

**CITY OF SCAPPOOSE
CITY COUNCIL MEETING
JUNE 18, 2007
AT 7:00 P.M.
SCAPPOOSE, OREGON**

Flag Salute

Call to Order

Mayor Burge called the meeting to order at 7:00 p.m.

Roll Call

The meeting of the City of Scappoose was held at 7:00 p.m. in the Council Chambers; 33568 East Columbia Avenue; Scappoose, Oregon with the following present:

City Council Members:

Scott Burge	Mayor
Judie Ingham	Council President
Lisa Smith	Councilor
Jeff Bernhard	Councilor
Charles Judd	Councilor
Larry Meres	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Brian Varricchione	City Planner
Susan Pentecost	City Recorder

Andy Jordan	Legal Counsel
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Press:

Darryl Swan	Spotlight
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Excused: Councilor Gedlich

Approval of Agenda

Council President Ingham moved, and Councilor Bernhard seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Public Comments

None

Consent Agenda

Councilor Smith moved and Councilor Judd seconded the motion to approve the minutes from the June 4, 2007 Council meeting. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Old Business

“If I were Mayor”.....Contest

Mayor Burge explained the City received three great essays from students at Scappoose High School. Katie Morrill was chosen as the winner for the 2007 “If I were Mayor Contest” and she will go forward to the State wide competition. Mayor Burge explained since all three participants did so well the City presented the other two participants iPod Nano’s. The other two participants were Casey Kave’ and Johnathan Dutra. Congratulations to Katie, Casey and Johnathan.

New Business

Children’s July 4th Parade

City Manager Hanken went over the staff report. He explained Rick Weber has submitted a request on behalf of Kiwanis to continue the parade again this year. He explained the parade route is the same as it was last year with the assembly beginning around 9:30 a.m. He stated staff recommends continuation of their support.

Councilor Smith moved and Councilor Judd seconded the motion to approve the request for the Children’s July 4th Parade.

Council President Ingham discussed the issue that last year Council and Mr. Weber had a conversation regarding the parade possibly including more neighborhoods this year. Chief Greisen explained he and Mr. Weber did look at the possibilities of expanding the parade route. He explained after reviewing everything they still believe this is the best route. He explained this route is just a little over a mile. He explained what they have been noticing is by the time you get done with a mile the kids get worn out and are tired. He stated as long as it is a walking parade he feels it shouldn’t be any longer than a mile. He explained they have really tried to look at other streets so the parade would end up at Heritage Park but there really aren’t sidewalks safe enough on this side of town.

Councilor Bernhard explained he feels the same way. He and his family participate and about three quarters of the way through his kids get tired. He explained they have gotten to the point were they actually bring a rope and he ties it around the big wheel and he has the haul them the rest of way to finish up the parade. He agrees with Chief Greisen in regards to keeping the route about one mile.

Councilor Meres addressed the issue of residents in the parade neighborhood getting their cars off the street but the people coming to watch the parade park on the street. He stated by them parking on the street it does make it difficult for larger rigs in the parade to get around the neighborhoods.

There was discussion regarding on having the people who watch the parade park in the High School parking lot and also discussion on posting no parking in certain areas. Chief Greisen explained to post the no parking there is a procedure that needs to be followed.

Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Heritage Park Use Request

City Manager Hanken went over the staff report. He stated staff is very supportive of this type of event. Mr. Bowen explained he and his wife came up with this idea of how they can bless the community that they live in.

Council President Ingham moved and Councilor Bernhard seconded the motion that Council approve the Household of Faith Community Church's request for pictures in the Park.

Councilor Bernhard asked Mr. Bowen what movies do they plan on showing? Mr. Bowen replied they could certainly submit a list of possible choices, He stated one movie they potentially plan on showing is from the 1950's starring Dean Martin. He will submit a list to City Manager Hanken,

Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Variance to Construction Work Time

City Manager Hanken went over the staff report. He explained the Oregon National Guard may need to work Saturday June 24 and Sunday June 25.

Council President Ingham feels the start time on Sunday should be later then 9:00 a.m.

Councilor Smith moved and Councilor Judd seconded the motion that Council approve the request to work Saturday June 23 and Sunday June 24, 2007 from 9:00 a.m. to 4:00 p.m. if needed. Motion passed (5-1). Mayor Burge, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; Councilor Meres, aye; and Council President Ingham, nay.

IGA with Columbia County for GIS

City Planner Brian Varricchione went over the staff report. He explained staff is working with Columbia County staff. Columbia County has agreed to share geographic data and to utilize County staff for assistance with mapping services. He explained City Attorney Jordan has reviewed and approved the agreement.

Council President Ingham moved and Councilor Bernhard seconded the motion that the City Council authorize the City Manager to sign the Intergovernmental Agreement for Data Sharing and the Intergovernmental Agreement for GIS Products, Services, Assistance and Date.

Councilor Smith asked City Planner Brian Varricchione what is the rate that the City will be paying Columbia County? City Planner Brian Varricchione replied the rate is \$65.00 per hour.

Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Amendment to Tow Service Agreement

Chief Greisen went over the staff report. He explained the contract with Grumpy's expires on June 30, 2007 and staff is requested that Council would look at renewing Grumpy's towing contract for another three years.

Council President Ingham moved and Councilor Bernhard seconded the motion that City Council approve Amendment to Tow Service Agreement as presented.

Councilor Smith asked about the amount on the Tow Service Agreement, under section 3. She wanted to know if it should state \$1,000.00 or \$2,000.00. Police Chief Greisen replied it should read \$1,000.00. Councilor Smith asked how does the fee schedule on this work? She stated she is making the assumption that in addition to adopting the continuation Council is also adopting a new fee agreement. Police Chief Greisen replied yes. He explained the fee agreement is what Grumpy's has to report to the Oregon State Police on a regular basis for what they are charging. Councilor Smith stated that raises a question because in 2004 Council adopted an addendum that clearly references Exhibit A which is the storage and maximum towing fee. She stated Council needs to clarify if we are adopting the price list. She stated she assumes in the continuation Council is amending that price list other wise the fees would be what was adopted three years ago. She stated Council needs to clarify that before we go any further on this agreement. City Attorney Jordan explained he will review this and come back with another draft.

Councilor Smith moved and Councilor Bernhard seconded the motion to postpone the motion on the Tow Service Agreement until the July 2, 2007 City Council Meeting. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Councilor Smith moved and Councilor Bernhard seconded the motion that Council extend the current tow agreement with Grumpy's Towing until July 2, 2007. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Acceptance of Columbia County Abstract of Votes

City Manager Hanken went over the staff report.

Council President Ingham moved and Councilor Judd seconded the motion that City Council accept the results of the May 15, 2007 Election as presented by the Columbia County Clerk. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Resolution Proclaiming Certain Properties Annexed to the City

City Manager Hanken went over the staff report.

Councilor Judd moved and Council President Ingham seconded the motion that Council approve Resolution 07-09; A Resolution Proclaiming Certain Properties Annexed to the City. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Bernhard, aye; Councilor Smith, aye; Councilor Judd, aye; and Councilor Meres, aye.

Special Events Permits

City Manager Hanken went over the staff report. He explained after the Varsity's Cinco de Mayo event Council received correspondences (previously handed out) from two citizens in the community asking Council to halt the issuance of these permits. He explained the issues that were raised were regarding parking and the use of tents. He explained most of the events at business locales have had to come before Council because of music or some other noise emitting from the property that fall outside the time parameters as outlined by the Scappoose Municipal Code Chapter 9.12.040. He explained within the Scappoose Municipal Code, Chapter 17.128 discusses the City's Temporary Use Permit process. This Chapter relates to special events, the application submission requirements and the approval process. The authority for Temporary Use Permit approvals rests with staff, but staff doesn't have authority over noise. Temporary Use Permits approval is valid for up to 90 days and the City charges \$100.00 land use fee. He explained staff does not want to get in the position of having multiple 90 day Temporary Use Permits out and have same day events occur that we will not have adequate police patrols. He explained in his opinion there are two processes that are trying to accomplish meeting special events but don't quite mesh together real well. He feels as staff has worked with these staff is starting to better understand the issues that are associated with them. He likes the idea of setting a decimal limit. He went over the list of ideas staff came up with for Council to consider. He explained from staff's standpoint they are looking for is direction: How does Council wish to try to address some of the issues that have been outlined by the neighbors, do we want to make changes to our code?

Cliff Bauer, Scappoose, explained approximately a year ago he walked out in his parking lot and he had about 50 or 60 cars there, he couldn't believe it. He explained there were all kinds of activities taking place. He explained first thing he thought about was security, and then he thought about damage control. He explained the next morning he called Chief Greisen and explained to him what had been happening. He stated at that time Varsity only had a small parking lot and so it wasn't long before things changed and they expanded their parking lot. He explained overall Varsity has 44 parking spaces. He knows these events are something that are unusual and they are new for Scappoose and staff was sort of blind sighted by it. He explained prior to one Varsity event he went around his parking lot and told everyone he was going to tow. He explained the police were there and they were helping but then they were called away for an important issue. He and Lyle from Grumpy's continued to patrol the parking lot. He explained it was even announced at Varsity. He stated his main concern is safety. He explained he is a landlord for Ichabod's, Spotlight, Coyote Dry Cleaners and Road Runner.

Councilor Bernhard asked Mr. Bauer what his opinion is for local businesses to have the right to have these events just as much as he has the right to tow some ones vehicles. Mr. Bauer replied Mr. Anderson has every right to have a special event and he has every right to protect his property. He explained there was an article in the paper recently regarding flash mobs in Portland, which is not even 20 miles away from here. He explained part of the problem was the parents the let their kids run around. He explained we are trying to be the parents to our property and he is asking the Council to be parents to your City. He stated it seems like it is always just a few people that create the problem.

Councilor Smith stated she really emphasizes with the business owners in the area because what really disturbs her about the whole conversation was when this was all presented to the City Council they were told there was a parking arraignment with the school and that all the customers would be sent over to the high school parking lot. She stated this is all part of the fact that we do not have a clear special event process or permit. She stated there are several good models out there. She stated she has been really uncomfortable any way because Council issues the permit, then we hear the issues or the problems that come up and then we hear we couldn't enforce it. She doesn't think having the event is a right she thinks it

is a permit; your right is to apply for the permit. She said there is the right to apply for a permit and a right to follow the requirements that come with it and if you don't it should be taken away. She would like to see staff bring back a draft.

Councilor Smith explained the process that takes place in regards to the Sauerkraut Festival and street closures. She stated she understands those requirements and the needs for those permits.

Council President Ingham explained she has always been adamant about Varsity having the right or the ability to hold a function but not at the expense of other property owners. She stated a couple meetings ago when this discussion came up she made the recommendation that Glen at Varsity be required to hire a security person to monitor neighboring parking lots. She explained it is Mr. Anderson's responsibility to make sure that the parking issues don't happen and it looks Mr. Anderson didn't make it happen. She explained it shouldn't be Mr. Bauer's responsibility to police his property. She stated that is not his responsibility that is Glen's responsibility because he is having the event. She explained as she mentioned before Glen does a great job, he is a great guy and he runs a good business and he is an honest guy, but Glen's facility is too small for what he wants to do. She stated it is too bad because it is a great place, but what he is going to have to do is ratchet it down his events so that his facility can accommodate those events without the issues with the neighbors, whether it be noise or parking.

Councilor Judd brought up what Councilor Smith had discussed regarding Mr. Anderson stating the customers would be parking at the high school for events. Chief Greisen replied at the mediation it was also discussed that Subway and Ichabod's would put signage on their on reader board stating extra parking at the high school, which it never did happen. He stated yes, there is a parking issue.

Councilor Smith stated she is not sure that Council needs to issue any permits in the time between now and when Council actually adopts an ordinance regulating this and cleans out the things that cross purpose in the code. She stated Council needs a draft from staff.

Council President Ingham discussed the issue of what if Varsity wanted to have an event on the same night as a football game? Chief Greisen replied it hasn't been done yet, but they will keep that in mind.

Donette Miller explained her and her husband Jim own the Subway on Martha Stokes property. She explained they feel when Varsity has their event Subway suffers because potential customers won't stop because the parking lot is full. She explained as far as towing Grumpy won't tow out of their lot due to the set up of the parking lot. She explained one of their concerns is the alcohol affiliated with the events at Varsity. She explained they are trying to be a good neighbor. She explained they did let Glen know that they would put "parking for Varsity" on their big sign, but Glen never came over to discuss it with them. She also explained that the ladies don't like to use the outdoor restrooms provided by Varsity so they use the restroom at Subway.

Martha Stokes, Scappoose, explained during the Cinco de Mayo, since the Millers were out of town, she came to police the Subway parking lot. She explained at 8:00 p.m. the parking lot was completely filled up. She explained during the event she tried to speak to Mr. Anderson regarding having the cars removed from the Subway lot and he completely ignored her. She feels there is a lot to be discussed. She also feels until these issues are resolved permits shouldn't be issued. She explained she did not see any security or police that night, she only saw Chief Greisen in Cliff Bauer's parking lot.

Councilor Smith would like staff to let Council know what occurs at other events other than the one that is causing big problem for all of its neighbors.

Dave Weber feels anytime a business serves alcohol there should be security.

Councilor Bernhard agrees with Councilor Smith regarding staff bringing some information back to Council. He explained instead of being reactive to every one of these events we need to start becoming proactive.

Announcements

Mayor Burge went over the Calendar.

City Manager

City Manager Hanken explained on Tuesday the City gave a presentation to the Oregon Park and Recreation Committee in Bend related to the grant application that the City has submitted. He explained he feels good about the presentation.

City Manager Hanken explained what he doesn't feel good about is the meeting that was on Friday with the ODOT Rail Division regarding the Farmers Market Pavilion or the Scappoose Station Pavilion. He explained it wasn't what he hoped for at all in terms of an outcome. He explained the staff from ODOT has changed and the staff from Portland Western has changed. He explained the view point from ODOT Rail is they do not want permanent or temporary structures on their facilities. He explained he tried to promote this as we view the railroad being an integral part of this community in the future and at some point and time we envision commuter rail coming to this area and it would be nice to have a depot station already here. He stated they basically have given us every indication that they really don't want to see the farmers market there long term and taking that hint we will be looking for other locations to hold the farmers market. He does believe Heritage Park is a good location from the consumer standpoint. He explained ODOT did offer to enter into an agreement with the City provided that we met certain conditions. The first condition was a fence 6 foot tall on three sides of the market. He explained there is a Community Club meeting Wednesday and this will be discussed.

Councilors

Councilor Bernhard explained he has changed his opinion a lot tonight on this special event piece. He explained he came in the meeting tonight with an idea that it is the owner's responsibility to tow the vehicles off their lots. He explained after listening to the business owners tonight he has done a 180 on this and he is looking forward to seeing the ideas that staff will be bringing forward. He appreciates the Council in regards to the great debate because it really helped him think about it in a different light then when he came in to the meeting.

Council President Ingham explained she was at the beach over the weekend and there were several events going on but the communities have the process down. She explained they have off site parking, people to direct traffic and signage so it doesn't clog up the road way. She explained this is her reasoning why she was concerned with the movie theater because they wanted a big theater with a small parking lot.

Councilor Judd stated he is disappointed with the lack of communication regarding the ground breaking of the municipal park. City Manager Hanken replied sorry about that, he got back Friday afternoon, typed out the message and forgot to put in Monday. Mayor Burge explained it was requested at the previous Council meeting to have it on Monday morning. City Manager Hanken explained he didn't confirm it with the newspaper until that Friday afternoon.

Councilor Smith will not be at the July 2 City Council meeting.

Councilor Meres explained Police Chief Greisen wanted him to mention that Brian Pixley will be graduating from the Police Academy on June 22, 2007.

Adjournment

Mayor Burge adjourned the meeting at 9:00 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Pentecost, City Recorder