

Minutes
Rivergrove City Council September 13, 2021

STANDING ITEMS

1. Call to order and attendance (Mayor, Councilors, and Guests)

Present were Mayor Williams, Council President Pierce, and Councilors Barhyte, Lahsene, and Tuttle.

City Manager (CM) Kibbey was present.

Guests were J Joyce, D Shafer, M Hawkins, L Merlo-Flores, Landon and Jude, M Salch, B Kibbey, D McLean, Coleen and Arne Nyberg, Jason Donaldson, Mark Fitzsimons, and D Shafer

2. Approval of minutes from previous meeting(s)

The minutes for July and August were reviewed. Councilor Tuttle moved they be accepted, Mayor Williams seconded, and they were approved 5-0.

Counselor Lahsene asked if there were minutes from the wok session. The City Manager said no but agreed to place the video recording on the City web site.

3. Approval of City financials:

The City Manager stated there was a deposit of \$42,000 into the general fund as part of a grant receipt. Councilors Lahsene and Barhyte reviewed the financials and found no issues. Mayor Williams moved to approve them and Councilor Lahsene seconded the motion., they were approved 5-0.

PUBLIC COMMENT ON NON-AGENDA ITEMS - 3 minute limit per person

There was no comment by the public on non-agenda items.

PLANNING COMMISSION REPORT: Planning Commissioner Chair, Lisa Merlo Flores

1. A brief summary of the last Commission meeting's items and actions

There were no permit or development applications. They will consider site visits for applications (with owner's permission) if warranted.

2. A brief summary of the revision of the Land Development Ordinance

They discussed consulting DLCD regarding the Comp Plan and the RLDO. The City needs to follow proper notifications and submit the current RLDO draft. It would be preferable to reformat material from the old code into the draft.

3. Any other pertinent Commission matters to report

They discussed a Heritage Tree (not the Park, but the whole City) project. They also discussed scheduling a speaker that may inform the PC how the PC and CC work together. A video of the role of the PC is available.

UNFINISHED BUSINESS

1. Continuing Discussion of Matters associated with Operation and Use of the City Stark Boat Ramp. Some decisions may or may not be made at this meeting.

Council will further consider the following concerns and their possible solutions:

a. Parking on local streets

Councilor Lahsene provided her parking committee meeting minutes, resolution, survey results of Dogwood and the southernmost houses on Tualamere and Marlin (T&M). She stated she had 100% of the residents on the street agree to a solution which was option 1 to be enforced by Sheriff and include the first homes on (T&M).

Councilor Barhyte asks if there was discussion of effect on T&M because although affected they may not have been contacted. He is not in favor of passing something unless these people are involved.

Councilor Pierce agrees with Councilor Barhyte. All citizens on T&M would be included in process assessing how or what we choose to do. Thinks it's important and something that needs to be done because kicking the parking down the road does impact those residents. It is important all those people be contacted and weigh in on the issue. More homework needs to be done with the community

Councilor Lahsene asked what the process would be. She believes it is that she contacts the citizens and state we are coming up with a parking plan for around the boat ramp. The two options would be put out to them to understand what they are, be made aware it could impact them, and ask if they have opinions on that and are they in favor or against it, what are your concerns, so that could be used to formulate whatever resolution we come with.

Council voted on the proposed resolution submitted, and it was 5 for 0 against. [OPEN]

b. Fishing, picnicking, and swimming uses at the boat ramp

Councilor Pierce reviewed the navigable river status. It is agreed by the State, and our City Attorney, the river is “navigable in fact.” Since Dept. of State Lands has not formally declared the river navigable, it does not have jurisdiction over it. Therefore, they would not need to review any restrictions we might put on uses. However, below the high water mark, both the federal public trust doctrine and the state’s public use doctrine, permit certain uses. Therefore, they are guaranteed by both State and Federal gov’ts. He noted that most boats launched there are non-motorized, so there is very little if any hazard. The concern is overblown. He personally has possible concern for fishing. He has no concern about picnicking and swimming.

Councilor Pierce summarizes that there is some concern for fishing, picnicking and maybe swimming is OK if no fishing. Asks for consensus. The CC seems to agree. Councilor Pierce suggests we have all changes and ‘rules’ agreed upon and have them in one ordinance or resolution to adopt in one fell swoop. Councilor Pierce asks if the City Attorney could provide us a written opinion on the options discussed.

*Councilor Pierce asked how we move on. He doesn’t think we need more citizen input, but we develop something, and citizens can react to that. He suggested that once all changes are developed, to send it out in the RGR, and post it on City Website. Then we can have at least 2 CC meetings to hear public testimony to make sure we get full input before we take any action on changes considered. The Council was agreeable to that. Councilor Barhyte suggested coming up with a “rules” sign and sending that out for comment. **[OPEN]***

c. Ramp entry gates being left closed or open during operational hours

Councilor Lahsene stated it is her opinion that the gate is in place working OK, not a problem, and it provides a feeling of safety for city. Mayor Williams wants automated gate with a button and wants it to be pressure sensitive. Councilor Tuttle notes that if we had a sign up regarding kids going through an open gate stating the city was not liable, then we’d be OK. Councilor Pierce talked with Oregon State Marine Board who noted that it (open gate) is not a safety issue, that parents are responsible for children’s actions.

Councilor Pierce summed it up that we want to explore an automated gate and associated costs. It was noted the City System Development Funds and the COVID grant funds might be used to fund the project. It was also noted by Mayor Williams that power is in the site. [OPEN]

2. Discussion Regarding responsibilities for maintenance of Childs Road and sidewalks west of 65th. Informational meeting item.

Councilor Lahsene had no report, stating that she will talk with the Tualatin Mayor. The issue is getting Tualatin to partner with us on road maintenance since although we own it, most of the traffic comes from Tualatin properties. [OPEN]

3. Clarification of “enforcement” of posted signs – defensible immunity.

During the discussion of the ramp entry gate, Councilor Barhyte stated he talked with CIS (a risk management service). He says we need to be careful doing things outside of our jobs. So, if we forget to close the gate one night, we may make ourselves personally liable. Our policy may not cover us because we are doing something outside our normal scope of work. You may be waiving the indemnification of the policy. We do need to be careful enforcing any rules. Councilor Pierce notes that Councilor Barhyte’s comments are in line with what he’d heard from OSMB, that if we are making an issue of something (keeping the gate closed) that makes you liable. [closed]

NEW BUSINESS

1. Joint work session for City Council (CC) and Planning Commission (PC).

Councilor Tuttle said this was added to the agenda because of a request at the last meeting by the PC Chair. Mayor Williams stated that he will work on this after getting an agenda for such a meeting from the PC Chair. The PC Chair requested that a video on the role of the PC be made available to the CC. Mayor Williams asked the City Manager to do that. The PC Chair also requested that the City Planner take the lead on this as a “neutral” party. [pending]

2. Lot by the Headgate

Mayor Williams asked that this be postponed. [OPEN]

COUNCIL REPORTS

1. Councilor Lahsene: Transportation report (recurring)

- a. I-205 tolling project

Next meeting staff from ODOT will brief us on the project and its’ status. ODOT is continuing to model and collect input, including the impact of the City.

- b. Stafford-Childs’s intersection

Information was submitted from Councilor Lahsene to the website. She asked that the website for input by citizens be placed on our website. She favors the single lane roundabout as the best option.

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

He had nothing to report on parks.

He asked that the City Manager ensure that minutes and links to video minutes get posted on the City website.

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

Nothing to report. Not considering a party currently because of COVID issues.

4. Councilor Tuttle: City Code (recurring) and any other matters

- a. Updating of City Charter

He stated that he will begin the process of updating the City Charter for voters to consider in November of 2022.

- b. Consideration of Municipal Ordinances

The CC determined that there were too many other projects to begin this one at this time.

5. Mayor: Mayor's Report

The Mayor stated that he had nothing else to report.

CITY MANAGER REPORT

She asked that the CC provide suggestions for spending the \$82,000 grant money. We need to decide by Oct 31.

PENDING ITEMS (to be discussed at a later date but kept on the agenda while Council deals with higher priority items first.)

1. Status of Contracting out City Development Code Inspection Services: Lead Individual: Mayor Williams

City must have new Development Code to proceed.

2. Discussion Regarding How Sewer might be Brought to Unserved Properties, Exploring the Issues. Lead Individual: Councilor Tuttle

EXECUTIVE SESSION (Council and staff may adjourn to Executive Session pursuant to Oregon Revised Statutes 192.660: As needed (appropriate subsection shall be cited))

ADJOURNMENT

Councilor Tuttle moved and Council President Pierce seconded that we adjourn the meeting. Motion passed 5-0.