

**CITY OF SCAPPOOSE
DECEMBER 17, 2007**

NAMING OF THE SCAPPOOSE MUNICIPAL PARK WORKSHOP 7:00 P.M.

Mayor Burge opened the workshop at 6:04 p.m.

In attendance: Mayor Burge, Council President Ingham, Councilor Gedlich, Councilor Meres, City Manager Hanken, City Attorney Jordan, City Recorder Pentecost, Darryl Swan, Spotlight and Jerry Peal.

August of 2009 is the official time frame for the completion of the park.

City Manager Hanken read a memo from Councilor Gedlich in to the record. Mayor Burge read an email he received in to the record.

Mayor Burge explained after reading through all the suggestion and talking to lots of people in the community he has learned a lot of little tidbits about the community and actually has enjoyed the whole process. He explained his favorite name for the park is Scappoose Veteran's Park. He would like to name the road in to the park "Captain Roger Kucera Way". Then he would like to name areas of the park after other people. Jerry Peal asked if the park would have a place where there could be a plaque. Mayor Burge replied absolutely.

Council President Ingham likes the name but she would like to add a word to make it more eloquent. She also reminded everyone that Miller Park could still be renamed.

There was a discussion on people feeling pressured by the local Veteran's to sign a petition to name the park "Captain Roger Kucera Way". Jerry Peal explained there was actually only one petition that was put together and he did it the day before the dead line for the naming of the park contest ended. He explained he stood at the Post Office on a cold and blustery day. He explained the paper he had stated on it the "VFW asks for your support naming the new City Park Kucera Veteran's Park". He explained out of the people that he approached or that walked up to him in some cases he had two elderly men wave him off, two elderly women said it was too cold. He explained out of all the people he spoke with he feels he got good positive response to this. He didn't feel he was pressing anyone. He explained that was the only effort that the VFW put behind this. He feels it is important to recognize living history. He likes the suggested name, it is good, it honors all the Veteran's in the community.

Councilor Gedlich would like to make sure one of the trails is named to honor John Holmason.

Mayor Burge would like to officially name the park Scappoose Veteran's Park and name the road Captain Roger Kucera Way at the next Council meeting. He would like to make it known that the Council is looking to name other parts of the park.

Mayor Burge closed the meeting at 6:44 p.m.

**CITY COUNCIL MEETING
AT 7:00 P.M.
SCAPPOOSE, OREGON**

Call to Order

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

Flag Salute

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
Donna Gedlich	Councilor
Jeff Bernhard	Councilor
Charles Judd	Councilor
Larry P. Meres	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Susan Pentecost	City Recorder

Andy Jordan	Legal Counsel
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Press:

Darryl Swan, Spotlight

Teresa Keller and Anthony Miltich, Budget Committee members were in the audience.

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 Gedlich, aye; Councilor Bernhard, aye; Councilor Judd, aye; and Councilor Meres, aye.

Presentation to former City Councilor Lisa Smith

Mayor Burge explained on behalf of the City Council he would like to present a plaque to Lisa Smith for her years of services as a Councilor and a City Employee. Thank you Lisa!

Public Comments

Rick Smith, local developer, explained he has some concerns with the lack of an engineer at the City. He explained it is very hard to continue doing business and getting the projects on a track. He would really like to see the Council get things back so the City could have a part time or full time City Engineer, verses an engineer here one day a week. City Manager Hanken explained this is the first time he is hearing of this from any developer. He explained he would be more then happy to talk to Mr. Smith. He explained City Planner Brian Varricchione will be taking his engineering exam in April. He explained according to the budget Brian Varricchione is a part time planner and a part time engineer in training. He explained we do not have a full time planner and that is one of the discussions that will be coming up during the next budget cycle.

Rick Smith explained his project in 21 months has gone up 21% and part of it is due to not having all the information from the City at one time. He wanted to let City Council and the City Manager know that having an engineer on staff is a very needed issue as a tool for Scappoose to continue growing and growing in the right direction.

Consent Agenda

Council President Ingham moved and Councilor Bernhard seconded the motion to approve the minutes from the December 3, 2007 Council meeting. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Gedlich, aye; Councilor Bernhard, aye; Councilor Judd, aye; and Councilor Meres, aye.

Old Business

Havlik Highway 30 Crossing Discussion

City Manager Hanken explained as you know the City has been trying to get Havlik Highway 30 funded since 2002. He explained staff has been working diligently in terms of grant applications and unfortunately nothing has really panned out. He stated what the concern is basically if everything holds true in February the unit trains will be coming through this community and the City will have no crossings. He explained there are some options out there that we really haven't explored in depth. He explained one of those is looking at going out to the public for a general obligation bond. He explained Len Waggoner has been doing some research on this.

Len Waggoner explained he has been working with Dave Scharf on this project. He handed out a rough "time line" process to the Council and staff. He explained it costs about 4.5 million dollars to do this project. He explained the unit trains are a mile and a half long. He explained when the first unit train enters Havlik coming north bound at 10 mph it will take 9 minutes to get from Crown Zellerbach and another 9 minutes to clear Crown Zellerbach. He stated the City is going to have a traffic fiasco and that has nothing to do with any planning in this city, simply to do with the railroad track. He explained the City needs to take a look at an alternative. He went over the hand out. He stated if the City is going to ask the community for about 2.5 million of the 4.5 dollars in support it needs the City needs to market. He explained that amounts to \$22.00 per \$100,000.00 of house value.

Councilor Bernhard asked Len Waggoner about the 2.5 from the citizens where would the other money come from. Len Waggoner replied 1 million from ODOT and 1 million from the City. He feels with the back of the traffic due to the train he feels people will be willing to help with the funding of the Havlik Highway 30 crossing.

Councilor Bernhard explained in a future meeting he would like to see the City talk about a safety plan with the Police Chief and the Fire District. City Manager Hanken replied there has been discussion related to that already related to various details.

Council President Ingham asked Mr. Waggoner the \$22.00 per \$100,000.00 for how long? Mr. Waggoner replied the estimate is for 20 years.

Council President Ingham asked if we needed to stop the train for an emergency can that happen? City Manager Hanken explained we are looking at making sure the line of communication is there.

Councilor Bernhard asked where the million dollars from the City is coming from. City Manager Hanken explained there are revenues in the System Development Charges fund.

Councilor Gedlich asked staff to give Council information earlier enough so Council can review it in plenty of enough time.

There will be a workshop regarding Havlik Highway 30 on December 27, 2007 at 7:00 p.m.

New Business

Council Vacancy Application/Review of time line

Interviews will be on January 7, 2008 starting at 6:00 p.m. and will be 15 minutes each.

Mayor Burge explained City Council can contact the applicants on their own prior to the interviews.

Special Event Permit * Glen Anderson ~ Varsity Grill & Bar

Chief Greisen went over the staff report.

Council President Ingham moved and Councilor Bernhard seconded the motion that Council approve the Special Event Permit for Glen Anderson ~ Varsity Grill and Bar for December 29, 2007.

Councilor Gedlich would like to have a workshop on special events. She would like to make sure the workshop happens soon so Council doesn't have to go through this every time. She would like to have a regular process and then if something goes wrong then it comes before Council. Council President Ingham feels there is no reason why every event permit has to come before Council. Mayor Burge would like City Manager Hanken to put something together that authorizes the City Manager to approve the event permits. Councilor Judd stated the proposed event is three hours long and the last couple of times there have been events Council has set in session for longer than three hours with people complaining. He explained every Varsity has an event he doesn't want to sit and listen to all the complaints. He would like to make sure if there are complaints being discussed about a Varsity event that Mr. Anderson will be at the meeting. Councilor Bernhard would like to make sure the notice of a workshop gets in the paper.

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

Ordinance No. 794, An Ordinance Relating to General Penalties for Ordinance Violations, Offenses Relating to Noise And Building Permit Violations and Amending the Language of Scappoose Code Sections 1.08.010 and 15.04.030 and Adding a Code Section 9.12.040 C and Declaring an Emergency

Mayor Burge read the opening statement. He opened the public hearing at 8:03 p.m.

City Manager Hanken read over the staff report.

Rick Smith would like to see construction hours on Saturday start at 8:00 a.m. instead of 9:00 a.m.

Mayor Burge closed the hearing at 8:05 p.m.

Council President Ingham explained she is happy to see this ordinance move forward.

City Manager Hanken explained if there is a worker in violation the developer gets a citation for each tax lot and then the stop work order goes for the whole development.

Council President Ingham moved and Councilor Judd seconded the motion to approve Ordinance No. 794, An Ordinance Relating to General Penalties for Ordinance Violations, Offenses Relating to Noise And Building Permit Violations and Amending the Language of Scappoose Code Sections 1.08.010 and 15.04.030 and Adding a Code Section 9.12.040 C and Declaring an Emergency.

Mayor Burge read the title for the first time by title only.

Councilor Meres wants to know why this is an emergency/urgency to this. City Manager Hanken explained the emergency/urgency of this is currently there are contractors working on Sunday and right now the Building official is the only one who shut down contractors and he is not going to be available during the holidays.

Mayor Burge read the title for the second time by title only.

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

Appeal Hearing for Modification of Approval MOA1-07 for Pioneer Phase II Subdivision (SB1-06)

Mayor Burge opened the public hearing at 8:20 p.m.

Mayor Burge read the opening statement and guidelines for the hearing. Councilor Bernhard excused himself since he is the lender for Taurus Homes. Council President Ingham explained her contact with Taurus Homes is due to being is an adjacent property owner to Phase I, which has been built and Phase II which is what this modification of approval is directed to. She stated however she has had no discussion regarding the specific with any of the people involved so she feels she can make an unbiased vote. No other Councilors had any issues regarding the matter. There were no objections to the Commissioners hearing this matter. All Councilors are aware of where the site is located.

City Manager Hanken went over the staff report. He explained the 120 days period expires on January 9, 2008.

Morgan Will, Taurus Development, LLC, asked if the Council received the letter that he sent on Friday. All Councilors received the letter today. He discussed the issue on page 2 under 5 (b) it states “with the approval of the new alignment of Lot 9, it is the applicants position that the need to extinguish the easement no longer exists”. He explained that is the back up of their argument. He explained they feel there is no need for the condition and feels what staff has stated for the condition is not reasonable.

Councilor Gedlich asked about the letter dated August 8, Exhibit 4, second page, the five reasoning’s regarding the infrastructure, her concern is why would you want to have that easement terminated. She explained she is concerned about the City’s liability regarding the easement that isn’t terminated. City Attorney replied he feels everyone is interested in terminating the easement. He explained he thinks the answer is the City is not liable. He explained he believes the applicant has volunteered to hold the City harmless from any liability.

Morgan Will explained Taurus Homes would not hold the City liable.

Mike Robinson, Land Use Attorney representing Taurus Homes, Portland, explained the City has not rights to this easement. He explained he feels if you look at the staff report there is really only one reason for requiring the condition which is potential City liability. He doesn't feel there is any potential City liability but if there is Council can agree on a hold harmless indemnification with Taurus so that removed the liability issues.

Council President Ingham asked City Attorney Jordan's if his recommendation still stands. City Attorney Jordan replied Council can grant the applicants proposal of the hold harmless indemnification. He explained from the staffs recommendation it is the best thing to eliminate the easement.

Councilor Gedlich expressed her concerns. She explained she is really concerned about the future liability of the owners of the proposed homes. Mr. Will addressed some of Councilor Gedlich's concerns. He explained the original plan was changed so there wouldn't be a house built in the easement. He explained Taurus wasn't asking for help from the Planning Commission meeting the condition they were demonstrating the condition is unfair and they don't have to meet it. He explained they are appealing the Planning Commission's decision because there hasn't been reasons for the condition.

Mike Robinson explained the person who would need to sign off the deed has passed away, so that is why this has been so difficult for them. He explained there is another argument they could make is that Taurus Homes could file a quiet title action. He explained if they can't find a way to deal with the heir of the easement then they will go the route of the quiet title action.

Councilor Gedlich moved and Council President Ingham seconded the motion to extend the meeting for 30 additional minutes. Motion passed (6-0). Mayor Burge, aye; Council President Ingham, aye; Councilor Gedlich, aye; Councilor Bernhard, aye; Councilor Judd, aye; and Councilor Meres, aye.

Council President Ingham explained she is aware of the effort Taurus Homes is putting toward this. She is just looking down the road to when the rightful owners of the easement come up and say this Council authorized building of lots on an easement. Mike Robinson replied Taurus Homes has the right to plat the lots the easement doesn't not prohibit that. Council President Ingham is concerned with Taurus Homes is long gone and the owner of the easement decides to drive over the easement and the property owner who Taurus Homes sold the house to comes to Council because they are not happy. Mike Robinson replied he understands her concern. He stated he guesses all they can do is ask Council to balance the equity's. He explained Taurus Homes is faced with a deceased property owner, no personal representative, no estate in probate and if the City has this condition in place it essentially makes it very difficult for them to finalize the plat and record it. He explained they have every intention of removing the easement.

Mayor Burge recessed for a break at 9:07 p.m. and reconvened at 9:22 p.m.

City Attorney Jordan explained there is a proposal that this hearing is continued until January 7, 2008. He explained during that week period the staff and the applicant will negotiate on this issue and try and come up with a proposal for the Council that will serve everybody's interest. He explained the applicant will extend the 120 day period until January 30, 2008. City Attorney Jordan asked if Council could get their questions on the table now so the applicant will know what they need to come back with.

Councilor Gedlich explained her issue is the liability. She explained she is not a Planning Commissioner, she knows a little bit about land use, but not enough to make a decision this evening. She thanked the applicant for giving Council this opportunity for Council to review everything and everybody to work together.

Council President Ingham thanked the applicant for their compromise about working together. She explained her concern is that this will come back to bite us in the butt.

Council President Ingham moved and Councilor Gedlich seconded the motion to continue this hearing until January 7, 2008.

Councilor Gedlich asked if at the continuation at the January 7, 2008 if Council will be taking any public comments other than the applicant. City Attorney Jordan explained it is up to Council's discretion and the applicant would be allowed to rebuttal. Mr. Will explained they would be glad to have more discussion.

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

Announcements

Mayor Burge wished everyone a Merry Christmas. Mayor Burge went over the Calendar: Workshop on Havlik/Highway 30 on December 27, 2007 at 7:00 p.m. The next meeting will be on January 7, 2008 and interviews will start at 6:00 p.m.

City Manager

City Manager Hanken explained Scappoose will be hosting the City/County Meeting will be in January.

Police Chief

Chief Greisen explained Donut Day went well, they brought in 900 pounds of food and \$752.00 and everything went to Scappoose Food Bank. He explained the flags will be replaced soon due to being damaged from the wind.

Councilors

Councilor Bernhard wished everyone Happy Holidays.

Councilor Gedlich thanked Council for the scheduling a workshop for special events. She was sad to see former Councilor Smith leave. She wished everyone Happy Holidays.

Councilor Meres, Council President Ingham and Councilor Judd wished everyone Happy Holidays.

Adjournment

Mayor Burge adjourned the meeting at 9:33 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Pentecost, City Recorder