

**CITY OF SCAPPOOSE  
REGULAR CITY COUNCIL MEETING  
OCTOBER 15, 2012 AT 7:00 P.M.  
33568 EAST COLUMBIA AVENUE  
SCAPPOOSE, OREGON**

Mayor Burge called the City Council Meeting to order at 7:00 p.m.

**Flag Salute**

**Attendance:**

**City Council Members:**

Scott Burge	Mayor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Jeff Erickson	Councilor
Mark Reed	Councilor

**Staff:**

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

**Press:** none

Jeff Bennett	Legal Counsel
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Excused: Council President Bernhard and Councilor Gedlich

**Approval of the Agenda**

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the agenda. Motion passed (5-0). Mayor Burge, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

**Public Comments**

Jean Lewis, St. Helens and Diane Taylor, St. Helens, are here to talk about teen court.

Jean Lewis explained her normally process for finding out which nights are available to use the room at city hall before she schedules anything. She explained there is a lot to this, once she knows the location and the judge, then she assigns the attorney's, she has to get the jury, the bailiff, the clerk, etc., there is a whole lot of work.

City Manager Hanken explained last time we met and talked about this what Council directed staff to do was the Teen Court was going to call on of the Councilors to see if they were available and the Councilor was going to be the liaison to set this up.

Mayor Burge replied he thinks there is just a miscommunication. He thinks right now we can look at the November schedule.

They decided Teen Court will be held in Scappoose on October 16, November 13 and November 20.

Jean Lewis handed out a flyer on Teen Night which will be held on Saturday October 20 in St. Helens at the High School gym. She explained after the event she will report back to Council the number of Scappoose kids that attended.

**Consent Agenda ~ September 17, 2012 City Council meeting minutes, October 1, 2012 Council meeting minutes, Appointment to the Transportation System Plan Committee and appoint Barb Hayden and Marty Baldwin to the Public Works Advisory Committee**

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the Consent Agenda ~ September 17, 2012 City Council meeting minutes, October 1, 2012 Council meeting minutes, Appointment of Len Waggoner, Douglas Machado, Craig Marquardo, Danielle Smith, Chris Negelsbach to the Transportation System Plan Committee and appoint of Barb Hayden and Marty Baldwin to the Public Works Advisory Committee. Motion passed (5-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

**New Business**

**VFW Post 4362**

Ron Urban, Scappoose, explained the VFW has been working on a memorial for Veterans Park and as part of that process they have had a stone set aside for the City to be a part in that process. He explained City Manager Hanken has given an outline of that.

City Manager Hanken explained what the discuss was when the Veterans monument was going to go in the dedication stone was going to go in there as well. He knows the VFW has talked about whether or not the City's dedication stone makes more sense at the flag pole. He explained it is more of what is the pleasure of Council. He explained it can work in both places.

Mayor Burge stated he wanted to know the preference of the VFW. He stated what they decide is what he wants.

Ron Urban explained if the City wants the entire park to show in a different dedication, this is the time. He explained it's a dedication of the park.

Council decided the VFW circle will be a good location for the City dedication stone.

Council thanked Ron Urban.

**Scappoose Boosters Pow Wow**

Michael Klobes, Beaverton, explained they are getting closer with the date and would like Councils thoughts.

Councilor Meres stated he thought he heard the Pow Wow was going to be the 3<sup>rd</sup> weekend in August.

Michael Klobes replied there are some more kinks getting thrown at them everything. He explained the 3<sup>rd</sup> weekend in August is what they are looking at and they are also looking at the date they had last year but that conflicts with Rainier Days.

Mayor Burge explained he is not concerned if there is one other event the same day.

Michael Klobes is thinking the 2<sup>nd</sup> weekend in July or the 3<sup>rd</sup> weekend in August.

The general consensus of Council is leaning towards the 3<sup>rd</sup> weekend in August.

Craig Marquardo, Scappoose, explained he runs Creekside Apartments. He wanted to talk about parking and the hours of the Pow Wow event. He explained since the event goes all day long he would suggest it close at 11:00 p.m. instead of midnight. He explained their street was packed with cars and people where parking in his tenants parking spaces. He explained the second night they blocked their street off and in the future he is hoping for help in order to not allow parking in their area.

Police Chief Greisen explained to Craig Marquardo that he has the right to tow vehicles from their property. He also mentioned the parking permit process that the Scappoose Boosters have in place and explained it is a work in progress. He explained to Craig Marquardo that he wished he would have called and talked to the Police about the noise level because then the Scappoose Police Department could have come and done a decibel reading.

Councilor Ingham stated she thinks they need to have a discussion on the hours of the Pow Wow.

Council thanked Michael Klobes. They also thanked Craig Marquardo.

### **C.A.T. Presentation**

Barbara Wood and Martha Olmstead, St. Helens are here from Community Action Team.

Barbara Wood explained they are here to provide additional education about homelessness. They provided a handout with information regarding homelessness in Columbia County. She did a brief overview of the packet.

Martha Olmstead explained this handout gives you an idea that the age group they want to serve there is enough people in Scappoose for them to serve.

Mayor Burge replied he thinks the question was more about the homeless definition from the school district.

Martha Olmstead talked about last time they were before Council and one Councilor having a concern about the money from Scappoose staying in Scappoose.

Mayor Burge explained but the rest of us recognized reality. He stated if you are going to put someone in a home, he would rather and he thinks the tax payers, who money this is, would rather her find the best affordable option for the person versus a more expensive option because it happens to be in Scappoose.

Barbara Wood explained with the City of Scappoose' gift to them plus St. Helens' gift she and Martha worked on a grant and just last week they found out they received an additional \$10,000 so they are now up to \$20,000. She thanked Council for their support.

Council thanked them.

#### **Action on Casswell/Swim Council Pool Fund**

City Manager Hanken went over the staff report. He explained the Department of Justice has completed their investigation and their recommendation is that those funds be moved to a public type of organization. He explained the Swim Council also wants to disband and the Department of Justice is saying the Swim Council needs to find a public organization also.

Councilor Reed moved and Councilor Erickson seconded the motion that City Council agree to Ms. Collie's request to transfer approximately \$34,000 from the Caswell Pool Fund and the Scappoose Swim Council's request to transfer approximately \$14,000 from the Swim Council's Fund to the City of Scappoose with both organizations' funds being placed in the City's dedicated Pool Fund (Fund #15).

Councilor Ingham explained she has no problem at all with approving this transfer of funds. Her concern is since she has been involved for many years and years with the Caswell fund and the Swim Council and years and years working to raise funds for the Swim Council there was also the discussion and the intention of the Casswell's that there would be some kind of dedication to him in the new building. She explained in the minutes she read that the Department of Justice was okay with the City making a land payment and the report says that this is an allowable use. She stated she would not want those funds to go for a land payment and she wants to know who has charge of the dispensation of those funds.

City Manager Hanken replied you do. He explained basically the question that was raised when the Department of Justice did the investigation was what is the City's time frame. He explained the Department of Justice asked City Manager Hanken what happens if this never and he didn't have an answer for them. He explained the comment was from their standpoint is the Department of Justice Goal is if this money goes for the loan payment just for the land that is associated with the pool. He stated that doesn't say the money has to go there. He stated you can create a separate line item within the fund that's not a problem.

Councilor Ingham replied that is where she is going with this because she would like some kind of language developed that the Council can vote upon that there is language in the agreement in the resolution or whatever you need it to be that these funds will be a separate line item and go towards.....

City Manager Hanken replied like he said they'll set that up as part of the next budget.

Motion passed (5-0). Mayor Burge, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

#### **Option for Relocating Water and Sewer Lines Related to the County's JP West Bridge Replacement Project**

City Manager Hanken went over the staff report. He explained as you recall from our last discussion the County is moving forward with replacing the bridge on JP West Road. As part of that it will be a wider bridge and have sidewalks on both sides. He explained the problem is the water and sewer lines will need to be relocated. He explained they have learned that the County is purchasing a lot wider right-a-way for the bridge then what we were originally told so we may very well be able to run that sewer line that we need to redo in the County right-a-way. He explained staff needs to find out whether an inverted siphon will work being as deep as we need to go. That is the first option that we'll look at. If that inverted siphon will not work then we'll need to look at a pump station. He explained he is just asking for permission to start talking to financing agency related to the sewer project.

Councilor Ingham moved and Councilor Meres seconded the motion that Council direct staff to proceed with exploring financing options for relocating the wastewater line on J.P. West Road.

Councilor Ingham asked City Manager Hanken with your description here he said the bridge design runs into the water and sewer lines, is there a design that doesn't run into them.

City Manager Hanken replied no there is not.

Councilor Erickson asked if the pump house been in the part of the park that floods.

City Manager Hanken replied we would probably go outside the floodplain simply because it is easier. He wants to make that pump house as small of a footprint as possible.

Motion passed (5-0). Mayor Burge, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

### **Skate Park Repair Request for Proposal (RFP)**

City Manager Hanken went over the staff report. The staff report explains the City developed the repair proposal as a design/build concept. The proposal was advertise on October 15th and sent to three companies that had requested to be placed on a bidders list. The bids need to be submitted to the City by 2:00 p.m. November 14. They will be opened at 4:00 p.m. on November 14 and the results will not be read out loud. Instead a selection and scoring committee consisting of staff Council members and representatives from user groups will review the proposals and score each one. The firm with the highest score will be recommended. The committee will complete their work by December 10. At the December 17 meeting, Council will officially award the contract for the skate park repair. The "Notice to Proceed" will be sent out a couple of days later. He explained hopefully the project will be completed by June 30, 2013.

Councilor Ingham stated she would ask that the rest of her fellow Councilors think serious about this, she honestly feels that location that you are planning to design and rebuild is probably one of the worst locations to have a skate park in this City. She stated there is no room for expansion of the skate park. She stated the police department needs that land for a parking lot and expansion. She explained we own a huge piece of property at the end of town where we are supposedly going to be building a pool facility and there is plenty of property there to build a nice skate park. She thinks that this is a very poor location to consider again for the location of the skate park. She would ask that the Council seriously consider our other options of another location for the skate park before we get any further into this process.

Councilor Reed asked Police Chief Greisen if he needs more parking.

Police Chief Greisen replied he doesn't feel that is for him to say. He doesn't think this is his topic to be part of.

City Manager Hanken explained he guesses he goes back to in terms of when we had the skate park committee and they had discussion and they looked at moving this towards Veterans Park he got the indication from many members of the Council that they didn't want it moved. He stated he will agree this is not the greatest location.

Councilor Ingham replied you certainly didn't get that impression from her. She has been against that location and repouring good money after bad and trying to refurbish that park and keep it in that location from the beginning it has been a poor choice. She stated that whole situation out there was a nightmare from the very beginning.

Councilor Meres stated he thought we had plans of breaking it up by having metal designs for the skate park people to have them in different parks different locations and he agrees 100% with Councilor Ingham that is a horrible place and to be honest he wouldn't spend the money. He stated we are taking money issues, he wouldn't spend the money just to fix it. He would fill that in with grass.

Councilor Erickson stated first of all it is dedicated funds. Secondly it's not going to be fixed, it's going to be demoed and rebuilt and third if you follow the model that Portland is doing you must start with an anchor, you must start with a base. Once you start you base then down the road, maybe ten years, five years, twenty years, whatever it is if you happen to have a decent economy and you want to expand that is when you go to other locations which would be dependent upon how the city grows, where the populations goes but you have got to have an anchor first. This has already been a skate park for 20 years, however long it has been.

Mayor Burge replied 14 years.

Councilor Erickson replied sorry, he actually rides Beaverton and it has already been established, it's already there it is in the center of town. He stated if he is going to send his kid he would rather him go right there then down on the end of town by Fred Meyer because here you have supervision by police.

Police Chief Greisen replied that is a bad perception because you have police officers that are supposed to be on the streets working, they are not babysitters.

Councilor Erickson replied he understands that.

Police Chief Greisen stated he gets more people saying it's in your back yard, personally, sorry not to be out of line, they have more damaged caused by the skate boarders and if that thing was gone, his personal opinion, it wouldn't hurt his feelings. He stated as for the expansion of property they don't have money to expand anyway. He explained you do see kids on it. He stated we have issues and damage done to the patrol cars and their personal cars. He is sorry for being out of line but he doesn't care for it. He stated kids probably use it then they get bored.

Councilor Erickson replied it's because it is poorly built.

Police Chief Greisen replied no it is besides that. He explained he agrees with Councilor Meres. He stated kids want to ride their bikes and they want to ride skate boards. He asked why do they get their cars damaged; because they kick the bikes off of the park and asked the kids where are their helmets. He's sorry but he would rather have the officers out there on the streets than to be a \$60,000 a year babysitter.

Councilor Erickson replied with most skate parks it a quality park. He explained the problem is you have the cheerleaders, as he likes to call them, they're not actually there to ride, they are just standing around. He explained if you build something good the standing around tends to get cut down because everybody wants to use it.

Police Chief Greisen explained he remembers when it was opened up, he thinks it was 1999, and even the police officers helped pay for that sign and from 1999 that first year the fence got damaged, the plants got damaged, there has always been damaged ever since it got opened up and it was nice back then too.

Councilor Erickson replied it never was, trust him. He explained the gaps in the concrete were huge from day one. He stated if you shut it down and move it, skate boarders are interesting people because you will never make them extinct, they will continue to continue to do their thing in other places. So you shut it down and turn it into flower beds you're going to push it back in your schools, you're going to push it back in your businesses, you just will. He stated it's going to be there and it's going to be there until we are all dead. So do you want to build something that is good, something that you could actually create a space that kids that are positive, because not all skaters are bad, there are some that actually go to college and own businesses and if you create a place that is good and kind of harvest those people eventually you can help turn the tide. He stated if you want a good example, he thinks it's a 158<sup>th</sup> and Walker, the Beaverton Park, it is immaculate, there's no graffiti, there's no stickers. He explained you go there during the day and there are like kids and parents both using it.

Councilor Ingham replied we can have that at a different location. She stated it doesn't have to be at that location. She stated what you want we can absolutely have.

Councilor Erickson replied we only have \$125,000, you are not going to get this big massive thing.

Mayor Burge replied he thinks the point the Councilor Ingham is trying to make is that location an appropriate location or is the other piece of property we have large enough, how much of an scream would Springlake village make and the other retirement communities out there. He stated maybe we need to have a discussion. He doesn't know if it is too late to hold back. He stated things go out for bid all the time and they don't get completed.

City Manager Hanken replied sure, you've done nothing but said you want to look at proposals.

Councilor Ingham replied other options, thank you.

City Manager Hanken replied we moved forward based upon the discussion that it was going to go there.

Mayor Burge replied that was his understanding based on after looking at all the other options. He stated there just wasn't a lot of good options without purchasing property.

Craig Marquardo stated you are all right to a certain degree. He explained in his past where he worked they spent hundreds of thousands of dollars on research on literally how to accommodate certain age groups of kids. He stated Councilor Erickson is correct if you rebuild they will follow but the other problem is he questions any numbers how utilized this would be because most kids that go to skate parks he thinks would be deterred going to the skate park next to the police department. He explained if you have more things grouped together they become much more attended.

City Manager Hanken explained he proposed the skate park being located at Veterans Park but the neighbors did not want it there.

Mayor Burge wants to bring it up at the next meeting and look at location options. He would like to get a list of the pros and cons for different options. He stated you could take the same footprint (from the RFP) and place it elsewhere.

Councilor Ingham asked how much is it going to cost to demolish that so you can put another piece of concrete there. She stated why spend the money for construction of a skate park in demolishing that when you can just condemn that, nobody can use it until we have the funds to bulldoze it and put 100% of the funds in a new skate park.

City Manager Hanken replied part of the design build process is they look at what's there, they can utilize whatever they want, they can bulldoze whatever they want.

Councilor Ingham replied there is nothing there that is utilizable.

Councilor Erickson stated the drainage in the ground is probably utilizable.

Councilor Ingham replied the drainage and nothing else, so that means all the concrete goes but the drainage in the ground.

Councilor Erickson replied money is money.

City Manager Hanken stated not according to Evergreen (too many people talking over him).

Mayor Burge replied those questions are really the experts Evergreen Skate Park or whoever makes the proposal, they are going to make that proposal based on their expertise, not on our non expertise up here on design of skate parks.

Mayor Burge thanked City Manager Hanken.

### **Announcements**

Mayor Burge went over the calendar.

### **City Manager**



City Manager Hanken he will be out of the office starting tomorrow and will return on Monday October 22, 2012.

## **Council**

Councilor Meres stated he does think we need a skate park (hard to hear the rest of what he said).

Councilor Ingham asked City Manager Hanken what is going on with the totem pole.

City Manager Hanken replied he hasn't heard from the company. He explained as required 50% down has been sent to the company.

Councilor Ingham explained she will send him an email tomorrow to see how the process is going.

Councilor Reed explained he had somebody approach him about the "no parking" signs on High School Way. He explained the explanation that person gave him was they were placed as a way to keep students from evading the restriction of no car use as part of the open campus. He stated basically what they were saying was if the cars were parked on school property they can't drive them off. If they are parked off of school property they can walk off school property and drive away.

Councilor Ingham replied that has never been an issue, they've never parked their cars on the street, it's always during games.

Councilor Reed explained the people that talked to him were just concerned over parking being horrendous during major games and activities and they were wondering about the possibility of the time frame for the no parking area.

Police Chief Greisen explained the no parking signs have been there for a long time. He explained what happened is over time they got faded and they way they were placed you could really see them to pay much attention to them. He explained with the addition of Petersen there is a lot more parking and the thing is people aren't utilizing it because they want to be close. He explained what we are finding out is on the south side the soccer parents are saying they are still going to park their until the officers start citing. He explained however on Saturday there is a lot of parking on the lower parking lot of the High School. He explained he did talk to the School Superintendent about more lighting from Grant Watts and Petersen over to the High School and they are going to look into that. He explained they did open up some more parking in front of the bus turn around so they did allow parking it is just not in the ditches. He explained by parking in the ditch there are safety concerns.

Councilor Ingham stated she has lived in her house looking at that street for 22 years and people have been parking on that street on both side for as long as she remembers and there's really is no problem with it. She stated the parking is an issue even on 6<sup>th</sup> Street.

Police Chief Greisen explained if you look at vicious liability you try to prevent things from happening.

Councilor Ingham stated the lack of statistic don't tell her that.....

Mayor Burge stated there are no statistic.

Police Chief Greisen explained right by the curbing there is a lot of big yellow area that could, in his opinion, be for parking like they did by the bus turnaround.

Legal Counsel Bennett explained he and City Manager Hanken were just talking about to what extent the City has liability if people park in the ditch and to the extent that the City owns that right-a-way and the extent that the City doesn't assign that for no parking and allows people to park there and someone gets hurts the City certainly has a risk that a claim could be made against the City. Whether that claim would stick or not is a different issue. He stated anytime you have public property and somebody gets injured on public property the City has target on its back for that. He explained the question then becomes to what extent did the City do something wrong in that scenario but once you post that side of the street no parking that is a warning to people there is a reason to not park there and if they park there none the less and get hurt it puts the City in the position where it can make an argument that we posted that no parking, somebody broke our ordinance by parking in a no parking area and to the extent that they did so and they were hurt that was them, not on the City. So that's the way that works.

Councilor Meres replied 60% of our streets don't have sidewalks. He explained to be honest with you he never saw a problem over there.

Police Chief Greisen stated he understands what Councilor Meres is getting at because we don't have a lot of sidewalks but the ground is somewhat level. On High School Way there is a ditch and you get cars parked in the ditch so that is a little a different then level ground. He explained High School way is not designed for parking

Mayo Burge asked does it make sense for us in the next budget to look at the drain for some kind of upgrade.


City Manager Hanken replied it would be a lot of money and there is no money in the storm water fund.

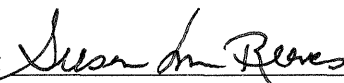
Councilor Ingham explained she is the first one to say that she doesn't want a children to get hurt or hit or anything to happen to someone and then we make the decision to take the precautions. She stated this is a precautionary move to make sure no one gets hurt.

Mayor Burge feels the first action is we should work with the School District to find ways to direct people into those other parking lots with the lighted walk ways.

### **Adjournment**

Mayor Burge adjourned the meeting at 8:47 p.m.

  
Scott Burge, Mayor

Attest:   
Susan M. Reeves, MMC, City Recorder