

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
APRIL 6, 2009
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
Donna Gedlich	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Art Heerwagen	Councilor
Jeff Erickson	Councilor

Staff:

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

Legal Counsel Cindy Phillips

Press:

Cecilia Haack	Spotlight
Amber Nobe	The Chronicle

Excused: Council President Bernhard

Also present: Teresa Keller Budget Committee Member

Approval of Agenda

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

Public Comments

None

Approval of Consent Agenda

March 16, 2009 City Council Meeting minutes

Councilor Ingham moved and Councilor Heerwagen seconded the motion to approve the March 16, 2009 City Council Meeting minutes. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

LOC “If I were Mayor” Contest

Mayor Burge explained the past two years the City has held this contest. He also explained it has changed a little bit; the posters will be for 4th ~ 6th grade, essays will be for 7th & 8th grade and the video/power point presentation will be for High School students. He explained in the past we have had iPod’s for prizes.

Councilor Ingham moved and Councilor Erickson seconded the motion that Council sponsor a local “If I were Mayor contest”. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

Old Business

Ordinance No. 804: An Ordinance Adopting Parking Regulations and Penalties for Violations thereof, and Adding A New Section 11.04.175 and Amending Sections 11.04.270, 11.04.280 and 11.04.290 of the Scappoose Municipal Code

Chief Greisen explained this is a second reading. He explained City Attorney Cindy Phillips made recommended changes that Council requested at the last Council meeting.

Mayor Burge opened the public hearing at 7:03 p.m.

Diana Shera-Taylor, Scappoose Municipal Judge, went over the section 2 B regarding: If the operator does not respond to a traffic citation affixed to such vehicle within 30 days the Judge or his or her designee may send the owner a letter. She stated it is not clear what kind of a letter and what she may suggest is that for the cities standards tickets there is the court date, the due date by which you either appear or pay and you can appear either in writing or you can pay it if it is undisputed or you can come to court on that date and request a hearing or plead your case. She would suggest that would be an actual court date and that if the person does not appear on that date the letter that would go out from the court would be the standard letter that we currently do. Then if the person doesn’t pay within the 30 days that they are given under the standard default letter, they would jump to the paragraph 4 D where the fine amount doubles. She stated the other thing that she was wondering about in regards to parking tickets in the past there are some folks who choose to ignore the court. She explained people think with parking tickets they can just totally ignore it and the court has no teeth. The DMV will not allow us to suspend a license, we don’t use a collection agency in this City so we can’t send them to collection so basically it just sits there and gathers dust. She is thinking being Council is considering the boot is perhaps after 90 days of no payment we can have the officer place the boot on until payment has been received. Councilor Heerwagen asked how many are local. Judge Shera-Taylor replied maybe 80% of them are locals. She explained it just is so frustrating because we get the stack of parking tickets where no one bothers to appear, they don’t write, they don’t care and as the court there is nothing we can do about it.

Councilor Gedlich explained she really doesn’t approve of the letter. She explained it gives them more time and at the end of 30 days they are either going to pay it or they’re not and at the end of 30 days it doubles. She likes the boot idea and she agrees probably 80 to 90% of the violators are locals or are here a lot.

Legal Counsel Cindy Phillips talked about the registered driver is the one who is presumed to be the driving of the vehicle. She would like Council to consider booting on one ticket verses four. She explained maybe what you can do is instead of booting after four unpaid parking citations (on page 2 under 11.04.280) she suggests booting on two citations.

Councilor Heerwagen asked Police Chief Greisen how many boots does the City currently have. Police Chief Greisen replied we currently don't have any. He explained they are approximately \$500.00 each. He doesn't really believe there is going to be that much of an issue on parking citations under this but if there is at least we have another avenue that he doesn't have to come back to Council for and say here is a city ordinance can we modify it. He explained he was just trying to get everything done at one time.

Councilor Meres explained he has an issue with this parking ordinance. He asked what if somebody gets a citation for \$122.00 for the same exact parking violation and the same exact corner and one gets \$25.00. He also doesn't believe that we should tie up the criminal justice system with transporting somebody from Klamath County up here for a parking violation.

Judge Shera-Taylor replied at that point they are not being transported for parking violation they are being transported for contempt of court. She also suggested under Section 2 B it could read If the operator does not respond to a traffic citation affixed to such vehicle "by the date specified on the citation" and remove within a period of thirty days.

Mayor Burge closed the public hearing at 7:33 p.m.

Mayor Burge read the title for the second time.

Councilor Gedlich and Councilor Heerwagen accepted the friendly amendments: Under Section 3 change the number four to two and change Section 2 B to read "by the date specified on the citation" and removed within a period of thirty days.

Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

TGM Grant Application Withdrawal

City Manager Hanken read over the staff report.

Councilor Ingham moved and Councilor Meres seconded the motion that Council withdraw the City's Highway 30 Sidewalk Streetscape Project application submitted to the Transportation and Growth Management grant program. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

New Business

Resolution 09-04 Fee Adjustment for Economic Development

City Manager Hanken went over the staff report. He explained the City Attorney had identified one potential concern related to the reduction in Transportation and Sewer System Development

Charges (SDCs). He explained the authority to collect SDC fees are based in State Statutes and these fees require a methodology to show the relationship between the fees charged and the impacts from new developments. By voting to reduce Transportation and Sewer fees, there is a concern Council is changing its methodology and that could possibly result in legal action from Building who are not doing projects in commercial or industrial areas. He explained looking through this Council is going to have to way as whether or not they deem this a real threat because one of the things to remember is in terms of the SDCs if we get no commercial development then there are no SDCs collected. He explained Council always has the right to interpret their own rules and regulations however one way to mitigate any potential problems is to look at that and say all classifications of property for the SDC reductions; that would be residential, commercial and industrial. He explained this resolution is just a resolution to endorse the concept. He explained it just provides direction. He explained the actual implementation of this ordinance would come in June when we adopt our full resolution for fees.

Councilor Ingham asked if we go ahead and pass this resolution to endorse this concept that puts a stigma on the decision making process in June, she is thinking. She explained because if we endorse the concept then we should pass the action that this resolution endorses. She explained her conflict is that they were just told that just because we are endorsing this concept doesn't mean it will happen, but if we endorse it, it is pretty much that it will, that is her conflict. Mayor Burge explained this is kind of like the land use when Council is going to make that final vote at the next meeting and we vote to give the indication to the developer that this is how we are going to vote on it, basically Council doesn't official vote on it. He explained this helping the potential developers give time to react if they possible have something in the works and we are giving direction to the City Manager that this is the direction that Council wants to go.

Councilor Ingham asked what is the reality of the jeopardy and the questioning of the methodology, what is the reality of that issue. City Attorney Cindy Phillips replied if you are asking me if the Home Builders Association will or will not sue, she can't tell her that, but there is that potential.

Mayor Burge stated he would rather give all the contractors a discount for a year than not to give any at all. City Attorney Cindy Phillips replied that is far more defensible legally. City Manager Hanken explained it would be better to do reduction in SDC'S for all.

Councilor Gedlich recommended under SDC Fee removing light industrial or commercial, so it would read **SDC Fees** ~ reduce Transportation and Sewer SDC fees by 50 percent for any new private projects.

Councilor Gedlich moved and Councilor Ingham seconded the motion that Scappoose City Council approve Resolution 09-04; A Resolution Endorsing a Temporary Reduction in Certain Fees to Encourage Economic Development as amended to read **SDC Fees** ~ reduce Transportation and Sewer SDC fees by 50 percent for any new private projects.

Councilor Meres, Councilor Ingham and Councilor Erickson declared that they are business owners.

Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

Resolution 09-03 Parking Fee and Immobilization Fee

Chief Greisen went over the staff report.

Councilor Ingham asked about the section under number 1 that states “All prior fines for parking violations are rescinded.” City Attorney Cindy Phillips replied what she meant any another previous resolution would be rescinded. She explained we can just take out that last sentence and it will mean the same thing. Council concurred with removing that sentence.

Chief Greisen explained this won’t need to go into effect until the parking ordinance will go in to effect. He also explained in June this will be on the fee resolution so every year it will be at the same time but we do need something to get this going.

City Attorney Cindy Phillips explained there is one other drafting error; in number 3, it says “The fines and fees adopted by this resolution shall take effect immediately upon passage”. She explained it probably should take effect upon 30 days when the ordinance takes effect. She explained it should read” fees the “The fines and fees adopted by this resolution shall take May 6, 2009”.

Councilor Gedlich moved and Councilor Ingham seconded the motion to approve Resolution 09-03: A Resolution Establishing Parking Fines and Immobilization Fees for Illegally Parked Vehicles, as amended. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

Federal Stimulus Project Update

City Manager Hanken gave a verbal update. He explained the City of Scappoose received funding for two Federal Stimulus projects. He gave an over view. He explained regarding in meeting with ODOT we found out that we had to go out for an RFP for a mini solicitation for engineering services. The Federal Funding progress will not allow us to use our on engineers. He explained there are 7 engineers that are selected as part of the Federal Stimulus engineering process and we will have to use one of those. He explained to get this process going we are going to need to sign an agreement with ODOT and he doesn’t have that agreement at this time but it is going to be pretty much the boilerplate concept. He should be receiving the contract with in the next day or two. He explained Council could authorize him to sign the agreement after it is reviewed by the City Attorney or Council could have a special meeting.

Councilor Ingham would like it scanned and sent to them via email prior to City Manager Hanken signing.

Councilor Gedlich moved and Councilor Heerwagen seconded the motion that Scappoose City Council authorize City Manager Hanken to sign the ODOT contract after review of the City Attorney and submit an executive summary to Council. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

City Manager Hanken explained we need to talk about doing an inter-fund loan related to this project. He explained as the Federal Stimulus process works we need to expend dollars before

we seek reimbursement. He explained as we look through our funds one of the most relevant funds to utilize for this project is our foot path and bicycle fund, however since there is only \$58,000.00 in that fund it is probably not going to be adequate in order to be able to move things forward. He explained when we did our current budget we allocated \$100,000.00 to be transferred to the street department for Elm Street improvements. He explained Elm Street improvements will not be moving forward this fiscal year. He explained what he would like Council to consider, and hopefully get a motion on, is to transfer \$100,000.00 that would have gone to the street fund to the foot path and bicycle fund. He explained that would allow us to begin the preliminary engineering, allow us to expend the dollars to be able to draw that back down.

Councilor Ingham moved and Councilor Heerwagen seconded the motion to transfer \$100,000.00 from the Elm Street improvement fund to the Foot Path and Bicycle fund. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye; and Councilor Erickson, aye.

City Manager Hanken spoke in regards to the Havlik Highway 30 crossing. He explained we may have limited dollars in terms of costing us for this project. He explained the reason he said limited is there could be some unanticipated costs that come up during any type of project like this. He explained there are also some risks that are associated with a project like this. He explained this project is three fold and they have decided there needs to be one project coordinator for all three components. He explained ODOT has volunteered to take lead of this project. He explained we will be part of their overall organizational meetings. He explained as we start looking at where the funding is coming from we have 4.2 million dollars of Federal Stimulus dollars/competitive grants, we have 1 million dollars that ODOT has had and then there is 168,000.00 which the City received from Congressman Wu for the engineering fees. He explained any cost overruns depending on where those cost overruns occur and that participating agency is going to have to come up with the dollars.

Councilor Ingham expressed her concern with ODOT taking the lead. She asked if ODOT will have the final say or will all parties have equal say about the final decisions that are made. City Manager Hanken replied hopefully we all have equal decision what the final say it however the caveat is going to be is that if this project doesn't move in the time frame the funding will be lost. He stated ODOT is the best agency right now to be able to accomplish this task.

Announcements

Mayor Burge went over the calendar.

City Manager Hanken

City Manager Hanken stated he hopes everyone saw the article in USA Today on April 1, 2009 and as a result of that he had the opportunity to do a radio interview with Oregon Public Broadcast and that aired this morning.

Police Chief Greisen

Police Chief Greisen explained about a year ago Sergeant Carpenter went to a child safety instructor class and he learned how to install and inspect car seats. He explained last month with

the ACT of Oregon they did a car seat clinic here in the Scappoose area. He explained during 2 and ½ hours 10 families showed up. They were able to pull 3 car seats out that were either expired or damaged and they gave out 13 new car seats. They showed approximately 25 people how to use car seats, so it was very effective. He explained St. Helens Fire has the clinics on a regular bases and they believe that police need to be involved with this also because we deal a lot with car seats and kids. He explained they are probably going to have a car seat clinic in the Scappoose area about once a year.

He explained the Citizen Academy will start on April 22, 2009.

Councilors

Councilor Gedlich congratulated City Manager Hanken on the article and the pictures. She explained the citizen's academy was great and you learn a lot about the department and the good public relations they do.

Councilor Meres stated he went to City Hall Day at the State Capitol and it was great. He explained he attended the Mayors Ball and had a great time.

Councilor Ingham congratulated City Manager Hanken on all his hard work. She explained in the Spotlight there was an article announcing our receiving the stimulus money and there was a little blurb in there from Senator Betsy Johnson and Betsy in her grace and graciousness always attributes everything to everybody else and never takes any credit for anything, and that is the way she is, and she worked very hard to make this happen. So thank you Betsy, you are our angel.

Councilor Erickson talked about the letter that was received from Shannon Preston regarding "The Learn to Skate". She thanked him and the club members for the positive opportunity for her son. He explained all the kids listed in the letter are on the Skate Park Committee as well and this is a good example what these guys are doing outside this room as well.

Mayor Burge explained he was actually in Senator Johnson's office when he received the email on his blackberry announcing that the City of Scappoose received the Federal Stimulus grants and she didn't know and it was kind of fun to break the news to her. He also was able to break the news to Representative Witt as well. He explained when it comes to the sidewalks he thanked the editor of the Spotlight for running an article that put that project at the forefront of our minds. He stated the Mayors ball was a good event. He explained City Hall Day at the Capitol was good.

Adjournment

Mayor Burge adjourned the meeting at 8:19 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC
City Recorder