity for Council to help the citizens of Rivergrove---neighbors and those who use the ramp, as well as those from outside the City who want to use the ramp. He suggested the City's tiny property at the south end of Canal, to take the burden off the current ramp. Safety-wise he felt Council needs to look at it.

Councilor Tuttle suggested there are several issues that need to be followed. He suggested that Council may be limited by the fact that this is an historically navigable river. He suggested that the City put out a fact sheet and position paper on what can and cannot be done.

Mayor Williams said that our City Attorney, Bill Kabeiseman wrote that the City can define usage, operational hours, since it was deeded for park purposes. Councilor Ruble said that two years ago he had taken a difference position. Councilor Tuttle suggested that a couple of councilors draft a position paper and ask the City Attorney it re hours, uses.

Councilor Ruble: Two years previously we planned to have a fire lane painted and no-parking signs added to one side of the street, but the neighbors said they didn't want to lose their parking. She said that when she looked at what people could and couldn't do, whether it was a gate with a key or membership, she spoke to many different authorities and government agencies in control of the river. From one of them she obtained a flier that explained it is against the law for the public to erect an obstacle to river access. She was told that if the City continued to pursue this, we would be at great risk of losing our gate. All of the rights that were historically in place for this river are still in place. Men walked up and down with ropes, hauling logs—and these rights still exist. The state holds the riverbank in trust for all the public, not just the citizens of Rivergrove. She mentioned a court case involving the City of Lake Oswego—something we do not want to get into. If we lose our gate, that proves to be a danger to our children, so we need to move very carefully on this.

Councilor Williams: Said that he had read all of the letters complaining about the boat ramp and noted the petition had only about 15 signatures on it [ ed. note: approximately 20]. He wondered why Council is spending so much time year after year, on requests of 4% of the citizens. He said that limiting use of the ramp for 96% of the citizens at the request of 4% of the citizens is inherently wrong. Let's assume we could enact an ordinance against certain uses, such as swimming, fishing etc. How are we going to enforce it? The Clackamas County Sheriff has better things to do than remove a child who's fishing. If you bought a house next to a boat ramp, recognize that comes part and parcel with where you live.

Mayor Williams: He views the Canal Road headgate property as an opportunity for another kayak area that will lessen the impact of the current boat ramp. How can we be better for our citizens for offering a second option.

Councilor Pierce: Feels that it is on the individuals' onus to practice safe coronavirus practices. He has stopped by the boat ramp regularly this summer. The river has become a superhighway this year. He has observed many new illegal signs on the boat ramp. He has had complained about the gate being locked early.

Mayor Williams: Is there anything that prevents individuals from crossing private property to get to the river, even without a sign?

Councilor Pierce: No, they can still cross private property, even with a gate or signs. The Oregon Marine Board has said that we have no jurisdiction over anything below the high water mark—swimming, fishing, picnicking, boating or any other activity. We are very limited in what we can do but that doesn't mean we shouldn't try to find ways to make it better. But I think there is an unrealistic expectation that we can do what we can't actually do.

Councilor Tuttle: I think on the website and newsletter we outline the regulations in black and white---here is what we can do and cannot do.

Councilor Ruble: I think it's important to note that the Federal regulations trump the State regulations and it is up to the State to hold in trust the rights of the river for the public.

Mayor Williams: Which conveys down to the county and city.

Mayor Ruble: I think we should put the poster on the website.

Council Ruble: Would like to work with Councilor Pierce who is the Park Councilor to determine what can and cannot do in the park.

Councilor Tuttle: I would suggest that Councilors Ruble and Pierce prepare a written document so that the public and Council can look at it. 30 days would be ideal.

Mayor Williams: It may take longer than 30 days.

Councilor Tuttle: Would like to see it distributed well before the meeting.

Mayor Williams: Let's have a status report at the next meeting.

Councilor Pierce: We can come up with facts for the next meeting, although not a solution by that time.

Councilor Ruble: Rode her bike extensively and saw no covid signs.

Councilor Williams: Right!

Councilor Tuttle: Councilors Pierce and Ruble will present a list of facts at the Sept meeting.

Mayor Williams: And further discussion at the October meeting before it goes to the City Attorney.

## **CITY MANAGER'S REPORT**

1. The Commission is desperately in need of a new Planning Commissioner to take the place of Jonathan Sweet who resigned earlier this summer. It is about to lose a second member in October, so that is why it's so vital that we find someone quickly.
2. For City Council we have more than enough candidates:

Bill Tuttle

Brenda Ruble

Susie Lahsene

Chris Barhyte

Citizens will vote for 3 out of the 4.

3. Paving Childs Rd W of 65<sup>th</sup>

The man from Tualatin who wants the road paved called again and said he will ask paving companies to see if they would be willing to pave the large pothole. Mayor Williams said he has a meeting with WA County on the 22<sup>nd</sup> and will try to set up a meeting with their Transportation Dept.

#### **UNFINISHED BUSINESS**

1. Ethics Documents: Councilor Pierce asked the CM not to send out the documents. He looked through them all and felt they were not worth sending out. They were something the previous CM wrote and were filled with gobbledygook, so Council may have to start from scratch. This should be studied but tabled.

#### **NEW BUSINESS**

1. Black Lives Matter: Mayor Williams has been approached by mayors and county personnel and they wonder where Rivergrove stands. We have yet to come to the table.

City Manager: What has Lake Oswego done?

Mayor Williams: They are very active. So do we have a position or not?

Councilor Ruble: Not a proponent. She has seen two websites and one is excellent in attitude, one is not. She feels it is much more important to work on ourselves. If we focus on ourselves and make sure our attitude is as it should be, that is more important. She quoted, "Don't think that one person can't make a difference—that's the only thing that has."

Mayor Williams: We need to look beyond ourselves, to look at humanity as a whole. It's not about black lives, or Asian lives, it's about life—that is what matters. We value people according to money and that is wrong. We need to look beyond that and create equality. When you fear other cultures, you become angry because you are not following the teachings of King, of Ghandi and embracing everyone on their merits.

Councilor Pierce: So many people lump protestors into one group. Thank you for your words.

## **TRANSPORTATION**

### 1. Speed Radar Signs

Councilor Jeff Williams: Cost for the speed signs is \$48,000 and a few minor expenses.

Councilor Jeff Williams: Approved the expenditure of up to \$60,000

Seconded by Councilor Pierce

**Vote: approved unanimously 5/0**

## **PARKS**

### 1. Mowing and Permission to Take Action

Councilor Pierce: Parks are being mowed on schedule and may be able to curtail as grass dries. Had been told that transients were sleeping in a car and using a tree as a porta-potty. He found tissue under a tree and saw no evidence that transients were using it, although a mother confessed her child couldn't make it all the way home. A neighbor wanted the tree limbed up, but Councilor Pierce did not do so.

Mayor Williams: Felt that in circumstances like this, the park manager should have permission, without coming to council, to take minor action.

Councilor Tuttle: Animals contribute more than humans.

Councilor Pierce: Agreed with Councilor Tuttle. In my 35 years working with parks, it was always expected that something major would go to Council but Rivergrove is unique in wanting it to.

### 2. Stumps

City Manager: What about the stumps?

Councilor Pierce: The arborists said they will grind those this month.

## **NEW CODE**

Councilor Tuttle: The Code committee has gone through the new code twice and a copy will go on the website before going to the Planning Commission. He requested a brief statement from City Councilors about what they will be speaking about next month.

Moved to adjourn: Mayor Williams; seconded by Councilor Tuttle

Voted to adjourn 5/0 Meeting ended: 9:16 pm