

AGENDA
SCAPPOOSE CITY COUNCIL
COUNCIL CHAMBERS
33568 E. COLUMBIA AVE
SCAPPOOSE, OREGON 97056
MONDAY, SEPTEMBER 15, 2008
CITY OF SCAPPOOSE
REGULAR COUNCIL MEETING
AT 7:00 P.M.



ITEM	AGENDA TOPIC
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| 1.0 | Call to Order |
| 2.0 | Pledge of Allegiance |
| 3.0 | Roll Call |
| 4.0 | Approval of the Agenda |
| 5.0 | Public Comments |
| 6.0 | Approval of the Consent Agendas |
| 6.1 | September 2, 2008 City Council Meeting Minutes |
| | Appointment of Budget Committee Member |
| | Appointment of Ad-Hoc Economic Opportunity Analysis Advisory Committee Members |
| 7.0 | New Business |
| 7.1 | Change Order No. 05 for Veterans Park Construction |
| | Staff: Hanken |
| | Approval |
| 7.2 | Astro Turf Question |
| | Staff: Hanken |
| 7.3 | Review of City Charter |
| | Staff: Hanken |
| | Approval |
| 8.0 | Announcements |
| 8.1 | Calendar |
| 8.2 | Police Chief, City Manager, Councilors, and Mayor |
| 9.0 | Executive Session |
| | ORS 192.660 (1) (e) Real Property Transactions |
| 10.0 | Adjournment |
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**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
SEPTEMBER 15, 2008
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 City Council 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
Charles Judd	Councilor
Donna Gedlich	Councilor
Jeff Bernhard	Councilor
Larry P. Meres	Councilor
Art Heerwagen	Councilor

Staff:

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

Press:

Kelly Moyer, The Spotlight

Cindy Phillips Legal Counsel

Excused: Council President Ingham

Also in attendance Marie Gadotti Ad-Hoc Economic Opportunity Analysis Advisory Committee member.

Approval of Agenda

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

Public Comments

Gerald Noce, Scappoose, explained he was here last meeting and is here tonight again regarding the fire danger by Springlake Manufactured Home Park. He doesn't know what has been done regarding the issue and he would like to know what transpired if anything. He explained if there is a fire here, he has talked to the Lieutenant of the Fire Department, and they both concur that there is not enough equipment to fight a fire in that area, so it would have to come from someplace else. He stated there is only one way in to that park and one way out. He explained the weeds are as tall as 5 feet. He explained the news said this is the driest September on record. He doesn't care how the fire starts but people are going to lose homes, you can buy another

home but we have people there on walkers, in wheelchair. He asked if a life is lost how do you put a price on it.

Police Chief Greisen gave Mr. Noce his business card and reminded him that last time he was at the Council meeting he asked Mr. Noce to contact him. He asked him to contact him tomorrow because he can research it a little more and give Mr. Noce information. He explained one week after Mr. Noce came in and submitted the complaint the property owners got a letter. He explained after the letter there is a certain amount of time to take care of it. He wasn't aware this wasn't taken care of.

Mr. Noce explained Rose Valley did have some one out on cutting the grass on the hump and down a little bit. He explained Scharf or who ever has a dozer and they went from Means Nursery right to the first City sewer thing. So apparently that is all he owns. He explained there are 80 yards that haven't been touched.

City Manager Hanken explained there are 3 parcels there; the assisted living center, Rose Valley and Scharf's.

Councilor Gedlich stated maybe this body needs to review the whole process regarding the time length in these nuisances.

Chief Greisen explained the process now is the property owner gets a letter of notice, within approximately 7 to 10 days an officer shows up, if nothing has been done they get a citation. He explained where the hang up is who are the property owners when you have fields.

Mr. Noce explained City Manager Hanken told him that the City has a crew that can go down the work and bill them. City Manager Hanken replied part of that process that only comes through an order from the Judge. It has to go through the court process first.

Chief Greisen stated again to Mr. Noce if you call me that would be the best thing.

Councilor Meres asked about the fire department being involved.

Mr. Noce asked if we can get a permanent solution to this so he doesn't have to come and talk to the Police Department every year. Councilor Bernhard replied his recommendation is that he continues to talk to him. He recommends that he continue to be the squeaky wheel. He thinks that is the only way that he is going to see results on something like this.

City Attorney Phillips explained she thinks the ordinance is pretty good right now. She explained there needs to be time allowed for the process. She stated the main problem here really is knowing exactly where the property lines are, that is what it sounds like to her.

Councilor Heerwagen is concerned with the issue of a fire. He feels there should be a way the City can take care of it and then go after the property owner. City Attorney Phillips stated City Manager Hanken reminded her that you do have a potential trespass issue doing that. City Attorney Phillips stated she would just follow the City's ordinance, she stated you can't go wrong following your ordinance. Councilor Heerwagen replied you can if a fire breaks out and there is loss of life and property. He would hate to be sitting on the Council when that happens and hear people out cry.

Councilor Gedlich stated you have to be realistic, most of the people who own these properties have owned them for decades and they know what the ordinance says. The local news paper puts in a notice, she knows because she has seen it. She stated one thing she doesn't want to see is this body authorizing City staff to go on somebody's property, mow it down and then we worry about when we will get our money. She thinks what needs to happen is the citizens that live in the adjacent area need to keep on top of the nuisance and let that property owner be accountable.

Chief Greisen explained please keep in mind when the property owners get the letter they do take care of their property.

City Manager Hanken explained the City only has municipal court once a week so that limits the amount of cases that can be heard. He stated it may be worth considering talking about during the summer months having court two times a week of maybe a day and half.

Mayor Burge would like to see a different process for repeat offenders.

Mayor Burge would like to have this as an agenda item. Councilor Gedlich asked about having a workshop.

Mayor Burge would also like to see an agenda item of additional court dates since we are a month out we might want to discuss it any way.

Consent Agenda

Mayor Burge would like to appoint Jeannet Santiago to the Budget Committee and Bill Blank to the Ad-Hoc Economic Opportunity Analysis Advisory Committee.

Councilor Gedlich moved and Councilor Bernhard seconded the motion to approve the City Council meeting minutes from September 2, 2008 and appointment of Jeannet Santiago to the Budget Committee and the appointment of Bill Blank to the Ad-Hoc Economic Opportunity Analysis Advisory Committee. Motion passed (6-0). Mayor Burge, aye; Councilor Judd, aye; Councilor Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

New Business

Change Order No. 05 for Veterans Park Construction

City Manager Hanken went over the staff report.

Councilor Gedlich moved and Councilor Bernhard seconded the motion that Council approve Change Order No. 5 with Coffman Excavation and direct staff to sign and process the Change Order. Motion passed (6-0). Mayor Burge, aye; Councilor Judd, aye; Councilor Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Astro Turf Question

Tim Lohman thanked Council for the opportunity. He stated it is an exciting time for Scappoose Little League, the citizens of Scappoose and the outlying communities. He explained he has been

involved with Little League for 10 years. He explained Little League is bringing you another great opportunity and not only that he feels there could be some savings involved. He is proposing that the City make an effort to invest astro turf or sport turf the infields for the two baseball fields. He explained so far Little League has all but \$50,000.00 to make it real. He explained they have raised a little over \$83,000.00. He explained they have another roughly \$75,000.000 in donated help. He explained sometime after the first two years the City plans on building a concession building, which is about \$100,000.00 budgeted. He explained Little League doesn't need a concession building that nice because that sounds like an awful nice building for \$100,000.00 and with that concession there are two bathrooms and two closets. He explained his proposal to Jon, with Little League resources, they can help build the concession stand, but there are issues. He explained there are issues of prevailing wages and other issues he doesn't understand. He explained any park, city project, school project that you see that have to do with fields most all of them are going with astro turf. He explained going with astro turf helps cuts down on injuries, it cuts down on environmental, it uses old tires, and you don't have to water, maintenance and labor you make up in 7 years. He explained it is more expensive upfront but in the long run it is actually less expensive.

Councilor Gedlich stated isn't the location of the fields in the floodplain. Tim Lohman replied it is his belief from looking at the plans the lower field half of that is in the floodplain. City Manager Hanken replied you are right. He explained the way the floodplain maps stand now is that the lower field half of the field, not the infield, is in the floodplain however what he wants to do is caution Council is that the FEMA maps were done in 1988 and they are going to be changing. He does anticipate there are going to be some significant revisions of the floodplain.

Councilor Gedlich stated her concern is that if we jump the gun immediately and design this, which she thinks would be wonderful, but unless we know where the actually floodplain is and how it is going to effect the area before we put out thousands of dollars maybe we need to get that FEMA map updated. City Manager Hanken replied the FEMA map won't be updated for a couple more years. He explained this needs to be done however it is going to be done, it needs to be done so the kids are playing by April. Tim Lohman explained this is about the last day he thinks he can work on this project because the project is going forward and they need to know whether they are going with turf or not. He stated as it stands now we are not in the floodplain and this turf is sown it is not glued. He explained this is top of the line material; it is the best in the industry. He stated there are some risks, but he feels they are minimum. He explained the advantages with turf fields is the kids can practice any time they don't have to wait until the field dries out.

Councilor Bernhard asked Tim Lohman explained there was a concern that he heard earlier regarding Little League at times becomes domineering when it comes to their fields and he wanted to get his opinion on knowing this is going to be a City park for all the citizens of the community, your feelings on Little League having that stigma and addressing that just a little bit.

Tim Lohman replied he hasn't heard that himself but he knows why it is being said. He thinks Little League is very well organized, they are very physically sound, they have been since he took over almost 10 years ago. He explained they are very well organized in the fact that they came to the City when they heard the park was being built. He explained he begged Jon to reach out and yourselves to reach out to soccer and the other associations so everybody could be appeased and find out what the needs were if there were any. He stated he only knew by the time this project would be built that a lot of people would come out of the woodwork and wonder why

they didn't have something built for them. He stated he knows Council knows the School bond coming up in November they are proposing to build the new school right where the current baseball fields and the one soccer field. He explained this park with the fields will defiantly help alleviate their problems that they have. He explained Little League doesn't plan on dominating anything, they don't dominate the fields now. They upkeep and they pay for everything they do on the school fields: batting cages, fences, bases, home plates, etc. He explained they do not mow it, the school does, but they pretty much maintain the infield, which is quite a bit of work. He stated after we are done scheduling it is wide open to anybody and everybody that wants to use it, so no he would say they are well organized.

Councilor Meres stated he is not opposed to this idea but not to happy about bringing it up at the last minutes and saying the time line has got to be now. He stated before spending \$30,000.00 or \$50,000.00 he would want a representative of the turf company and he would want to go tour a couple of the fields before he would spend that kind of money because what happens if it doesn't live up to what they say it is going to live up to and we have spent \$30,000.00 or \$50,000.00 of City money and get criticized for that. He is not opposed to that and he understands the fact that what he is talking about is getting on the field sooner and stuff like that. He explained Mr. Lohman did mention only the infield, how big is that area and is that going to be used for soccer? Mr. Lohman replied you could not use that area for older students but the very beginners would be okay.

Mr. Lohman explained he does have a whole booklet on turf, he has been following it over there years because there has been serious concerns about toxicity on the rubber that is being used. He explained there has been many many studies and one major push by a family that failed to pass because they could not prove that there is any harm at all in the use of that.

Legal Counsel Cindy Phillips explained the process of if the public improvement. She explained when you build a public improvement of more than \$50,000.00 then you have to bid it out, there are all sorts of formalities that go in to arranging for the construction and basically for any part of the project that is paid you will have to pay prevailing wage. She explained what she sees it being is how do you deal with the issue that some work is going to be paid; some work is not going to be paid. How does that figure into the value. She explained over the years there has been more collaborative ways of building things like this where people will volunteer to help build and it use to be that the value of the building was actually the value of the building when it was built now the issue becomes the value of the building now doesn't included donated labor and donated materials. You still have to keep very good books, track of everything you are doing because if you go over the \$50,000.00 that is when the prevailing rate of wage comes in.

City Manager Hanken wanted to point out to Council that the City's revenues are not coming in. He explained the revenues listed in the Park SDC's are \$123,000.00 worth of anticipated revenue that comes in through the building permits. Last year in the month of July we did 100 building permits. This year in July the City didn't do any, in the month of August the City didn't do any, so far this month there hasn't been any. The City is significantly behind and that is a consideration that Council needs to weigh in. Another thing that Council really needs to remember is that we have a payment due on the park land in October 2009 of \$524,000.00. He explained there are some long term costs that need to be figured in and the City's revenues aren't looking that well.

Councilor Bernhard stated he if we spend \$70,000.00 on a building or maybe we can arrange it with Little League and they can build the building for under \$50,000.00. That would be a net savings of \$20,000.00 and we would be able to provide turf to Little League. He stated if we try to build the building we could actually be spending more money. He stated maybe he is off base. He doesn't know if Little League is in the position were they can say they can have this building built for under \$50,000.00. Tim Lohman stated he would like to assure the City Attorney that Little League would do everything to code. He explained in his with Little League they have built some fields, backstops and also some buildings.

Councilor Judd likes the thought of saving \$20,000.00 on the concession stand especially if there are going to be some bathrooms there. He stated we are talking about some long term projects, other things besides Little League ball fields and he doesn't know how the \$50,000.00 figures in to any of that. He remembers in the early phases we were looking at a lot of different things. City Manager Hanken replied we still are. There are pedestrian bridges and stream bank stabilization work, etc. He stated this is a park, like most municipal parks, that is going to grow over time in terms of the amenities that you want to add, change out, etc. He stated he is a little nervous about the money situation right now but that doesn't mean that you can't come back in two or three years when the City's position is better then put in the fields.

Councilor Judd stated he has seen those fields flood every year and there is going to be more flooding. He stated if the turf goes there we don't know what will happen when it floods. He doesn't know what old rubber tires and the ecology and all this is doing when it floods. He would like to see more information about this. He doesn't know how this impacts where we are going for a green city.

Mr. Lohman explained this sort of is a green project when you look at recycled tires and less water being used, so there is some savings and environmental impacts. He explained he was here during the 1996 flood and that was a pretty bad flood and it didn't hit anywhere near where the infields would be. He stated not that it can't happen.

Councilor Bernhard stated he has never seen that field flood that high in the 36 years that he has lived in this community. He also stated not saying that it can't happen. He stated he honestly believes if Little League can come back to us and say they can have this building built for under \$50,000.00 he sees this as a cost savings for us. He stated even if we only spend \$70,000.00 on a building that is a net saving of \$20,000.00 if Little League is willing to work with us on this. He stated if we don't do this and we say we are going to build the buildings and put grass fields in, which he is fine with grass fields, but we are going to spend more money.

Councilor Gedlich stated she goes along with Councilor Bernhard to a point. She said it almost sounds like everyone is expecting this park to be completely done by next summer and we don't have the money. She explained no body has come right out and said we don't have enough money. We need to do this in phases and if the citizens can't go along with some of the delays then why are we breaking our backs trying to spend \$500,000.00 for a piece of property that sat vacant for years and years. She thinks what we need to do is slow down. Our budget can not handle any more big projects; we all know that, because of the building industry. She stated she is for a less expensive concession building, but she is not sure about the turf.

Councilor Meres stated in the book handed out by Mr. Lohman the City of Redman, Washington has installed turf. He feels it would be beneficial to talk to them to see how they like it. He

explained another thing he is wondering is what is underneath the turf. He is just concerned about the longevity of it.

Councilor Heerwagen asked about the life expectancy on the turf. Mr. Lohman replied approximately 10 years but because of the use of it by the younger children it would last a lot longer than the 10 years. He explained the way it would be designed is there is no dirt in the infield; they would be sliding on turf.

Councilor Judd doesn't want to make a quick decision on something that has so much impact.

Councilor Bernhard stated maybe he could suggest this and he knows Mr. Lohman would like an answer right away but maybe we could put this back on Little League a little bit and show us that the under \$50,000.00 building is a reality and that would give us an extra few days that this Council could make some phone calls to retain some other information on the turf. He explained if Mr. Lohman to prove the Council that we are going to save money then he can't see how this Council cannot support you unless we get information showing that the turf can not hold up in that environment. Mayor Burge replied also information on the environmental impact of that turf.

Mayor Burge stated why don't we say Little League go sell it still (the naming of the field) we will put the money up front to cover paying for the field and when it gets sold the money would come back to the City.

Councilor Gedlich moved and Councilor Bernhard seconded the motion that the Scappoose City Council sponsor one of the ball fields for \$30,000 and that Little League raise the remaining funds for the artificial turf.

Councilor Gedlich thinks we should just plant grass and mow it like we do the other fields until we have more money. She doesn't want money going towards astro turf.

Councilor Bernhard would like to suggest that Council votes no on the current motion that is up and then we look at a new motion that specifies the \$30,000.00 goes toward the sponsorship and we will work with Little League when it comes to building the concession stand and Little League will try to find a new sponsor to cover the \$30,000.00 loaned by the City.

Councilor Gedlich withdrew her motion and Councilor Bernhard seconded it.

Councilor Judd and Councilor Meres would like to see more research on astro turf.

Mr. Lohman stated there are several locations around here locally that Council could research.

Councilor Bernhard moved and Councilor Heerwagen seconded that the City of Scappoose and Scappoose Little League do an exchange for the restrooms, mechanical and concession building in trade for \$50,000.00 of artificial turf and City Manager Hanken has until Monday September 22, 2008 to investigate the environmental impacts/concerns of artificial turf in the wet areas.

Councilor Heerwagen expressed his concern with the environmental impacts.

Tim Holmason explained this new park is going to bring in tournaments and money in to the community.

Legal Counsel Cindy Phillips stated just make sure the values are equivalent and they are aware of the accounting issues.

Tim Lohman explained Little League is guaranteed for a loan through the Credit Union for \$50,000.00 and they would be willing to sign paper to make sure that building gets done.

Councilor Bernhard feels the City's partnership with Little League has been so strong over the years. He stated he personally believes if Little League finds themselves in a position where they think the building will cost over \$50,000.00 he guarantees Tim will be the first person to stand up and say we need to stop what we are thinking about doing, we need to put grass in and here is the money back to the City. Tim Lohman explained the turf would have to be order in the next couple of days and the building, on whether he can do that building at what cost he can't do that this quick. He stated how could go with this project as fast as it can guarantee you a building less then \$50,000.00, he is not in that business. He just built one last year about three times the size but it didn't have bathrooms or a concession stand. It was \$3,200.00 with lots of donations. He stated he has a very good support system and he has a lot of companies that have come forward to offer help.

City Attorney Phillips explained what she explained earlier that the swap has to be fairly equal or the City needs to be getting more of a benefit.

Motion passed (4-2). Mayor Burge, aye; Councilor Judd, aye; Councilor Bernhard, aye; Councilor Heerwagen, aye. Councilor Gedlich, nay and Councilor Meres, nay.

Tim Lohman thanked Council for their time.

Councilor Gedlich explained her concern is there are just too many unanswered questions, too many uncertainties.

Councilor Meres replied it is not against Little League. He thinks giving \$30,000.00 away is a large amount of tax payer's money and to make that decision in a couple of hours is just too hard.

Review of City Charter

City Manager Hanken went over the staff report.

Councilor Gedlich moved and Councilor Judd seconded the motion that the Scappoose City Council establishes a Scappoose Charter Review Committee and direct staff to bring back a Resolution creating such for the next regular Council meeting. Motion passed (6-0). Mayor Burge, aye; Councilor Judd, aye; Councilor Bernhard, aye; Councilor Gedlich, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Announcements

Mayor Burge went over the calendar.

City Manager

City Manager Hanken stated the Sauer Kraut Festival is this Saturday. Hope to see you all there.

Police Chief

Chief Greisen explained the incident command trailer will be at the Sauerkraut Festival for everyone to walk through. He is looking forward to the Police Department bowling against the Fire District and getting the trophy back.

Councilors

Councilor Bernhard asked about any idea when Council will be getting together with the Planning Commission. City Manager Hanken replied he hasn't set that up yet.

Councilor Judd is looking forward to the Sauerkraut Festival.

Mayor Burge recessed at 8:57 p.m.

Mayor Burge went in to Executive Session at 9:00 p.m.

Executive Session

ORS 192.660 (1) (e) Real Property Transactions

Present: Mayor Burge, Councilor Gedlich, Councilor Meres, Councilor Bernhard, Councilor Judd, Councilor Heerwagen, City Manager Hanken and City Attorney Cindy Phillips.

Adjournment

Mayor Burge adjourned the meeting at 9:10 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Pentecost, City Recorder