

# Rivergrove City Council Meeting Minutes

December 9, 2019

## STANDING ITEMS

1. Call to order and attendance

Council members: Mayor W Williams, Council President Ruble, Councilors Tuttle, J. William and D. Pierce all present. City Manager Leuthauser declared a quorum and the meeting opened at 7:04 PM.

Guests: C Bahrman, Andre Klosner

2. Review of minutes from October, November meetings

Councilor Tuttle drafted November minutes (using a style he had used while working) for Council members to review. He agreed to rewrite October minutes also, and to work with the City Manager in the future in providing minutes and agenda. **[OPEN]**

Action: Council to review November and October minutes and “new” style for approval at the next meeting.

3. Review of financials for August, September

Financials were not reviewed because of lack of copies of bank statements. **[OPEN]**

Action: City Manager to obtain and provide copies of bank statements for all unreconciled months.

## PUBLIC COMMENT ON NON-AGENDA ITEMS

1. C Bahrman expressed concern about the lack of details in the minutes.

C Bahrman also expressed concern about the visibility at the southwest corner of Childs and Sycamore. A shrub there needs to be trimmed back. Clackamas County may not have authority to enforce trimming, and the City may not either. **[OPEN]**

Action: The City Manager to request the homeowner to trim the shrub.

## UNFINISHED BUSINESS

1. Discussion of permit application to remove dead/dying corkscrew willow from Minor Park before Feb 2020 and provision for a contract Arborist.

Councilor Pierce, along with Council President Ruble interviewed three candidates for City Arborist. Because the contract likely would be under \$10,000, it would not have been required to interview three, but they felt it better to consider three to get a better selection. They determined that Bartlett Tree Service would best serve the interests of the community. Bartlett has several qualified arborists (thus providing backup) and in addition can provide debris removal, trimming services, stump grinding, and could provide chips for pathways in Heritage Park. They also can provide education for the community. Councilor

Pierce will provide a template for the contract and submit it to the City Manager and City Attorney for approval. The Council approved the selection of Bartlett 5-0. **[OPEN]**  
Action: Councilor Pierce to submit draft contract to City Manager for review by City Attorney. If approved by City Attorney, Mayor to sign contract.

In order to remove the dead/dying hazardous willows in Minor Park, the City needs to either submit a permit to the Planning Commission or declare an emergency (there are a couple of incidents in the past of danger and/or damage to adjacent property). An emergency would require an application within 7 days of the cutting. The Council prefers the former pathway, but we must have the trees removed by mid-February because of nesting birds. Since we do not have a copy of the prior arborists report, we will have Bartlett Tree Service provide a report justifying the removal of these trees, and work with the City to provide a mitigation plan. Then the Mayor will then submit a tree cutting permit request to the Planning Commission before their January meeting. If this is not considered and approved at the January Planning Commission meeting, the Council authorizes an emergency cutting. **[OPEN]**

Action: Councilor Pierce to prepare a tree cutting permit application for the Mayor to sign. Mayor W. Williams to submit the permit application to the Planning Commission for consideration at their January meeting.

## 2. Update on the Land Use Ordinance

The City Manager reported that Matt stated that he is about 90% done with revisions to the Land Use Ordinance. The revisions use a template and language that has been adopted by many local jurisdictions. We are fitting our ordinances into that template. He wants to have a first meeting one of providing information about the process. After some discussion, it was determined that the document should properly be called the Rivergrove Land Development Ordinance (RLDO). A committee of Councilor Tuttle, Planning Commission Chair J Sweet and one citizen representative is to review the revised RLDO with Matt before presentation to the public. Public presentation will tentatively be scheduled two times in February. **[OPEN]**

Action: The City Manager to report on the status of this item at the next meeting.

## 3. Improvement in minutes

Councilor Tuttle wrote a draft of the November minutes which Council President Ruble thought were an improvement. Councilor Tuttle to rewrite the October minutes. Councilor Tuttle volunteered to work with the City Manager to do the minutes and agenda for future meetings. Councilor Pierce stated that minutes should include the topic, discussion, action and the decision in a clear and transparent manner. [closed]

## 4. Discuss, review proposal for creating Administrative Rules, Resolution 264-2019

There was discussion about administrative rules and their difference with council rules and ethics standards. None of these can supersede Ordinances of the City Charter. Councilor Pierce thought the Administrative rules were the most important of the three. **[OPEN]**  
Action: The City Manager is to present a draft of the rules and standards for discussion and adoption at the next meeting.

5. Alternatives for inspection beyond what is done by Clackamas County

The Council discussed the need for periodic inspection of approved development permits to ensure compliance with conditions of approval. This is not done by Clackamas County inspectors. The City will set up an intergovernmental agreement/contract with the city of Tualatin to provide this service. Cost to be borne by the developer. The key is ensuring that a certificate of occupancy can be denied for noncompliance. The City needs to determine how that is to be accomplished. **[OPEN]**

Action: The City Manager to work with the City Attorney to develop the intergovernmental agreement/contract with the city of Tualatin for inspection of approved developments. The City Manager to determine the methodology for denying an occupancy permit (or other methods for a non-occupied development) for development found in noncompliance with conditions of approval.

6. New fence adjacent to Heritage Park and FEMA requirements.

As per direction at the last November City Council meeting, a letter was sent from the City to Andrew Klosner regarding a chain link fence he has installed in the flood plain on his property. Mr Klosner attended the meeting and explained his reasoning. After obtaining a dock permit, he landscaped the area with a bunch of native plants. Unfortunately, deer ate all the plants. His solution was to install an 8 foot chain link fence to keep out the deer. The City has concerns that this may be in violation of FEMA regulations, and/or more importantly in violation of requirements for flood insurance. Research of requirements by Council members and Staff were not able to find any specifics about chain link fences in a 100 year flood plain. It seems that such items are typically reviewed on a case by case basis in other cities, but no definitive answer was found. One councilor mentioned the conundrum that we permit dwellings in the flood zone, so why not a more permeable chain link fence? Also noted was there can be development in the conveyance shadow of another building. FEMA does mention that consideration for development can be guided by logic, and to a greater extreme engineering studies. The City asked that Mr. Klosner submit a permit and that the city will need to investigate requirements further. The investigation will, at a minimum, be inquiries to the FEMA flood insurance program and to Clackamas County. **[OPEN]**

Action: Mr. Klosner to submit a development permit for his fence.

The City Manager to make inquiry to the FEMA flood insurance program and to Clackamas County to hopefully determine requirements and guidelines.

7. City Webpage management

Councilor Pierce and Councilor J Williams developed a scope of work for City web site services. Councilor Pierce discussed the work with a woman who could provide the services the City needs. She could provide services such as assistance with the Rivergrove Report, website work, and (if desired) social media input. She has applicable experience in these areas and an examination of her work is quite positive. She also is quite familiar with square space, our website host. Councilor Pierce will develop a personal services contract and provide it to the City Manager who will have the City Attorney review it. It was stated that the City had approved an amount not to exceed \$200 for the work. At a rate of \$35 per hour Councilor Pierce did not think exceeding that would be an issue.

Once the City Attorney approves it, the Mayor is authorized to sign it. Approved 5-0.

**[OPEN]**

Action: Councilor Pierce to develop a personal services contract for website development and other services as discussed.

The City Manager to present the contract to the City Attorney.

The Mayor to sign the approved contract. **[OPEN]**

## **NEW BUSINESS**

1. Direction for budget preparation by the City Manager

The City Manger requested direction for preparation prior to the Spring Budget Meeting (required by law). He will start the process in January and may need advice at that time.

No action needed at present. **[OPEN]**

Action: The City Manager to reports on the status of this item at the next meeting.

## **PLANNING COMMISSION REPORT**

1. The Planning Commission held a type III hearing for a proposed house at West and Canal. A good part of the discussion concerned tree removal and subsequent mitigation. After discussion the development was approved with conditions. **[OPEN]**

Action: The City Manager needs to follow up with the developer to ensure his promise to plant trees at the adjacent lot.

## **COUNCILORS REPORTS**

1. Councilor J Williams: Speed sign update

Councilor J. Williams updated the Council on the two radar speed signs to be installed on Childs Road. The cost is estimated to be about \$50,000. \$80,000 was authorized. This is a continuing item to be updated until the project is complete, and the effect of signs is reviewed.

Action: Councilor J. Williams to provide monthly updates. **[OPEN]**

2. Mayor W Williams reported an inquiry regarding a "Pod" that has been siting in a front yard on Childs Rd for several years. There was discussion whether this falls under RDLO 2.040(d)-portable temporary structure or another section of our code. Concern was expressed that this could be a significant precedent if the issue was not clarified. The council voted 4-0-1(abstention) to send a letter to the homeowner to seek clarification of the issue. Is the "Pod" temporary and is it portable.

Action: Mayor W. Williams to report findings at the next meeting. **[OPEN]**

Mayor W. Williams also informed the Council that River Grove Elementary and the Scouts are starting a flag program where flags are placed in containers at both ends of a school crosswalk for students to display as they cross. Since one of the crosswalks is in the city's jurisdiction, they need our permission to install them. Permission was granted 5-0. The

Mayor will convey this to the appropriate parties and an item is to be put into the next Rivergrove Report

Action: City Manager to place this item in the next Rivergrove Report. **[OPEN]**

Mayor W. Williams stated he has several upcoming speaking engagements as City Mayor. Councilor Tuttle reminded him that for some meetings requiring payment for meals, the City has in the past, reimbursed the Mayor. Mayor W, Williams stated that was not necessary at this time. [closed]

3. One Councilor (not sure which one) inquired about the status of the playhouse structure on the Gerritz property. The consensus is that the matter has been referred to Clackamas County. Another councilor thought that Gerritz had stated he would either lower it or take it down. Since the house is for sale, removal or lowering of the structure could be a surprise for the new owner. **[OPEN]**

Action: The City Manager to determine the status of the matter.

4. Councilor Pierce did not have a Parks report outside of discussion above. [closed]