

**MONDAY, AUGUST 5, 2019
CITY COUNCIL MEETING
Regular meeting 7:00 p.m.
Scappoose Council Chambers
33568 East Columbia Avenue**

Call to Order

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

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Michael Sykes	City Manager
Megan Greisen	Councilor	Norm Miller	Police Chief
Natalie Sanders	Councilor	Susan M. Reeves	City Recorder
Joel Haugen	Councilor	Alexandra Rains	Assistant to City Manager
Brandon Lesowske	Councilor	Huell White	Program Analyst

Peter Watts Legal Counsel Press: Anna Del Savio, Columbia County Spotlight

Excused: Council President Patrick Kessi and Councilor Josh Poling

Approval of the Agenda

Councilor Haugen moved, and Councilor Sanders seconded the motion to approve the agenda. Motion passed (5-0). Mayor Burge, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye and Councilor Lesowske, aye.

Public Comments

Nancy Ward explained she is our representative from the Port of Columbia County. She explained last time she was here it was to tell Council she was running. She explained her campaign was successful and she is delighted, that said, she would love to hear from all of you. She has left her business cards with Mr. Sykes. She stated tomorrow and Wednesday morning are two really big meetings at the Port of Columbia County. She explained they have a town hall meeting tomorrow night, and they are going to be talking about the biggest project that the Port has ever considered, from Next Renewable Fuels Company. She explained the town hall meeting is going to be a presentation by the Port to tell what the lease is about, explaining what the Port has in the way of an offer from Next Renewable Fuels, and then they are going to sit back and listen to what the people in this community have to say about this project and hopefully information that you are going to bring, that you have researched that you know about projects that work like this and to give them your input, give your questions and let them consider for public discussion what this project is going to entail. She explained Wednesday morning at the regular Port meeting they will again be discussing this particular project, so if you can't make it Tuesday night, hopefully you can make it Wednesday morning. She stated we really need your

input. We need the input from the cities in this County as to their concerns, questions, pro's and con's, whatever it is you have to offer the Port, they are going to be there, they are going to be listening, they are going to be taking it into consideration. She thanked Council.

Council thanked Nancy.

Consent Agenda ~ July 15, 2019 City Council meeting minutes and reappointment of Cara Heinze and Alyse Lansing to the Park and Recreation Committee

Councilor Sanders moved, and Councilor Haugen seconded the motion that Council approve the Consent Agenda ~ July 15, 2019 City Council meeting minutes and reappointment of Cara Heinze and Alyse Lansing to the Park and Recreation Committee. Motion passed (5-0). Mayor Burge, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye and Councilor Lesowske, aye.

New Business

Ordinance No. 883: An Ordinance Enacting the Scappoose Municipal Code Chapter 3.26 to Enact a Fuel Tax of 3 Cents Per Gallon for Street Improvements, Repair and Maintenance and Resolution No. 19-16 ~ Fuel Tax Ballot Title (Discussion only)

Program Analyst Huell White went over the staff report. He gave a recap and some background about how we got to this point where staff is recommending a local fuel tax. He explained under Council Goal #2 promoting transportation improvements that enhance community livability, objective 2F under that goal was to pursue transportation funding as an objective. He explained in October of 2018 City Staff developed and conducted the Scappoose Community Survey and one of the questions that was asked on that survey was how important is the maintenance and development of streets and sidewalks in the scope of City services. He explained those responding to that survey indicated that over 80% of the community thinks that the maintenance and construction of streets and sidewalks is important in the scope of City services. At the 2019 Annual Town Meeting, 92% of attendees supported implementation of a local fuel tax of \$0.03 per gallon, as opposed to a property tax levy or transportation utility fee. A local fuel tax places the cost burden of street maintenance on all users of streets within Scappoose - residents and non-residents alike. About 10 million gallons of fuel are sold within Scappoose city limits each year. The Oregon Department of Transportation's most recent vehicle trip data shows that approximately 30,000 vehicles travel through Scappoose every day - far more vehicles than accounts for Scappoose's population alone. He went over the staff report which explains City Council has included transportation funding, specifically a local fuel tax, as an objective since FY16-17. As one of the goals in enhancing community livability through promoting transportation improvements, the purpose of pursuing a viable transportation funding mechanism is to maintain and improve the current pavement condition index (PCI) of the City's street network and provide funding for infrastructure projects identified in the Transportation System Plan (2016). The 2016 TSP includes more than 50 fiscally constrained projects totaling approximately \$50 million. Nearly all identified pedestrian and cyclist projects in the TSP name the City of Scappoose as the primary or sole financier. The results of the Scappoose Community Survey conducted at the end of calendar year 2018.

Program Analyst Huell White explained before Council tonight is a draft of the ballot title and

the ordinance which would be enacted if Scappoose voters approve the measure in November. He explained why staff chose \$0.03 per gallon, which is the most common local fuel tax rate in the State of Oregon. He explained the updated Pavement Management Program Budget Options Report (2017), the City's allocation to pavement maintenance and rehabilitation is insufficient. Furthermore, inadequate connectivity of pedestrian and cyclist facilities present significant safety and livability concerns, specifically in and around the community's schools. Pavement report mentioned above recommends several funding scenarios for maintaining or increasing the current PCI. He stated should there be a sunset provision added to the fuel tax measure. He explained staff is not recommending a sunset provision for the following reasons: The first of which is, it is generally accepted by Governments in the State of Oregon that fuel tax revenue will begin to decline over time. He stated if Council does choose to add a sunset clause to the local fuel tax measure staff does recommend that the sunset provision be set at ten years.

City Manager Sykes stated once we get feedback from Council on those items then staff can move forward with advertisement of an ordinance and we will have a special City Council meeting next Monday which would have one item, referring this to the voters, with the conditions as stipulated by Council. He thinks one of the things that is important to note is Huell's comment about how we are really going to focus on trying to maintain what we have. He stated it would be nice to say we are going to put sidewalks on every street that needs improvements, but the truth is that this won't generate that kind of money. But, what it will do is allow us to maintain what we have, and also give us the resources to do infilling of sidewalks, and also try to leverage other dollars for safe routes to school, use our SDC dollars, and try and address some of these other major arterials. He explained we are looking for direction on whether we should put a sunset clause in or not.

Mayor Burge asked what was the anticipated average cost for a driver from Scappoose for the fuel tax?

Huell White replied for the average Scappoose commuter that is going to the Portland area or Hillsboro, at 20 miles per gallon it would be about a \$1.20 per month. He stated fuel prices on a given day may be different than the next day, these can fluctuate on a daily basis, and often do.

Councilor Haugen explained he likes the ten-year sunset because it is an understandable time period and we want this thing to pass. He thinks that would give us some extra votes, because there is an endpoint. He would strongly suggest a sunset on this.

Councilor Lesowske asked how staff landed on ten years.

Program Analyst Huell White explained it gives us approximately three million dollars over those ten years. He explained we have nearly two million dollars in backlog of street maintenance that is needed and another one million dollars could be used to leverage larger State grants such as safe routes to schools or the more expensive pedestrians projects called out in the Transportation System Plan, which several of those projects are well into multi hundreds of thousands of dollars.

Councilor Sanders asked if we do have the sunset are we going to end up in this position again in the future or has our budget been adjusted for this kind of stuff going forward?

Program Analyst Huell White replied that is probably the largest reason why staff would not

recommend the sunset provision because in ten years the City Council and staff are going to have to figure out whether or not they are going to go out to reauthorize the fuel tax or figure out how to fund street maintenance at that time.

Legal Counsel Peter Watts explained the idea of the sunset. He also explained we can pinpoint the amount of out of area people, but it is in a range and that range is probably about 80%. He stated one thing you have done is you have really identified community priority projects and those are actually in the ballot title. He feels the City is saying we have very real needs and a large percentage of the community believes we have these needs; they have identified these priorities and we share those priorities and that is how we are going to use it.

Councilor Greisen asked it if worth mentioning the cost. She stated just painting the picture for people that really getting this fuel tax is definitely not over exceeding all the things that we need to get done, it is really just getting us to where we need to be to just kind of keep up. She explained we are not trying to overwork our community and have them overspend so we can hoard all this money. She asked if it worth mentioning the cost, setting the bigger picture, or is going into that not worth it. She asked is there a need to say what the average cost would be? She explained this would be setting the scene and that it isn't that much compared to other options.

Legal Counsel Peter Watts replied he thinks it is really important that people understand that this isn't a magic bullet, this is one tool that the City is trying to use to incrementally solve a portion of the problem and that is all it is. He explained in the ballot title one of the challenges is the word limits and the other is even if something is factual, if it could cause someone to read that fact and say, why I should definitely vote yes, then the Secretary of State's position and the Attorney General opinion letters have said you can't use that.

Program Analyst Huell White explained staff went through and calculated what \$1 spent on preventative pavement maintenance would save \$5 for rehabilitating a road, or up to \$28 for reconstructing a road.

Councilor Haugen thinks there will be better odds with a sunset.

Councilor Greisen asked if there would be any strategy to holding off until 2020, do we need to do it this year?

Program Analyst Huell White replied the jury is kind of out on that. He stated if we had actual professional polling done, we might be able to determine that question. He stated frankly the answer is, we don't know.

Legal Counsel Peter Watts stated the most important thing is voter understanding, so regardless of what election it is in, if the voters understand what the options are and how the money is going to be used and trust the City, then it probably has a chance of passing. He stated if you are looking at the pool of people that are going to pay for these repairs and how to do the most you can with the least impact on Scappoose electors, then this is probably the vehicle to do that

because anything else you do, the residents are going to pay significantly higher for the same amount of work than they would with this.

City Manager Sykes explained he thinks the time is now for this.

Legal Counsel Peter Watts went over the rules of advocating for the ballot measure.

Mayor Burge asked Council if they want the ten-year sunset.

The consensus of the Council is to add the sunset.

Legal Counsel Peter Watts explained the other thing is, for the ordinance, you would be reading it once by title because you don't have the power to enact the fuel tax, the voters get the second reading essentially. He explained if you want to refer it to the ballot you would do that via the resolution. He explained if the voters vote yes in November that is the second reading and second vote yes, if they vote no, then it won't be part of your code and it just goes away.

Quitclaim Deed for Bernet Property

City Manager Sykes explained about a month ago he was approached by Ken Bernet and he had been working with Columbia County to try and quitclaim the bottom south piece of Chapman Landing. He explained if you go back about four years ago Ken Bernet was the person who met with the City and offered to sell us the site where Chief Concomly Park is now and he made an interesting proposal to the City, which was - if the City bought the property off Seely Lane, he would consider donating a portion of Chapman Landing, which he thinks totaled about six acres. He stated that really was critical because he gave us basically from the road all the way to the river if we could acquire the property from Columbia County who had the easterly section of Chapman Landing. He stated when they had that conversation, Ken Bernet felt there were certain conditions which were important. He explained one of them was Ken wanted to square off the southern boundary towards his family's residence and he wanted us to put a fence there because there were a lot of people walking into their backyard. He also wanted to square up the property which meant he was hoping to acquire the piece along the river, which is a fairly narrow piece and really a lot of it is in the mud flats. He stated we didn't have any issue with that, but at the same time, the City didn't own the property because at that point the County had ownership. He stated as part of the squaring up of the property, Ken was under the impression that the County was going to do that before it was transferred to the City, but that didn't happen. He explained so Ken came to us and asked if we would do that. He explained the way our agreement reads with the Port and the County is if we are going to eliminate any of that property for use, we have to have an agreement by the City, the County and the Port. He stated if Council is okay with following through with this quitclaim, then it would go to the Port and the County to complete the deal.

Mayor Burge stated he thinks we just do the right thing and honor the deal.

Councilor Haugen stated he is perfectly fine with the quitclaim deed, but with the condition that the parcel may not be used for any type of commercial development like a mortgage. He stated there is nothing in writing and he was not aware of anything and he has been close to this whole agreement process for the last five years. He stated think about the history of the Crown Zellerbach Trail and the rail and so forth and having that, and if this quitclaim did not have the condition for no commercial development, then we could end up with house boats right next to Chapman Landing and this beautiful park that we are spending millions of dollars on eventually. He stated that, to him, that is not a good plan, so what he suggests is we table this for tonight, have a conversation with the Bernet's to see if there are any objections from them for a condition like that, and move forward. He stated we want to be reasonable, but he wasn't aware of this agreement.

City Manager Sykes replied he thinks the tough part about that is when you are talking about house boats you are really talking about submersible rights which are really controlled by the Division of State Lands, which we don't control and he doesn't think we could put a condition on that since it is controlled by the Division of State Lands.

Legal Counsel Peter Watts stated, practically speaking, he is not aware of new developments involving floating homes in the State of Oregon. He doesn't know if we can make that condition, but he can take a look and see what we can do.

Councilor Haugen moved to table this ~ there wasn't a second, so the motion dies.

Mayor Burge stated he feels we need to honor what we did.

Councilor Sanders moved and Councilor Greisen seconded the motion that Council authorize the City Manager to execute the Quitclaim Deed with Kenneth Bernet thereby relinquishing all right, title and interest in the real property depicted in Exhibit A. Motion passed (4-1) Mayor Burge, aye; Councilor Greisen, aye; Councilor Sanders, aye and Councilor Lesowske, aye and Councilor Haugen, nay.

Announcements ~ information only

Calendar

Mayor Burge went over the calendar.

City Manager, Police Chief, Councilors, and Mayor

City Manager Sykes introduced Susie Wilson, who is the chair of the Sauerkraut Festival, that will be held on September 14, 2019.

Susie Wilson explained it has been amazing how excited the community is to be having the Sauerkraut Festival again.

City Manager Sykes explained Council has a copy of his report. He wanted to thank staff and Legal Counsel Peter Watts for all of their hard work. He explained the City had a couple of dedications last week, a new park and a new road. He explained things have been busy.

Chief Miller explained National Night Out is tomorrow night, come on by. He explained the new Lieutenant started last week and he will be introduced at the next meeting. He explained the new Sergeant will start September 1 and the second patrol position has already gone through background and is now in medical, so it looks like he will be starting towards the end of the month. He explained Code Enforcement started this week.

Councilor Greisen stated there are too many shootings happening right now. She thanked Police Chief Norm Miller and his Department for all they do for our community. She stated the opening of Chief Concomly was fantastic. She explained everybody is excited about the Park and it is nice to have another open space. She thanked Public Works and the Planning Department for putting that all together, and Assistant to City Manager Alexandra Rains for her grant writing and major team effort. She stated she is always proud of where they live and who works here.

Councilor Sanders stated ditto and thank you.

Councilor Haugen replied and a double ditto. He stated he attended the County Crown Zellerbach Trail meeting last week and it sounds like there is some progress being made to make the passage across away from the Highway. He stated that looks really promising. He stated one concern he has is he is not sure they are keeping the City of Scappoose really apprised with their trail signage stuff and he thinks we should have some kind of branding standard that makes sense. He would suggest that Mayor Burge send a letter of support to the Mayors in Ohio and Texas.

Councilor Lesowske stated he is really excited for the Sauerkraut Festival. He has heard people at his work discuss it and they're not members of our community, but they are really excited. He thinks it is great to have another open space, with another park. He explained he and his family will be at Chief Concomly Park and he is very excited to share the park with his family members. He is excited to see the dollars that are coming in from OMIC and the development continue to move forward over there. He stated there are a lot of positive things happening in our community. He stated he is a proud community member of Scappoose. He explained he will be out of town on August 19 and asked to be excused to be absent from the meeting.

Mayor Burge replied yes, you will be excused.

Mayor Burge explained they had two ribbon cuttings on July 26. He explained he and City Manager Sykes had a meeting with a group working on the Oregon Manufacture Innovation District and how to market it and how the economic development would go, and it was very productive. He explained this past week he was at the Oregon Mayors Association summer conference and he got honored. He explained it was an honorable mention for a leadership award, which he wasn't expecting. He stated this recognition isn't just for him, it is everyone out here that works for the City and everyone here. He stated it is a recognition of the City and

everything we are doing, all the positives. He explained he talked to ODOT regarding trees damaging sidewalks on Highway 30.

Legal Counsel Peter Watts replied to Mayor Burge, if he gets him some photos, he can make ODOT aware of the issue.

Mayor Burge explained he did find out that it looks like some of our sewer loan is going to be forgivable and he doesn't know if staff knew that going into the loan.

City Manager Sykes replied we will make sure we capitalize on that and he thanked Mayor Burge for his efforts.

Mayor Burge talked about needing the Crown Zellerbach Trail open for the Wings & Wheels marathon.

City Manager Sykes thanked Nancy Ward for coming to the Council meeting and for asking their opinion, it is really appreciated, and he looks forward to working with her.

Mayor Burge read the Executive Session statement and went into Executive Session at 8:10 p.m.

Present: Mayor Scott Burge, Councilor Megan Greisen, Councilor Natalie Sanders, Councilor Joel Haugen, Councilor Brandon Lesowske, City Manager Michael Sykes, Police Chief Norm Miller, Legal Counsel Peter Watts, City Recorder Susan Reeves and Anna Del Savio, Columbia County Spotlight.

Executive Session:

- 1. ORS 192-660(2)(d) Labor Negotiations**
- 2. ORS 192-660(2)(d) Labor Negotiations**

Open Session

Mayor Burge came back into open session at 8:22 p.m.

Local 1442-1 AFSCME Council No.75 AFL-CIO Union Contract

City Manager Sykes explained staff recommends that the Council approve the contract with Local 1442-1 AFSCME Council No.75 AFL-CIO.

Councilor Sanders moved, and Councilor Greisen seconded the motion that Council authorize City Manager Sykes to sign the union contract between Local 1442-1 AFSCME Council No.75 AFL-CIO. Motion passed (5-0). Mayor Burge, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye and Councilor Lesowske, aye.

Fraternal Order of Police Oregon Lodge #7 (Representing the Scappoose Police Officer's Guild) Union Contract

Police Chief Miller explained staff recommends that the Council authorize City Manager Sykes to sign the contract between Fraternal Order of Police Oregon Lodge #7 (Representing the Scappoose Police Officer's Guild) and the City of Scappoose Union Contract.

Councilor Haugen moved, and Councilor Sanders seconded the motion that Council authorize City Manager Sykes to sign the union contract between Fraternal Order of Police Oregon Lodge #7 (Representing the Scappoose Police Officer's Guild) and the City of Scappoose. Motion passed (5-0). Mayor Burge, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye and Councilor Lesowske, aye.


Adjournment

Mayor Burge adjourned the meeting at 8:24 p.m.



Mayor Scott Burge

Attest:



City Recorder Susan M. Reeves, MMC