

TUESDAY, JANUARY 19, 2021
CITY COUNCIL MEETING
Regular meeting 7:00 p.m.

Call to Order

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

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Alexandra Rains	Interim City Manager (left at 9pm)
Megan Greisen	Council President	Norm Miller	Police Chief
Joel Haugen	Councilor	Susan Reeves	City Recorder
Josh Poling	Councilor	Huell White	Program Analyst (left at 9pm)
Brandon Lesowske	Councilor	Isaac Butman	Program Analyst Intern (left at 9pm)
Tyler Miller	Councilor		

Legal Counsel Peter Watts

Press: none

Remote: Councilor Pete McHugh and Marisa Jacobs

Approval of the Agenda

Councilor Haugen moved, and Council President Greisen seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye, Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Public Comment

Received via email from Marisa Jacobs ~

Scappoose City Council – Public Testimony - January 19, 2021

Good evening Mayor Burge, President Greisen, City Councilors and City Staff,

Happy New Year to each of you. My name is Marisa Jacobs and while I'm an alternate planning commissioner, this evening I speak to you as a resident.

This is my 4th time providing public comment and it stinks I'm unable to be in person with you as it's challenging to build rapport given we have to speak into a black box without being able to see each other. I will be a regularly engaged resident during the 2021 session. As citizens it is our duty to ensure our elected leaders are held accountable to the people. After all, it is the taxpayers that fund government. My role in this relationship is to be the 3rd voice at the table,

the taxpayer to ensure you are not operating in a vacuum amongst yourselves as it's easy to do when there's limited participation. It's my hope we can build a pleasant rapport during this year.

I'd like to thank Staff for focusing tonight's meeting on moving the Grabhorn development forward and thank you, Council, for delaying such an important vote. Myself and the 285 petitioners were appreciative of your action.

Onto the core topics for tonight: I've reviewed the reports and offer the following:

Alternative NW Local Connection Study

I'm worried about the optics to the community should Council authorize spending \$3,500 for assessing an alternative connection. In the current TSP, Figure 15, there are 4 other suggested connections for NW Scappoose. One of the themes I've heard Staff make throughout the last 5 months is that there needs to be connection for NW Scappoose. When will the 4 other suggested connections on the map to be evaluate? Given there is no listed connection noted for Kucera in the TSP, there should be a better way to deal with this topic versus spending \$3,500. Utilizing the same firm to relook at their own work product seems spurious. I urge Council to Vote NO on this action as it's a waste of taxpayer monies.

Pool Fund Article

In the article the City states they used pool funds to purchase the Grabhorn property and therefore committed to building a pool on this property. This is a HIGHLY concerning commitment given there has been zero information published to the taxpayers of Scappoose about the annual operating and maintenance costs. While the community may want a pool, can the community afford to pay for a pool? This is a complete misstep. I urge Council to direct Staff to include information regarding the taxpayer's obligation so that we have the full picture of what it would take to build a pool.

Ad hoc Committee for Grabhorn Development

Thank you for listening to the community to include community members for the park re-design. It's great to see Parks & Rec be at the center of this project and 4 community seats. However, the optics are concerning given 2 of the 4 community spots are allocated to recreational sport leagues. It is rumored that one of these sport leagues has paid money to the city that went to the purchase of the Grabhorn property in exchange to build a field. If that is true, it appears the City has decided the sport fields are going in regardless of the ad hoc committees' recommendations. I ask Council, is that fair? Council, please do not forget the current design utilizes a large footprint for only seasonal use and is wasted space given the fields overlap. I urge Council to add an additional seat to the Committee for a park patron. A person who utilizes the park that does not live next to, utilize the sport fields or dog park. A park patron can provide insight for how a park can be utilized year-round use versus limited, seasonal use which is the current design.

Thank you for the time.
Marisa Jacobs

Consent Agenda ~ January 4, 2021 City Council meeting minutes, appointment of Brenda Michael to the Economic Development Committee, and reappointment of Michelle Brown and Ty Bailey to the Budget Committee

Councilor Haugen moved, and Council President Greisen seconded the motion to approve the Consent Agenda ~ January 4, 2021 City Council meeting minutes, appointment of Brenda Michael to the Economic Development Committee, and reappointment of Michelle Brown and Ty Bailey to the Budget Committee. Motion passed (6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye, Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

New Business

Alternative NW Local Connection Study

Interim City Manager Alexandra Rains explained for Council's consideration this evening what we have is a proposal for an alternative analysis study to consider alternative locations or routes for the extension of Captain Roger Kucera Way. It was considered to run on the westside of the property along Grabhorn Park. She explained we felt this might be worth considering in order to address some of the concerns of the neighborhood and others in the community and also to provide more information to Council by which to base a decision on.

Program Analyst Huell White went over the staff report. He explained the Transportation System Plan (TSP, Vol. 1, Figure 15, at p. 49) identifies a local connection between Roger Kucera Way and NW EJ Smith Road. Fulfillment of local connections in the TSP are triggered by development. Development of a park facility adjacent to the identified local connection would trigger that requirement through the Site Development Review process. The originally proposed road extension between Capt. Roger Kucera Way and NW EJ Smith Road elicited a significant and negative response from neighborhood residents. During the December 7, 2020 City Council meeting, City staff stated that an analysis could be conducted to determine whether or not an alternative north/south connection could be made in this area of the City, but that doing so would require the assistance of an expert consultant. Following the December 7 meeting, staff reached out to DKS Associates (a transportation-focused consulting firm that developed the City's TSP) to determine what the cost, timeline, and feasibility of a study would be. DKS Associates responded with a brief scope of work and cost estimate. DKS Associates' response was as follows: "[...] A local street connection study would be up to \$3,500. We would review current conditions (street network, tax lots, topography, environmental constraints, etc.) and development potential (land use, density) to determine the number and location of local streets to serve the area. We would document the review and findings in a brief memo. Let me know if you have any other questions". A full record of staff's correspondence with DKS Associates on this inquiry is attached as Exhibit A. On January 5, 2021, City staff shared with the Traffic Safety Committee the option to conduct a study to identify, if technically feasible, alternative local connection(s) in the vicinity of the Grabhorn Property. Members of the Traffic Safety Committee

determined that the study would provide a determination as to whether or not an alternative to the TSP-identified local connection on the Grabhorn Property exists. Staff seeks the direction of City Council on whether to proceed with the Alternative NW Local Connection Study.

Councilor Haugen stated he is just confused as to why we have this connection from Smith to Kucera Way. He doesn't see any evidence in either the Comp Plan or the TSP. He explained from his experience the reason to connect roads is because of demand or you need to channel traffic for a functional reason. He explained when he looked at the TSP, he doesn't understand and is really confused as to why we are even talking about a road.

Program Analyst Huell White replied he will defer to the City Attorney for this because he is neither the city engineer or traffic engineer so maybe Legal Counsel Peter Watts can answer that question.

Legal Counsel Peter Watts replied he wishes we had the TSP in front of us this meeting but we don't. There is a map that shows essentially your different options for your Transportation System Plan and what that showed is arrows that would go through what is now Chief Concomly Park. He stated obviously that is no longer a viable road. He stated part of the reason that the road could be located there is because there was a viable potential alternative, which based on those arrows was essentially this connection. In regard to the Transportation System Plan, things can change, priorities can change and there can be other viable alternatives that are identified depending on the City topography and all of those things. He stated the question for you as a Council is would you want another north south connector to add redundancy to the plan. He stated his recollection is both the Fire Chief and the Police Chief had spoken in favor of the road in some form because of concerns about flooding that happen traditionally as well as their response time to incidents within and outside of the park. He explained there are a couple of questions and he saw the ODOT email response, but it is actually DLCD staff that is appropriate to respond with their opinion because the Transportation System Plan is part of your Comprehensive Plan. He thinks in working with staff, the type of information they're looking for is to determine whether there is a viable alternative to a road here and then you know there's some questions about the cost of building that versus this because you have half of it constructed now and it would need to be a portion of it, but he is not sure if that's 90% or 70% to connect the parking lots and other infrastructure. He stated, just from experience, his guess is that it will probably be less expensive to build this road than another road but in order for us to make sure that everyone is on the same page and they understand the pro's and con's and what alternatives there are and if they are viable, whether it is by this firm or a study of this scope, which is about the minimal scope that you would need in order to get the information that we would need to provide to you, this would be the next step. He explained the study could come back and say there is a viable alternative. He explained what an engineer will tell you is you can always engineer it, but maybe it's \$20 million to engineer. He stated so that's the sort of information that this study would determine and then use to make a decision as a community, because you're the Council responsible for the vision and values of the City and we would want to do this in consultation with the DLCD because of the current maps, you then could determine the priorities. He stated this would allow everyone to understand the same amount of information and you have a better understanding of what the options are.

Councilor Haugen stated that would make a lot more sense to him, as Peter stated, we need to find an alternative to the SW 4th proposed road rather than the Kucera extension because that connection he can't find anywhere. He explained he sees the SW 4th to Smith Road proposal in the 2016 TSP. He stated the language there is really confusing to him. He explained it seems to him at this juncture we might be putting the cart before the horse. He would suggest, and maybe indeed we do need to have that consultation for the need for a road or a viable north south extension, but to him the first step would be to get our park design plan and maybe that park design plan incorporates a road or a service road that could service as an emergency access in case of flooding, etc. He stated then once we have that then we go to the step of spending \$3500 to find out if there are alternatives to the SW 4th project. He stated that to him would be much cleaner and he can understand that, because he can't understand the language that they have before them.

Interim City Manager Rains explained when she spoke with City Planner Laurie Oliver Joseph, she indicated that essentially even very minimal amounts of development on the Grabhorn parcel would trigger site development review which would bring up that road connection, that conceptual connection. She explained City Planner Laurie Oliver Joseph said even if it was a private developer that developed it, they would be required to put that road in. She explained, essentially, before we get to that step, we need to determine whether or not that road can be put somewhere else and if that's the case then we can apply for site development review and say look, these are findings, we don't need to put this here even though it's depicted in this Master Plan. She thinks that based on my conversations with City Planner Laurie Oliver Joseph that's why she thought this would help.

Councilor Haugen replied that's why he is suggesting the next step is to contact DLCD and find out if we actually need to do this or just erase the road.

Interim City Manager Alexandra Rains replied to erase it you have to amend the Transportation System Master Plan to do that. She is not sure exactly sure what the process would look like without the planner sitting here.

Councilor Haugen replied he suggests, just from a practical point, contact DLCD and make sure that we're all on the same page because right now he's not sure we are. He stated at some point, whether that is two months, five months, eight months, or years, maybe we will need that study, but right now it seems to him that we are putting the cart before the horse.

Interim City Manager Rains explained she thinks some of the thoughts on timing was that if in fact there was an alternative, then the conceptual plan didn't have to concern itself as to whether there was a road of any kind or connection there, it could simply be excluded from that process and the park wouldn't have to concern itself with even including that. She explained the other thing too is if that if conceptual plan found an alternative when we go to do an update, which we do regularly to the TSP, that could simply slip into the update that it gets moved to another location.

Legal Counsel Peter Watts explained, practically speaking, that's not how DLCD works. He explained how they work is they look at the entire planning process and so your Transportation

System Plan probably took in excess of a year, probably closer to two, that's been my experience. He explained so as part of that you have the DLCD staff looking at, hopefully, a trusted planner - planning firm that understands Oregon Land Use Law and understands what components need to be part of this plan. He explained as part of that, both the planner and the other people reviewing, engineers etc., are making a series of warranties to the DLCD staff so that they don't necessarily have to be completely embedded in the planning and so what they're looking at is if this gets challenged, if the planning gets challenging and taken up to LC DC or something like that, then staff has to spend a lot more time. He explained what they're looking at is a comprehensive approach rather than something in a vacuum, so without reopening our entire Transportation System Plan, which is what I think we're wanting to avoid, he thinks staff is interested in seeing if there is a viable alternative. He stated the answer is either going to be there is or there isn't. He stated what is unclear is whether the City could get by without having another north south connector, I can't speak to that. He stated, cities (and it's just for planning purposes whether it's water or streets or whatever), they want redundancy in the system. If there are no other connectors, what I can tell you pretty definitively, is that it will impact future growth. He explained, because as you all know, when you were annexing that one small property that had the septic problem, you know you have to make a series of findings based on the ability to provide urban services and part of that urban services are water and sewer that people think of most often, but also am/pm trip counts for traffic. He stated, if you're limiting connectors and there's no viable alternatives, that could impact a UGB expansion, that could impact urban reserves. He explained, he is not saying it will, but it could and it's developing more of an understanding of what that impact would be, but before we would go through that sort of process, which I think will be robust in his mind, and this is his fault, he is the one that suggested this. He stated, first let's determine if there is a viable alternative, because if there is a viable alternative then hopefully, we wouldn't have to go through a far more robust process, we would just be able to point to it and say, for around the same cost this is an alternative that would work for the City. He explained, if the answer comes back that there is not a viable alternative, then obviously, we're going to have to have a longer conversation. He explained, in order for members of the public to understand the impacts of this, this is really an instance where information really helps people, because if there is a viable alternative, then you can compare the cost etc., if there's not, then there's not.

Councilor Miller stated he has heard this at least twice now, a difference of opinion on whether or not this is actually in the TSP or not. He asked can we say definitively that this is absolutely in the TSP?

Interim City Manager Alexandra Rains and Program Analyst Huell White both replied, yes.

Councilor Miller replied, okay, he hasn't seen it, so and he keeps hearing a difference of opinions, so thank you for confirming that. He explained he read through this and he sees in general terms, especially in the email about the scope of work, but for him, and he would imagine the other Councilors too, when we get this report back, if we do approve it, what sort of information are we actually going to get? He asked, are we going to have a list of all of the possible potential locations with the pros and cons of each, because if we make a decision on this or if it comes to them to make a decision on this, they are going to want to know the pros and cons because it is a very contentious issue. He just wants to make sure that if we do spend the

money and get this report, that they all know exactly what to expect from the report and there will be the pros and cons of each location that they put in that report. He stated he says that only because he doesn't want to spend money, and we think that we're going to be getting something, but then at the end of the day when they get the report it lacks the actual detail that they need as Councilmembers to be able to make a decision. He stated, he would just ask that if we do proceed with this, that we do make sure the scope of work is defined on what detail we are going to get from the report.

Program Analyst Huell White replied, the only thing he would add to that is that DKS stated that they would provide a report on their findings and would present to City Council at the conclusion of the report.

Council President Greisen stated, looking back at our City Engineer's response to Councilor Haugen's alternatives, could we assume that something like this would come to the Council, like what Councilor Miller is looking for with pros and cons or other information, this is an alternative site perhaps it's with the consulting company or our City Engineer kind of laying out the details?

Program Analyst Huell White replied, that is correct.

Councilor McHugh feels it would be good to have the data from the consultant. He talked about 4th Street.

Mayor Burge stated he thinks largest issue was that it's in the floodplain. He explained when building in the floodplain you need a cut fill balance to make sure the floodplain doesn't get any smaller and it was not possible to do. He feels we are saying we are going to do the study to gather more information, because trying to take a position where you're denying information doesn't make any sense to me. He explained, it just makes sense for us to look to see where the alternatives are. He explained, having that information will help us in this northwest section, he thinks we need that. He explained, we're going to continue moving forward on the Grabhorn Park information that's on the agenda tonight so it's not like we can't do the stuff side-by-side and get this information back within just two to three weeks and if we get breakouts like this, with alternatives, maybe we put together the \$5 million for the alternative, he doesn't know, but he thinks having that information so the people can make an informed choice makes sense. He thinks the more information people have, the better decisions that we can make, and the community can make.

Councilor Haugen stated, he is still a little unclear on something. He stated he is looking at tonight's packet and it states the Transportation System Plan Volume 1, figure 15, page 49 identifies a local connection between Roger Kucera Way, Northwest E.J. Smith Road. He stated he has looked at this several times and he can't see any connections. He stated there are some local connections up Smith Road, but they don't go to Kucera Way. He asked Legal Counsel Peter Watts if he is 100% certain that DLCD or whatever organization would review this, is he 100% certain that they would have a problem with us ignoring that?

Legal Counsel Peter Watts replied no, he is not a 100% certain of anything. He stated he always says that any lawyer that tells you there is a 0% or 100% chance of something happening is not someone that you would ever want to listen to because he's just seen too many things that have happened. He explained part of the problem with Transportation System Plan is that, and again he did not participate in this one, he participated in more than he cares to remember, is that they're not just looking at one connector, they're looking at the entire city, the entire grid, the entire transportation system both within and sometimes without of the city because there can be impacts there too. He explained, so what they will often do, he hasn't looked at this map for a while, but they had a series of arrows and the arrows are as people kind of look on the ground (which is what sometimes the planners will do), they will identify what appear to be viable or potentially viable solutions and that's what we saw here. There were arrows that went through what is Chief Concomly Park. He stated prior to that being built, they looked at is that a viable connector, probably, seems like it would be, but the community really wanted to put a park there and there was no immediate traffic need, he can understand absolutely why a park was put there. He explained we received State grant dollars so that's going to remain a park. He explained there are arrows that were that 4th Street connector and given the context of an entire plan for city when someone looked at that they weren't looking at the topography and that looked like it might be a viable alternative, when we actually looked at the floodplain, and he had not looked at the floodplain until the Grabhorn property purchase because there was a lot more slopes that he thought than looking at aerial shots of that, there was a lot more of it in the floodplain more than they had anticipated, so they were a little bit surprised. He explained, basically, what the engineer and the planner told him was that given the State and local requirements regarding fill in the floodplain, they just didn't think that that was feasible. He explained, we could probably get a price on how feasible it is, but that's probably going to be really expensive because anytime you're doing the cut and fill, it gets expensive. He explained, if you can avoid going through floodplains or floodways, the State absolutely wants you to do that and they make it really expensive just from an engineering standpoint. He spoke about the arrows on top of the Grabhorn property where it would potentially sync up to the "driveway" that goes in to the other park, because that's really more of what it is, he asked how viable is that from an engineering standpoint, in the example and everything we have, it is viable, but maybe it isn't viable to the community. He stated, so in instances like this, the question would be is there a door four or a door five that are viable, maybe there are, maybe there aren't. He explained, he's looked at the City's map and arial maps, just like everyone else, and it didn't look like there was, nothing obvious came out unless you went way up and then you have power lines and all sorts of other issues, but at the same time, a lot of people who have seen those issues before have looked at alternative "B" and not necessarily seen the floodplain issues in real life or what a cut and fill problem that would be. He stated, so it's possible there is an alternative that the non-engineering experts have missed, if there's not, it's a different conversation for you as a Council and then conversation becomes, do you want a connector. He explained what he learned from a jurisdiction that never wanted to do anything with comprehensive plans or transportation system plans is that LCDC and DLCD are set up for jurisdictions that are trying to grow rapidly, they're not really set up with tools to enforce against cities that are reluctant to grow or reluctant to add infrastructure. He explained, they do have some tools; they can take away your cigarette tax money and they can take away some other money. They will occasionally do that but there isn't a lot they can do, so it becomes a matter of how do you as a community want to grow. He stated, would this be in compliance, he can't say. He stated he thinks maybe they would probably say

you shouldn't take this off the map unless you have a reasonable alternative, that's what he would anticipate them saying, but that does not mean that you would necessarily have to build it, you have discretion. He thinks from a good government's perspective, it's probably a good idea to get everyone on the same page with the same information and understanding of what your options are, and then you can have a real conversation about community priorities, and how to approach this going forward. He explained, we can certainly reach out to DLCD staff and see if they have any input. He explained, two driveways could get built and there could be however many feet in between them and at some point, it could be connected or not or we don't know. He explained, we don't know what the options are at this point, but he just thinks this study will help, in his opinion. He explained, this study will make it easier to have the rest of the conversations because we will have accurate information that we can explain to the community.

Councilor Haugen replied it sounds like you're willing to reach out to DLCD staff. He would suggest that we postpone a decision on this for two weeks where it gives us time to reach out to DLCD staff to see if we even have an issue here with the Master Plan in terms of changing it. He stated we could save ourselves \$3,500.

Mayor Burge stated he is going to continue to disagree. He stated he thinks the information is needed whether or not DLCD agrees or disagrees. He thinks that having this information, the more information our community has the better decisions they can make. He stated he almost feels like we're trying to not do a little study so that we don't get information we may not like, and he just wants to have the information so he can make a decision and he can see it and back it up and then the community can see the information. He doesn't want to be doing something where it gives the appearance that we're not willing to do something because we're afraid of what the result would be. He stated if the result comes back and he doesn't like it, it's the result and the experts have taken a look, and he trusts them.

Legal Counsel Peter Watts stated the problem is the first question he's going to get from DLCD staff is, "is there a viable alternative?", and that's based on his experience. He explained, because DLCD's staff doesn't want to say you're going to do A, or are you going to B, they look at this like a menu of options, and so whether there's one on the menu or three will absolutely impact the answer, to the extent they're willing to engage and look at this. He stated, outside of the ordinary course, which is what we will be asking, which is kind of a big ask because they're very busy with House Bill 2001 and everything else, but to the extent that they're willing to do that, the first question they're going to have for him is what are the alternatives. He stated, in his mind, without that information, I don't know that we're necessarily going to get anything of value from DLCD staff.

Council President Greisen stated she is just going to kind of start from the beginning of all of this when, and she's not putting anyone to blame or pointing a finger, but at some point, there was a conceptual plan that was put together for Grabhorn Park and it was vetted out to the public and people were surveyed, hundreds of people and hundreds of comments specifically came back. Some of the comments were about a road, some of them about softball field, some of them about walking trails and pickle ball court, we could go on and on about all the things that people wrote about and I think we learned something from doing that, which was that some people are highly in favor of certain amenities at a park and some people are highly against certain amenities that

were proposed for the park, including a road next to the park and it just shows the dedication and level of respect that our staff has to put on the brakes, do our due diligence, do their due diligence and to be thorough and give answers to the public. By doing a study like this, we are coming up with facts and information to help us make a decision on this park. Whether it includes a road or not, she understands they're two separate things and all that. She stated, she would be remised to say if we didn't spend this amount of time talking about the other amenities, are we going to have a softball field, are we going to put in a pool or should we have a pickle ball court. She sated every comment, every group of people that came to us with their feedback should be given the same amount of air time, we want them to know that we hear them and so we're going to do something about that, we're putting an ad hoc committee together, we're getting heads together, ideas in the mix and we're going to come up with something that people in general can feel good about. She thinks that this is one of those steps to help us make a decision that we, in general, feel good about for our community, and that more than just those that oppose the road, that's not the only voice that we're listening to. This is one example where we hear you, we hear your voice, let's get some more information. Ad hoc committee, we hear you, we hear you about your amenities and things you do or don't want, are we going to have a pickle ball court or not, or a pool, etc. She just thinks that this is another example of us doing our due diligence and being thorough and putting the brakes on something that went a little too fast. She thinks we all can agree on that and we said, no, we're putting this on the back burner because we want to do things like this, and get as much information we can, and make the best decision we can for the people at large. She is very much in favor of the study.

Councilor Haugen stated, again, I'm not opposed to the study. He stated, it doesn't sound to him from Legal Counsel Peter Watts comments that he's 100% certain that we have a problem here in terms of our TSP. He asked, would it not be worth a two-week window here to reach out to DLCD and find out if we really do have a problem or an issue with our TSP? He stated maybe we don't have to worry about it, we could still do the study at some point. He stated, we would be armed with more information if we just asked that question. He is very much in favor of as much information that we can possibly get, but what's two weeks, if we could just reach out to DLCD. He said he'll talk to them if you want.

Council President Greisen stated we had people in this room speaking to us that serve our community and understand the needs of our community and that was both Police Chief Miller and Fire Chief Pricher and it seems to her that whether we're in compliance with someone beyond our community or the repercussions or the consequence that will be given to us if we do or don't follow this TSP seems to be somewhat of a side worry when we're not listening to the actual people in our community that are sitting here in this room or have come sat in this room and shared their concern for the need for the road or a connector, not this road but a connector, and she has no qualms about somebody else being called, but it seems to me that Peter is saying they're going to ask for an alternative and this study is going to say there is one or there isn't.

Mayor Burge said he heard the same thing from Legal Counsel Peter Watts.

Councilor Haugen said personally, he would wait two weeks, make the call. Let's make sure we have all our ducks in a row before we chuck out \$3500 because it may turn out to be unnecessary

right now, and again, it's the cart before the horse approach. He may be thumbs down on this but that is just his perspective on it.

Mayor Burge asked if there's any other discussion.

Council President Greisen stated just in support of the staff and the work that they do when they bring something to us and it's an assumption by her that they have looked into all of the alternatives and this is what they're asking for because they have done the research, and this is a way they can find their answer. When staff brings something to us, she thinks respectfully, we need to acknowledge the time that they've taken, who they've spoken to when it involves legal matters and they put something in front of us, because they've done the work prior to it getting here. She acknowledged Huell White and stated she appreciates him.

Councilor Haugen said absolutely he agrees and if you've reached out to DLCD on this particular issue and they've come back and said, yea, you have to do this, he has no objections whatsoever.

Legal Counsel Peter Watts replied he has not reached out to the DLCD and part of the reason that he hasn't is because this is kind of outside of the ordinary course. These sort of things are usually handled as part of the TSP. He explained our TSP shows three alternatives and there's one that cannot be built because there is a park in the middle of it, there is one that staff and engineering looked at that due to the cut and fill they do not believe it's possible, and there is a third that has strong community opposition amongst some members of the community and what he doesn't have, and can't tell DLCD, is whether or not there's a fourth alternative. He explained, whether or not there's a fourth will impact, he suspects, what they tell us on whether we can take this off the table, but what he would suggest to you as a Council is that we not take this off the table because I can't tell you if whether we do that or not how it will impact our TSP. He stated he cannot tell you what a future Council would do as far as a connector or something to that nature. He stated, Council obviously takes their role very seriously and you want to provide the community with the best possible information and in his mind, he doesn't think there was an obvious route that was apparent. He stated, there were routes maybe if you removed a couple houses it was possible but there's right of way to acquire. There's a private road, there's all sorts of complications. He stated with that said, he thinks it's important to have something definitive that people can point to so that everyone's on the same page and we're not dealing with alternative facts or alternative reality, or if we do this, will the engineers at DKS that you, as a Council, trusted to do our TSP planning and the State trusts, said this wasn't feasible for these reasons or it could be feasible but it would cost us \$8 million. He stated that is the sort of information, given our limited revenue for a road and limited revenue for gas taxes and community desires for sidewalks and things of that nature, that would be really important to have and to have an informed public. He stated if you want me to contact DLCD, he will, he does whatever he's told, you are the Council, you direct him. He thinks it will be a really short conversation if he doesn't have a definitive answer and he could tell DLCD from his vantage point, it didn't look like there was an obvious alternative and they know he is a lawyer, not a traffic engineer. He explained he has credibility in his area of expertise, but outside of that area of expertise, he's not without credibility, but you know, I'm not a traffic engineer.

Councilor McHugh moved, and Councilor Miller seconded the motion to approve to direct City staff in completing the study and report back to Council with the study's findings. Motion passed (5-1). Mayor Burge, aye; Council President Greisen, aye; Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye. Councilor Haugen, nay.

Mayor Burge said he would like to apologize to Marisa for not knowing she wanted to do public testimony. He explained her testimony will be put into the record. He thanked Marisa for emailing it to us.

Mayor Burge stated in the future, for public comments, can we just make sure that the people calling in are to get on the list, so we know that they want to give public comments. He just wants to clarify it to contact Susan to get on the list to do public comment so that we know since we are having to do it this way due to Covid.

Pool Fund Article

Program Analyst Huell White went over the staff report. He explained at the December 14, 2020 meeting of the City Council, staff presented a brief article that had been drafted to explain the history and status of the donated pool funds and the City Pool Fund. Council directed staff to revise the draft article for clarity purposes and to inquire as to the local newspaper's interest in publishing the article. At the January 4, 2021 City Council meeting, staff was directed to bring the revised article back before Council on January 19 for approval. The intention with that approval is to publish the article in the next available City Newsletter. The Spotlight indicated to staff that they plan on publishing an article on the topic at some point in the near future. The revised Pool Fund Article is attached as Exhibit A. Staff recommends Council approve the Pool Fund Article, either as presented or with amendments, and direct staff to publish the article in the next available City Newsletter.

EXHIBIT A

Total balance of pool-related money available: \$57,183.52 Donated Pool Funds (formerly Swim Council and Bob Casswell Pool Funds): \$48,330.63 City Pool fund: \$8,852.89 Every few years, Scappoose residents wonder what happened to the donations made towards building a pool. The donations have not been forgotten or lost. This article hopes to describe: 1) where the funds are; 2) how much there is; and 3) why the donations changed hands. The fundraising for a community pool dates to the early 1970's. Fundraising efforts began shortly after the passing of Bob Casswell, who had a vision was to construct a community pool. The funds that had been raised were held in a private account by the Casswell Family. In the 1990's, the Scappoose Swim Council was formed as a charitable and tax-exempt organization. The Swim Council's stated goal was to promote the construction of a community pool in Scappoose and support a competition swim team. The Swim Council maintained their funds separately from the donations made to the Bob Casswell Pool Fund. In 2009, the Oregon Department of Justice (DOJ) investigated the Swim Council for their failure to file a financial report. The DOJ found no wrongdoing or misuse of funds from either the Swim Council's account or the Bob Casswell Pool Fund. However, the State found that the Swim Council had become inactive and suggested they either dissolve or restart their charitable activities. In 2012, the DOJ received a complaint

that the Swim Council had been misused funds. Another investigation was opened, but no wrongdoing was found. The DOJ recommended that the two privately held funds be transferred to an organization that could build the pool – the DOJ decided that the City of Scappoose receive the funds. In 2012, the Swim Council dissolved, and their accounts and the Bob Casswell Pool Fund were transferred to the City. In 2020, the City purchased a 9.5-acre parcel called the “Grabhorn Property.” The property was purchased for \$731,600.08. That purchase was made from the City’s dedicated pool fund. After the purchase, \$8,852.59 remained in the City’s dedicated pool fund. Along with the donations that have been held since 2012, a total of \$57,183.52 remains earmarked for the pool.

Councilor Miller asked would it be possible to create a sub committee to review this, since it is the messaging that we’re going to be putting out? He thinks it’s really important and just wondering if it would be possible to create maybe just a three or four person subcommittee just to kind of mull this over and present sent something back to Council?

Council President Greisen asked are there elements that you feel are missing from this piece or that you would like to be added?

Councilor Miller replied he thinks it’s just a general feel that he got from it, to be honest. He explained, the first paragraph starts out very informal and to him it is just a very awkward sentence. He explained, in the paragraph that starts with 2012, there’s a typo, misused.

Councilor McHugh replied Huell did a nice job & covered a lot of ground. He stated he thought it should be shorter and maybe we could wordsmith it a little bit. He stated it wouldn’t hurt to have people get together to review the information. He is fine either way.

Councilor Miller replied he thinks the letter covers all the elements and he is sorry, he wasn’t trying to bash Huell’s writing, by any means. He explained Council only has one opportunity to discuss this and approve it, so he just wanted to make sure Council seized the moment and authentically explained any concerns. He stated he thinks the letter and what it touches on is great, he just feels it could be tidied up just a little bit.

Council President Greisen stated she can’t remember which teacher told her this, but is it not true that most things written in a newspaper should be at a fifth-grade reading level?

Program Analyst Huell White replied that’s correct.

Council President Greisen explained when she reads this I’m not confused and she could imagine how hard it was for Huell to put something together so simple in wording, She explained, at first when she read it, she was like, oh I feel like we should’ve said more about that or more detail but when you do step back and look at it, and you think, literally your first paragraph in this article is hoping to describe XYZ and then you describe XYZ and there hopefully should be no confusion. She explained, she guesses it just depends on the lens it which we want to present the history of the pool. She feels like this like step one, this is very initial, this is where we’re at. She explained, her hope as we spend & give the time and do our due diligence with the Grabhorn Park conceptual plan is that at some point we solve the question of this mystery pool and if we’re

going to have it or not have it. She stated it would be so wonderful if we could submit our grant application and at the last minute, we've got exhibit A showing a pool and exhibit B not showing a pool and we got feedback from the community and it was on a ballot and they said yes, we want a pool and yes this is the tax that I'm going to pay for it. Great, we are going to submit exhibit B because the community knows that this is how much it costs and that would just be like a dream, right? She is just curious, if we put this out then what is the timeline or our plan to then give follow up information, as Marisa had said in her public comments with the email, give information on what the cost is of running a pool. She stated we have talked about this over and over again and if we really knew not only what it is to build it, but then to run it. She asked what would the community really be in favor of and what would we be supportive of. She explained if her dream were to happen, we would get that answer and then move on. She doesn't know if there is an answer for that. If we put this out, by the time it all gets figured out it's the beginning of February or some time and we have a ballot in November, is she just like way off base to think that we could have an answer this year?

Program Analyst Huell White replied, to answer that question, is a topic on the strategic policy considerations that are related to parks or adjacent to them and that is one of the three major topics on the list that is inevitably going to need to be resolved at some point and whether or not that's feasible to get done this year or next year, he can't answer that question at this time.

Council President Greisen stated this Exhibit A is the first step of getting all the assumptions out of the way, getting the facts out there, and then moving on with decision making and she thinks that this is so important that we are doing this, thank you!

Councilor Haugen stated Huell you've done a marvelous job with this, so thank you for the effort. He explained in regard to the first paragraph, he would just change that, and he would scratch the "every few years: and substitute with, "some Scappoose residents wonder". He thinks that is more direct and clearer.

Program Analyst Huell White replied, thank you.

Mayor Burge asked, this is going to be an article in the newsletter, right?

Program Analyst Huell White replied yes, that's correct.

Mayor Burge explained his recommendation is, he likes this as a starter, but he wouldn't mind seeing this on the website and of course with the DOJ results, hyperlinking to that. Then, people can go and read the letter off of the webpage and some of the other information. He explained we can also refer them to the website link through a QR code or something. He stated no matter how much information we put out, we are still going to have people bring it up because they collect cans or did something to raise money for the pool back when they were a kid and then there was a vote that promised a free pool and then there was a vote that told people exactly how much it would cost to build and operate and it was defeated 75/25. He remembers some of the meetings and discussing polling data that they had done. He explained people just weren't willing to pay that amount of money at that time, and he doesn't know if that has changed since then. He explained multiple city managers have dealt with it, the Department of Justice has dealt with it.

He knows there's some archived articles in the Spotlight you could find. He explained this is why he really thinks just having something on our website that ultimately people could hyperlink to, and that information is permanently there so that we were not reinventing this wheel every 5 to 6 years as it comes back up, is a good idea.

Interim City Manager Rains explained, we do currently have some information up on the website based on previous direction and we can always update that with this particular item. She explained, as you're all aware Anna, with the Spotlight had contacted us a while back and asked for that information and we did provide that to her as well and she does believe an article from her is forthcoming on that topic.

Mayor Burge stated he thinks that this is good information.

Councilor Haugen moved, and Council President Greisen seconded to motion to approve the Pool Fund article and direct the staff to publish an article in the next available City newsletter, with the appropriate edits.

Council President Greisen explained if you go on the City's website under pool funds, there's details and supporting documents.

Councilor Lesowske stated last time we spoke about this we did talk about potentially putting in our own article about this in the Spotlight, has that been taken off the table?

Interim city manager Rains replied she believes so, because that was her understanding because Anna was planning on writing an article and we would just put this in our newsletter however many times Council would like to do that, and then leave the information on the website to be looked up any time anyone had any questions.

Councilor McHugh stated he thought we were going to run something in the Spotlight also. He thinks we should do something in the Spotlight.

Mayor Burge stated why don't we start off doing the newsletter. He explained since we have the link on our website, we could add at the end of what was presented tonight, "for more information, go to whatever that link is" and that would make a lot of sense. Then they can go and see the other documentation. He thinks what we do is get this out in the newsletter because he feels that gets out actually better than the local paper and he would like to put this out on the City's other social media too.

Motion passed (6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye, Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

WORK SESSION

Draft Grabhorn Park Ad hoc Committee Information ~ next steps Strategic Policy Considerations for Parks

Interim City Manager Rains explained this evening we have a work session as a follow-up to the Grabhorn Park discussion. She explained we looked at some options for you to form an ad hoc committee to look at the conceptual design. She explained we are just really looking for input, any feedback or changes you'd like to see you before anything is decided upon. She explained in the packet you will see bylaws and a draft team agreement and then the next item you'll see is just some higher-level policy considerations that can be looked at in conjunction with this ad hoc committee process.

Program Analyst Huell White explained this is a first attempt of staff coming before this body to see what sort of feedback that you all might have in terms of what would you like to see that re-engagement process look like. He explained he thinks that the general nature of the recommendation is that an ad hoc committee be formed that is made up of the Parks and Recreation committee, with additional members being added to that committee that represent the nearby neighborhood directly west of Roger Kucera Way, includes representation from the dog park, representation from the softball league as well as the soccer club. He stated what that looks like in terms of how those members are selected, whether that is through an application process or self-nomination or nomination by Council, we are all ears on that. He explained there are some points toward the bottom of the staff report where staff is specifically looking for feedback from the City Council. He explained those would be the responsibilities and objectives of this committee, should Council decide to move forward with creating it. The second would be the committee structure in membership. The third piece would be the possibility of further community engagement and outreach by that group, and lastly, the meeting schedule. He explained in one note on the meeting schedule as you'll see the draft bylaws, we included our best attempt at what we think this process could look like and it's a lot to do in a year, but that's why that schedule is structured as such. He explained we did share with the Parks & Rec Committee at their last work session meeting which I believe was on January 7 and had asked them what their thoughts were about serving as the critical component to this process and if they would be open to the idea of meeting twice per month. He explained, initially, they seemed quite open to that idea; however, we were missing a few members and so he thinks that's one thing to keep in mind, is that meeting twice per month is a serious time commitment and more than what those folks and signed up for. If Council has any thoughts on that we're all ears.

Interim City Manager Rains explained one thing to point out too is this initial schedule was with the grant for 2022 in mind. She stated if that's less of a concern because there's maybe perhaps a desire to look at some bigger policy questions, that schedule could relax some, but this initial look is more of a way to preserve a route to that grant program if that's your most important or underlying concern at this time.

Councilor Haugen stated he is really happy with this framework that you've developed and his impression from the Park & Rec Committee is that they are happy to put in the additional time, especially with the remote forum we have. He stated the only suggestion he has is for article 3 on page 42, the Park and Rec Committee seemed to be pretty enthusiastic about developing best practices for parks. He stated he would include item 3 under Section A as best practices, community park development and design. He explained that was based on the discussions from

the Park and Rec committee comments at the last meeting. He explained, under Section 1 membership he would add five, a Scappoose Bay watershed representative if Dana wasn't able to be there, someone would fill in for her. He explained if Dana is not available then we would have representation from Scappoose Bay Watershed Counsel. He stated other than that, he thinks staff has done a marvelous framework work here, thank you.

Interim City Manager Rains asked if he was looking for an alternate in place of Dana?

Councilor Haugen replied yes, that would work just fine.

Councilor Lesowske asked about Section 1 under membership, subsection I the adjacent neighborhood immediately west of Veterans Park. He asked is there a geographical boundary that we want to identify based on roads because he thinks the resident populations west of the Veterans Park is pretty wide-open and so he wants to make sure that we are mindful to know that those are the adjacent neighborhoods.

Mayor Burge asked if we could just name the neighborhood?

Council President Greisen replied it's Columbia River View Estates.

Mayor Burge reply there's a few other homes.

Councilor Lesowske asked how inclusive are we with the selection of the resident participation? He hopes to maybe get clarity in there.

Mayor Burge replied to him, it is west to the edge of Columbia River View Estates, which would encompass the homes on the road and everything above.

Councilor Lesowske explained he would recommend that Council review the applicants and make that selection & not put that on the ad hoc committee so there is less of a bias in the work that they are going to perform.

Interim City Manager Rains replied, absolutely, the plan was to have those applications come to Council.

Councilor Lesowske asked if we are allowing for the public testimony to be shared during this conversation.

Mayor Burge replied, yes.

Maria Jacobs thanked the Council for putting this together. She went over the email she sent in. She thanked Council for listening to the community to include community members for the park re-design. It's great to see Parks & Rec be at the center of this project and 4 community seats. However, the optics are concerning given 2 of the 4 community spots are allocated to recreational sport leagues. It is rumored that one of these sport leagues has paid money to the City that went to the purchase of the Grabhorn property in exchange to build a field. If that is

true, it appears the City has decided the sport fields are going in regardless of the ad hoc committees' recommendations. I ask Council, is that fair? Council, please do not forget the current design utilizes a large footprint for only seasonal use and is wasted space given the fields overlap. I urge Council to add an additional seat to the Committee for a park patron. A person who utilizes the park that does not live next to, utilize the sport fields or dog park. A park patron can provide insight for how a park can be utilized year-round use versus limited, seasonal use which is the current design.

Mayor Burge asked what if we did add someone from the Scappoose Bay Watershed & a community member at large, that is a user of the park? He stated that would give us 15 and we would maintain that odd number and it would be a more robust group. He thinks that makes sense. He stated more voices on something like this is better. He explained that would be a recommendation that he would support.

Marisa Jacobs talked about a rumor that one of these sport leagues has paid money to the city that went to the purchase of the Grabhorn property in exchange to build a field. If that is true, it appears the City has decided the sport fields are going in regardless of the ad hoc committees' recommendations. I ask Council, is that fair?

Mayor Burge replied as far as he knows it's false, that no sports team has given the City money to purchase the property. He explained we reached out to some of the sports teams as one of the largest demands of that the City has is fields for youth sports. He explained when we are looking at parks, we're looking at that because we are at a parks step sit still and unfortunately sports teams are a part of that. He explained during the development of Veterans Park the Little League did pay for the construction of the two fields because the City couldn't afford to build the entire park. He explained Little League actually raised the money to build the two ballfields. He said there's probably going to be some expectations from soccer or softball to do the same to help balance the cost. He talked about an agreement with Little League having first right of refusal to use the fields. He stated there has been no money given to us to buy the property.

Interim City Manager Rains explain Little League's exclusive use is also tied to the fact that they contribute quite a bit to maintaining the fields. She explained they actually put a lot of time and effort to making sure the fields are kept up.

Legal Counsel Peter Watts stated they have not donated any money to Grabhorn Park nor are there any agreements in place. He explained where they would donate money to Grabhorn Park is in exchange for amenities. He explained, the topography of Grabhorn Park is going to dictate to a large extent what can go there but it is fully going to be up to the Council and the community; there are no agreements in place and it's only after a concept plan is approved for the park there, whether it's leagues or whomever that might want to use them, would be approached and there's no guarantee of a pay to play. He explained it is just that in the past when these have been built in order to expedite the build out, the leagues have come in, and instead, "if we donate "x" amount of money will that be enough help to get a match on a grant or to help you build it" and in in those instances we've looked at them and said yes, because we believed it was in the community's best interest and those agreements come with a maintenance agreement that have specified no pesticides and things of that nature to make sure everyone is healthy because

if this is anticipated to be field turf, he doesn't know if the same sort of maintenance would be in play, but that is the conversation that could be had after the concept plan is finalized.

Councilor Lesowske stated, he really wants to say thank you to Legal Counsel Peter Watts for bringing that to the record that no dollars have been exchanged from any entity to the City in regards to the use of this property. He explained he was extremely excited when he saw that both the softball league and the soccer league were brought in on this ad hoc committee because he knows that they serve hundreds of youth participants within this community. He thinks being transparent in the way that we are, and knowing that these rumors have not actually taken place or maybe its misinformed information being provided, he thinks it's always great that we can air that out and make sure that everyone is on the same page. He stated again thank you for doing that for us.

Mayor Burge asked if there was any other discussion?

Interim City Manager Rains stated she thinks the thought was if Council generally likes the format, she knows they discussed a few changes, is that staff would make those changes and bring it back for a formal approval and then they would move forward with the process to form the ad hoc committee and add members to it.

Mayor Burge replied, perfect.

Council President Greisen stated Councilor Haugen has mentioned something about adding information about the best practices for park development. She asked Huell if there are some sort of best practices that are outlined by the committee that they use or that they know about or that they've created? She asked will best practices be shared with this ad hoc committee, are there park development best practices in a document somewhere or something that you will share whomever is leading the ad hoc committee to educate the members of this ad hoc committee on these standards that they should be using to create this?

Program Analyst Huell White replied that is a great question. He thinks best practices can mean a lot of things and in trying to define what that term actually means in relation to function and the purpose of the ad hoc committee when it gets formed. He doesn't know what that looks like yet.

Councilor Haugen replied he thinks he can clarify that.

Council President Greisen stated she doesn't feel comfortable putting something in here if she is not aware of how it's being....

Councilor Haugen stated so his understanding is, what the Park Committee, Kim in particular, was promoting was to investigate what are best practices for park development. He stated, whether that connects with Tualatin Valley or Portland Parks or Oregon State parks. He stated, just have some folks that explore what are the resources for best practices within a community for park development. He stated that was his understanding of that discussion and that's why he brought it up.

Council President Greisen stated she is going to be completely honest, in the past Councilor Haugen has said that putting a road by a park is not best practice and she just wants to make sure that this committee is functioning in a very non-biased way and that if this committee is saying that roads next to parks is not best practice yet we have evidence or information showing that there does need to be this road going through, we're not working off common ground.

Program Analyst Huell White stated the one thought that he does have, is in the next the report, it's less of a question of making it to the grant deadline in say end of March, early April 2022 then certainly that could be added to the scope of work if you will for this ad hoc committee and that's a decision for this Council. He stated, that said, if the intention is to preserve the option to pursue a grant application at the beginning of 2022 this committee will be on a really tight time crunch in order to fulfill their objectives which is to deliver a final recommendation in terms of design elements and whatever they find during this process to be included in that plan.

Council President Greisen stated it sounds to her like we need to make a decision whether we're going to go for that grant next year or not, so you know the scope of this committee that you are going to be leading.

Program Analyst Huell White replied, that would be correct.

Interim City Manager Rains stated the one thing that she would add to is that we did this on purpose, we designed it specifically so that this ad hoc committee, whether or not they would have time to come up with a new concept and do the best practices, she is not sure. She explained, we specifically designed this so they could begin this process soon, work through a new concept, preserve the option to go after the grant in 2022 and leave Council time to still think about these larger policy concepts essentially simultaneously while this gets kicked off. She explained that was kind of the idea behind, for instance, having two proposals where one would include a pool and one wouldn't. She explained, it would preserve that option so when moving forward, if Council had decided that they wanted to tackle the pool now (and we did our best to build in some level of flexibility), you would have some time to think about these larger questions while this gets going. And, if Council does want to pursue the grant in 2022, we're still on track for that. She explained, staff was just trying to bring as many options as possible and preserve those options as best we could.

Councilor Haugen stated another thing that he thinks will help clarify this proposal is when you make a grant application, and he has been doing this for 40 years, when you do a grant application you can document that you are employing best practices in whatever it is, whether it is transportation or parks, your grant application is that much more powerful, and you have a much better chance at getting the grant accepted and awarded. He stated he thinks employing as Kim suggested in the last Park & Rec meeting, using best practices as one of the components in this process is really desirable.

Council President Greisen stated she thinks her point is we don't know what those best practices are, nor does this committee.

Interim City Manager Rains stated the other thing too is this component doesn't necessarily have to fall on the ad hoc committee's shoulders. She stated if the ad hoc is created to essentially come together, create this concept, and then disband in September, the Parks Committee could then take up this concept of best practices too and continue to run with it. She explained we would start the application process for the grant that following January and turn it in in April, there's still time there. She stated it also doesn't have to be done by the ad hoc committee if for some reason there wasn't time.

Mayor Burge gave some resources for staff to look into ~ National Recreation Park Association (NRPA.org) and The Urban Land Institute.

Counselor Haugen replied, the League of Oregon Cities.

Council President Greisen replied she just wants to make sure there is some sort of a document that this committee is working on because if they all have this understanding that when you are doing this work this is the lens you are looking through and just to make sure that is clearly defined for them.

Councilor Lesowske stated he would ask Council; do we want to vet the resource that is provided to them so we are in agreeance with it? He stated if it is one organization that oversees best practices, does it outweigh another organization who may have different best practices and then Council would come to an agreement that this is the framework that we would like for the ad hoc committee to work off of because there are a variety of different organizations.

Legal Counsel Peter Watts replied, he feels you as a Council would want to review and provide guidance to them. He explained, you want to make sure that the best practices are from a credible organization but also that they fit with the both the natural features of your City as well as your City's vision and values. He thinks that would be putting a lot on the ad hoc committee to try and make all those determinations and what if they chose the wrong thing and based it on those and Council felt another one was on point. He thinks it would make Council's job a lot easier if they were to do that work on the front end.

Councilor Haugen replied that is what they are getting at, they want to employ best practices in the design, that is the whole basis for this.

Councilor McHugh explained he is not sure what the best practices are either, but he agrees with Councilor Haugen that if somehow, we could agree with some best practices, it will make our application for a grant look much better. He explained it should be provided for Council to review and make a decision.

Council President Greisen asked if that is something our staff would have time to do, to pull different documents?

Interim City Manager Rains replied yes, she thinks we can certainly do that. She thinks the one thing that we want clarity on is whether or not Council actually wants this piece to be assigned to

the ad hoc committee or something that is determined by Council and essentially given to the ad hoc committee? She stated that is a big difference.

Council President Greisen and Mayor Burge both replied, the latter.

Councilor Haugen replied they just want to employ best practices.

Interim City Manager Rains replied, staff can certainly look into this and come back to Council.

Council President Greisen asked that at the first ad hoc meeting they are given the full packet with all the survey results, comments, and all the information so they can highlight and see what was given back to us.

Program Analyst Huell White replied they did go ahead and develop items that would need to be on the agenda in order for there to be enough time to the meet the deadlines.

Interim City Manager Rains went over the process of the ad hoc committee. She explained they will make sure they get all of the information.

Councilor Haugen moved, and Councilor Miller seconded the motion to approve the City Council meeting going beyond 9:00 pm. Motion passed (6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye, Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Interim City Manager Rains stated just to recap, it sounds like we have changes to the bylaws that staff will bring back to Council for approval at the next meeting. She stated staff will look at park best practices and bring those back to Council for a decision on that. She explained the second part of the work session had been strategic policy considerations for parks, and these are larger items that you all could take more time to think about and look at. She explained the way they designed the ad hoc committee this does not have to be decided upon by any means tonight alongside it. She explained we can certainly reschedule these items for a later time. She stated it sounds like definitely we do want to preserve the option to go for the grant in 2022, so those are pretty clear marching orders from Council. She stated we could always take this other piece and push it out till a later work session because she knows Council has other items to cover and this isn't pressing.

Mayor Burge asked Council if that was all right with everyone to reschedule it?

The general consensus of the Council was yes.

Announcements ~ information only

Calendar

Mayor Burge went over the calendar.

City Manager, Police Chief, Councilors, and Mayor

Interim City Manager Rains explained Columbia County is still considered extreme risk by the Governor and this will remain in effect until we are reassessed on January 28. She explained we had the City Council orientation on the 14th and she thanked everyone again for coming and she hopes they enjoyed it, she thinks it was time well spent.

Councilor Miller thanked staff for doing a great job. He's constantly impressed by the packets, the level of information and the apparent due diligence that everyone puts into their job. He stated it is very appreciated.

Councilor Lesowske stated, he wanted to acknowledge his absence from the orientation, and he appreciates the understanding on that. He stated two weeks ago was an extremely difficult time in our Nation's history and he understands people from all different aspects of life and how they are trying to deal with our current circumstances. He explained one of the reasons why he got into this role was because he could make a difference in his local community. He hopes that our community can continue to move forward as we do and find opportunities for us to find common ground and be levelheaded and work together collectively and collaboratively so we can address the current issues but also hopefully create a community for our future that they can be proud of and that they can identify ways to move beyond where we currently are.

Councilor McHugh thanked staff for all the good work that they do, he is really proud of our staff and they are very competent. He stated he might vote against something that they propose, but he doesn't think any less of their work.

Council President Greisen explained she wanted to share some of the same sentiments that Councilor Lesowske shared. She feels like she has worn every kindness shirt that she owns. She stated, just be kind. She's on the equity and social justice committee for the School District and they had a meeting this afternoon and another one tomorrow and she thinks what our Council training last week really got to was mutual respect, making sure that we're listening to each other, we're sharing and acknowledging our ideas, whether we agree with them or not. If we can start at that baseline beyond this room, she thinks that's a great start. She explained she is one of the Traffic Safety Committee liaisons for the Council and one exciting thing she wanted to share was that they are going to be doing a school zone study, where they're going to be looking at the school zone, defining the space, does that space need to change, what do those boundaries look like, making sure they are looking at crosswalks and different crossings and making sure our school zones are just as safe as they can be. She explained they will be working with the School District as they continue to roll out that study.

Councilor Haugen explained he will review the Parks and Rec Committees activities after they finish their goals this Thursday. He explained the Park and Rec Committee are just an absolutely magnificent outstanding Committee, so he couldn't be prouder of them. He would like to thank Interim City Manager Rains and whomever else was involved with the Council orientation, he thought she did a marvelous job at that and the facilitator was excellent, thank you.

Mayor Burge followed up on what Interim City Manager Rains said about being in extreme risk. He appreciates all the work staff does. He encouraged people to stay safe and stand up for what

is right and don't be silent when you see people on the extremes trying to dominate conversations. He stated stand up and be heard because the vast majority of the people in this Country just want to see things get better and there are routes to get there and we just need to stay focused on them.

Discussion on City Manager Interview Process

Mayor Burge explained Interim City Manager Rains is going to excuse herself because she's a candidate.

Legal counsel Peter Watts explained what he heard was that Council would like to have a preliminary review, as the applications come in to make sure that all qualified candidates are identified and that candidates that aren't qualify are identified. He thinks that there is a number of criteria that have clear and objective standards so there is a floor and if someone doesn't meet one of those floors then staff could highlight that and if Council wanted to review it would be very easy for them to see that they didn't meet the criteria. He stated there are other criteria that are maybe a little less clear and objective that require a little bit more interpretation that are slightly more nuanced. He explained if staff feels that someone meets those criteria maybe they highlight it in one color and if they don't meet it then it gets highlighted in another color. Council might have some ability to come in and take a look and review and just make sure. He stated for the clear and objective ones he thinks it is pretty clear. He explained his experience with city manager searches is there is a large number of applicants, many of whom do not meet the clear and objective standards. He thinks that those will be very easy to deal with. He explained he has seen instances where someone doesn't meet one of those standards per se, but has experience that seemingly someone could say while they don't have this, but this is close enough that maybe it bares discussion. He can understand why Council would want to have a bit of influence in that and to bring those candidates up for consideration. He stated he bets this could be structured so that Council can have that, or we can figure it out. He explained he can call Michael Sykes and have a conversation with him. He explained it would allow some form of review so that Council can see who the candidates are and why somebody would be in one pile or the other. He explained, in his experience, if there are close calls, they get put in the yes category, but if for some reason that didn't happen, and a Councilor feels it is someone who should be considered, he is sure there is a way we can put that in. He explained his experience has been that most of them are very clear-cut, either qualified or unqualified.

Mayor Burge explained someone in the community asked him this, when we're going out to hire a chief executive and people that'll be working for that chief executive are doing the scoring, does that create any issues?

Legal Counsel Peter Watts replied he thinks that's why having this additional Council involvement on the front end to review would cause the community to understand. He explained, the function the search firm fulfills isn't necessarily to score them, it is to divide them in the two groups qualified or unqualified. He explained between Chief Miller and Michael Sykes and that team, he thinks that they certainly can make that determination but we can build a secondary look by Council into that process so Council can know, they looked and the people who didn't move forward did not meet the criteria, without getting into who the person is or what specific

clear and objective criteria they didn't meet are. That is transparent and Council can say they reviewed them. He explained the benefit of having Michael Sykes and Chief Miller do this is that we're saving approximately \$35,000. He thinks highlighting the area where they clearly don't meet the qualifications that just saves Council a lot of time.

Councilor Miller explained he kind of wanted to give some content as to what prompted the concern. He explained, in reading the Charter and the binder that was given to him, there are two responsibilities Council clearly has and that's the hiring of the city manager and municipal court judge. He explained, when he looks at this, what he saw initially and still to some degree, is Council is basically deferring some of their responsibility to other sources. He takes his obligation very seriously and we should be able to delegate, he's not saying they shouldn't, but in doing that he wants to make sure we're all comfortable with this process. He explained in looking at the city manager process and it's been revised from the copy that he got today, he just wants to point out some of his thoughts. He explained on number two on the application review, it's his opinion that number two needs to be broken up a little bit more so. The first thing that came to mind when he reads this, is why do we have three people reviewing applications because in his mind if that's a preliminary screening where you are either deciding if someone meets the qualifications or not, he thinks we're creating an issue by having three people because it's going to be three different standards, it's inherently going to happen. He explained, in his opinion, there needs to be a correlating document that flows from the qualifications. He said if we have an HR person, that's an HR function in his opinion. He said the HR needs to be going through and saying either they meet the qualifications, or they don't. He stated if they don't, why can't we get a little summary as to why they don't meet the qualification? He stated what he's going for here is just transparency in a very defined process. He stated there has got to be guardrails, it is an HR process, in his opinion and maybe there is, and we just aren't seeing it.

Chief Miller replied there are four people that will be reviewing the applications.

Council President Greisen stated Jill is HR and she is vetting that, and they are using a checklist.

Chief Miller replied, correct.

Councilor Miller asked where is the checklist?

Chief Miller replied the checklist was going to be brought to you after the applications close and all applications were going to be brought to Council.

Councilor Miller replied that's great, but it's nowhere on here and he is speaking from a perspective of reviewing what has been given to him and he doesn't see that. He said if those things are going to happen that's awesome, he is for that, but he is going off of what he's seen in an outline and that is not in there.

Council President Greisen asked Chief Miller if he has the checklist that will be used, and if so, is that something that can be sent to Council?

Chief Miller replied Jill has it and certainly it can be sent.

Councilor Miller replied great, he thinks that will help a lot. He stated he just sees an outline and if they had some more direction on how it is going to flow that would make him feel more comfortable. He explained he had no idea there was a checklist planned until it was just said. He explained those are the types of details he is looking for because at the end of the day, Council is the one that's going to have to answer for this process. This process is squarely Council's process to own and so he just wants to make sure that everything is defined and there's no surprises. He is looking for a document that basically correlates, a checklist sheet with a small summary of some way someone didn't make it, if it is not already apparent, would be a very efficient way for Council to be able to get insight into what happened with applications and it would offer transparency so that Council knows exactly what happened.

Councilor Haugen stated he thinks that's what they are planning to do.

Chief Miller explained replied yes, we've discussed that.

Councilor Miller replied he understands what we had the conversation about, but what he expected to see, especially on the revised version, was some sort of indication that that was actually going to happen, but it is not listed anywhere on here. He just likes to see something in writing and he just wants to make sure that isn't lost.

Chief Miller replied he also wants to make sure that Council understands that he didn't sign up for this, he was given this duty and he wasn't given any parameters and he's doing the best he can. He never was given a scope of work so he brought forth to Council what he thought, based off the last process, that Council could go off of and then make a determination from there. He was just told that he's doing this and he and Jill did the best they could putting it together. They both have years of experience of hiring people. He explained everybody they hire they do a check list; they do a scoring sheet for the City and they're just here to give Council whatever they want. He stated, we have nothing to, hide nothing at all. He stated we will bring every application to Council with the scoring and show them everything and then we can move forward. He just thinks we drag this on long enough and we just need to start moving forward with hiring a new City Manager.

Councilor Haugen asked Chief Miller if he, Michael, and Pat will all independently look at the applications for the scoring?

Chief Miller replied yes, and Jill.

Councilor Haugen replied that to him takes the bias out where you don't have the group approach to it and he's comfortable with that.

Councilor Miller replied he did not know that, and he thinks that is great. He stated based on Chief Miller's response he wasn't trying to say that this process isn't good or anything like that. He explained, as taking their obligations as City Councilmembers very seriously, at the end of the day it comes back on them, so he just wants to make sure that every little thing that they'll be doing is made known. He just wanted to clarify that is what is going to be happening.

Chief Miller replied, he understands, but he just wanted to clarify from his side.

Legal Counsel Peter Watts explained part of it is just understanding how the Council best receives information. He stated from what he hears from Councilor Miller is he would like a higher level of detail connecting the dots just so you're able to go through that and because this was an ad hoc committee of two volunteers and two staff members, we could've done a better job at articulating this vision in writing. He explained, we had discussions beginning last fall that Councilor Miller was not part of about this process and Council kind of understood the scope and our mistake was we should have stepped back and thought about the fact that you were not part of those discussions and decisions. He stated that is something to keep in mind moving forward. He absolutely agrees with all Council that transparency is critically important, and he knows that Chief Miller and Michael agree with that also, in addition to former Councilor Kessi. He thinks the ad hoc committee has done a great job of identifying clear and objective standards that people either meet them or they don't and so he thinks that the benefit is at the end of the process and during this process you're going to see the level of transparency you want and things are going to be highlighted to all of you to ensure that there is no gaming going on, there is no predetermined outcome, because at the end of the day the best outcome for the City is for the most qualified party to be in the position and he knows that all of you as Councilors take that very seriously and staff takes that very seriously as well.

Councilor Haugen stated it wasn't just Councilor Miller who was confused, because it would have been helpful for him to have some of these details with some itemization too. He would have understood the process better too.

Councilor Miller explained he just didn't want to assume, because you just have one opportunity when someone is hired and it is the most important position in the City, it's like, well you had your chance, how come you didn't say anything. He stated not being fully up to speed he just wanted to make sure these things were being addressed and after tonight, especially listening to Chief Miller, it sounds like they are.

Councilor McHugh explained, he does not recall discussing the process at all. He is pleased that Chief Miller is part of this committee. He stated it is on Councils back to make the right decision here. He stated his main concern is that Council has some involvement early in the process, and that has already been clarified here.

Legal Counsel Peter Watts explained Council is solely responsible for selecting the final candidate.

Mayor Burge talked about the different panels and the only panel that has the decision making is the Council panel. He talked about a past process & how important the panel feedback is. He talked about seeing the questions.

Councilor Haugen stated he has some questions he wants to ask.

Mayor Burge stated, get the questions to Chief Miller so they can be incorporated.

Chief Miller stated, depending on what Council wants to do in regards to when we get the applications, he was going to come back to Council and give them details on how many people applied and then set up a time frame of when Council wants to do the interviews, when you want to do the scoring, and all that. He explained Council could have a work session to discuss how they want to do the questions. He wants Council to ask what they want to ask.

Councilor Haugen asked if we should plan on that February 1?

Mayor Burge replied he thinks we should.

Councilor McHugh asked if the League of Oregon Cities have recommended questions?

Mayor Burge replied he is sure they do.

Chief Miller will contact the League of Oregon Cities.

Council President Greisen suggested that at the work session Council have in front of them a template of questions from the League of Oregon Cities and then they have an opportunity to communicate other questions that they might want on there and vet them amongst each other and then come up with a final list that night. She also asked if Council could have the checklist from Jill in front of them, in a hardcopy.

Chief Miller asked, so Council will be talking about the questions in an open meeting they will be public, so once they are in the minutes, your candidates will know what your questions are.

Legal Counsel Peter Watts asked Council if they want to draft their questions and give them to him? He explained his only review of the questions would be is that something you can legally ask or not, because there are certain things you can't legally ask.

Councilor Miller asked Legal Counsel Peter Watts, will Council be reviewing the other panel questions?

Legal Counsel Peter Watts suggested calling Michael Sykes to see what his vision of this process is and to see what the role of the panels is.

Chief Miller explained all the panels will get the do's and don'ts of the parameters.

Legal Counsel Peter Watts said he will call Michael Sykes tomorrow and Chief Miller will get the questions from League of Oregon Cities.

Councilor Miller said thank you, he feels a lot better having this dialogue and knowing additional information.

Chief Miller asked, just to clarify, we are going ahead with the three panels?

Mayor Burge replied, yes.

Council discussed how they wanted to proceed with the applicant interview questions.

Councilor Lesowske talked about the applicants maybe having the interview questions ahead of time so then they can be prepared. He would rather they do have a good answer to provide rather than them saying they hadn't really thought about it.

Mayor Burge replied the other thing is you would really be able to tell which candidates were prepared and did research beforehand.

Mayor Burge stated he thinks they should have a work session on February 1, unless they have to do it sooner.

Legal Counsel Peter Watts explained he will coordinate with Michael Sykes and Chief Miller and then he'll figure it out. He explained Council will want to know the applicants experience, how they view the role, like how they deal with the team, it is useful because it's really important that whoever the final selection is, is able to communicate with Council and understands what the City wants, and you are more of a hand on City Council than others.

Adjournment

Mayor Burge adjourned the meeting at 9:59 p.m.



Mayor Scott Burge

Attest: 

City Recorder Susan M. Reeves, MMC