

**CITY OF SCAPPOOSE  
REGULAR CITY COUNCIL MEETING  
MAY 4, 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:**

<b>Scott Burge</b>	Mayor
<b>Jeff Bernhard</b>	Council President
<b>Donna Gedlich</b>	Councilor
<b>Judie Ingham</b>	Councilor
<b>Larry P. Meres</b>	Councilor
<b>Art Heerwagen</b>	Councilor

**Staff:**

<b>Jon Hanken</b>	City Manager
<b>Doug Greisen</b>	Police Chief
<b>Brian Varricchione</b>	City Planner

<b>Legal Counsel</b>	Andy Jordan
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**Press:**

<b>Cecilia Haack</b>	Spotlight
<b>Amber Nobe</b>	The Chronicle

**Excused:** Councilor Jeff Erickson and City Recorder Reeves

**Approval of Agenda**

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

**Public Comments**

None

**Approval of Consent Agenda**

**April 20, 2009 City Council Meeting minutes**

Councilor Ingham moved and Council President Bernhard seconded the motion to approve the April 20, 2009 City Council Meeting minutes. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

## **VFW Buddy Poppies Proclamation**

Mayor Burge read the VFW Buddy Poppies Proclamation. Frank Weber and Ron Urban from the Local VFW honored us with their presence and they went around the Council Chambers to hand out VFW Buddy Poppies.

## **OTAK Presentation**

City Manager Hanken explained tonight we were anticipating having OTAK here to talk about the sidewalk project that is being worked on with the Federal Stimulus Dollars; however they were not able to make it tonight. Staff has the schematic drawings to give Council an idea as to what is going when the sidewalks are replaced.

City Planner Brian Varricchione explained as far as the Federal Stimulus projects ODOT has hired OTAK Engineers to do the design for the sidewalk reconstruction. He explained what you have in front of you is the design schematic for the replacement of various section of sidewalk. He explained they are going to remove and grind down 37 of the existing street trees so they won't be a problem in the future, remove and replace the sidewalk in locations that it has been damaged by the street trees. They will plant some trees in a few key locations where there is actually room for a tree to be planted behind the sidewalk; there will be a couple down by the totem pole, several in front of the Scappoose Middle School and then a few between the Fire Station and Scappoose/Vernonia Highway.

City Manager Hanken explained if Council will recall we dug out one of the tree roots that was in front of Carole's Place to get an idea as to the extent of the problem that the tree roots were causing. He explained it basically took staff almost 3 ½ days to dig that root ball out because of the way the root system had spread. He explained the tree roots from that location were probably 4 or 5 inches from the top of the water line. He explained one of the issues that occurred with the existing trees when they were planted was not having root guards.

Council President Bernhard stated he knows we are trying to fast track this project because of the stimulus money that is available but he asked is there any time for public input on this. City Manager Hanken replied no because ODOT has basically taken this project over and they are going out to bid in two weeks. The bids will be opened on June 18, 2009 and construction will start as soon as they can get all the paperwork signed. Council President Bernhard replied knowing that maybe we need to bring this up with the business community and the different clubs in town. He would like to know what can we do to beautify the area and all work together regarding that. He explained as a citizen seeing these trees go upsets him just as much as it does anybody else. He explained as a council member he understands why we are doing this but he needs more. He feels Council needs to take a strong stance on that and make sure it doesn't get pushed to the back burner. We need to show the community that we care about the beautification of that particular area. Councilor Gedlich feels the businesses are going to have to put in too.

Council thanked staff for the update.

## **New Business**

### **Ordinance No. 805: An Ordinance Relating to the City Attorney and Amending Scappoose Code Chapter 2.12**

City Manager Hanken went over the staff report.

City Attorney Jordan explained this was an old ordinance that was written primarily to give a good deal of control over the city attorney by the City Council and years ago that may have been appropriate. He explained in his experience, and he has been here nearly 20 years, the City Council has never indicated an interest in exerting the kind of control over the city attorney that the ordinance envisions. He explained his office represents 14 cities in Oregon and not one of them has an ordinance that is designed to do what that ordinance does. He is simply suggesting a more up to date modern ordinance which essentially says you negotiate a contract with your city attorney and the way the work is given to the city attorney will be in the contract rather than spelled out in an ordinance.

Mayor Burge opened the public hearing. There was no one wanting to speak on this matter. Mayor Burge closed the public hearing.

Councilor Ingham moved and Council President Bernhard seconded the motion that Council adopt Ordinance No. 805: An Ordinance Relating to the City Attorney and Amending Scappoose Code Chapter 2.12.

Mayor Burge read the title for the first time.

## **Old Business**

### **Scappoose Veterans Park**

City Manager Hanken went over the staff report. He explained in addition there is a request of authorization to spend \$140,000.00 from Park SDC Contingency. He explained from his standpoint we are moving forward on this.

Councilor Ingham moved and Council President Bernhard seconded the motion that Council approve using \$140,000 in Park SDC Contingency Funds to cover Veterans Park expenditures for the remainder of the fiscal year.

Council President Bernhard explained he spoke with City Manager Hanken on the phone about this is and he is hoping that Little League will step up to the plate and come through with the money that they offered and talked about back in 2007 but at the same time he doesn't feel we should put in jeopardy the funds that we received from the grant because we come up short. He explained normally he is not one to agree with such overruns and expenditures of \$140,000.00 but as soon as he spoke with City Manager Hanken it made better sense to him. City Manager Hanken explained it is not just cost overruns; there are items that were not in the Kaufman contract related to this. He explained with the Kaufman contract we were not getting a turn key park. He explained parks are never done, there always going to be something.

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

### **Announcements**

City Manager Hanken went over the calendar.

City Manager Hanken discussed the issue of Ballot Measure 5-190 lawsuit that Council authorized to have City Attorney Jordan write.

City Attorney Jordan explained as you recall that immigration ballot measure that passed in Columbia County that penalized companies for hiring illegal immigrants and portended at least to penalize Cities for not enforcing that against companies in their cities. He explained we didn't really argue for or against the measure because in fact it passed in Scappoose and St. Helens, but he did go and argue the question of whether the measure applied inside a city or not. He explained there is a Statue that says no county law, which that was by the way, can apply inside a city unless city council agrees. So his purpose in the lawsuit, which turned out to be a pretty good size lawsuit, was just to represent that issue and not try to overturn the bill. He explained the result was the court through out the whole measure as unconstitutional.

### **City Manager Hanken**

City Manager Hanken explained he sent an email to Council related to the Havlik Crossing and the fact that the crossing rail order has been submitted and the railroad and the State have had no objections to it. He stated that is a mile stone. He explained that was an important thing in terms of getting this project moving forward.

### **Police Chief Greisen**

Police Chief Greisen explained May 3 through May 9 they are in a severe weather awareness week in the Pacific NW because of flash flooding. He explained he has been in several meetings last week with Columbia County Public Health regarding the H1N1 flu and as of today Columbia County continues with no confirmed cases.

Police Chief Greisen explained they are working on a press release to go in the local papers regarding the nuisance ordinances.

Police Chief Greisen explained in 6 more days he will be with the City for 10 years. He explained he has seen the City grow a lot.

### **Councilors**

Councilor Gedlich congratulated Chief Greisen on his 10 years with the City.

Councilor Meres explained he enjoyed the meeting with Senator Merkley and all the other elected officials that attended.

Councilor Heerwagen stated Scappoose High School is putting out a beautiful student newspaper and if you haven't seen it take a look.

Councilor Ingham explained this Saturday and next Saturday from 11:00 a.m. to 2:30 p.m. is the Watts House Mother/Daughter tea. She explained it is a lovely event. She explained you can purchase tickets from the Historical Society and All About Mail.

Mayor Burge explained he is looking forward the seeing Veterans Park completed. He explained it was great having one on one time with Senator Merkley.

### **Adjournment**

Mayor Burge adjourned the meeting at 7:50 p.m.

**City of Scappoose, Oregon**

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Scott Burge, Mayor

Attest: \_\_\_\_\_  
Susan M Reeves, CMC  
City Recorder