

MONDAY, FEBRUARY 7, 2022
CITY COUNCIL MEETING
Regular meeting 7:00 pm COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056

Call to Order

Mayor Burge called the meeting to order at 7:01 p.m.

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Alexandra Rains	City Manager
Megan Greisen	Council President	Susan M. Reeves	City Recorder
Josh Poling	Councilor	Dave Sukau	Public Works Director
Pete McHugh	Councilor		
Tyler Miller	Councilor		
Peter Watts	Legal Counsel		

Excused: Councilor Joel Haugen and Interim Chief Davis

Remote: Councilor Brandon Lesowske; Legal Counsel Ashley Driscoll; Assistant to City Manager Isaac Butman; Paul Fidrych; Beth Rajski, and Jennifer.

Approval of the Agenda

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

Public Comment

Marisa Jacobs, Scappoose, explained she is speaking to Council as a citizen this evening. She stated Peggy Shoemaker Leblanc was unable to attend this evening, so tonight she is sharing with Council their communication. She explained on Friday, February 4, 2022, Todd Prager, an arborist from Teragan & Associates, Inc. showed up unannounced to her home to inspect her trees bordering the Grabhorn parcel. Peggy was informed this arborist was hired by a construction company that was hired by the City. Marisa explained Peggy and her husband were surprised and disappointed that the City would take such steps without advance notification or consent. She stated further they were shocked when the arborist said they were

considering cutting down her trees. Marisa explained Peggy is extremely concerned with a construction company already hired, the City is moving forward with road construction that would kill her legacy trees planted almost a 100 years ago by her father. Marisa explained after hearing of this she reached out to members of the Parks and Rec Committee to inquire on the progress of the Grabhorn Park development. She was surprised to learn they have not been informed of any developments on this project. Furthermore, upon reviewing the meeting minutes from the committee it was clearly stated in the October meeting the Committee requested to be included in all aspects of the Grabhorn planning and development. Based on these facts it appears the City is not being a transparent collaborator, which is extremely concerning. The timing of these events are suspicious given the limited distribution of the Buxton ranch development proposal with 48 home lots and access road aligned directly south of Kucera Way. She stated on its face one could deduct the topic of the Kucera Way Road expansion north through Veterans Park and the Grabhorn park property will be on the table yet again. She stated, Mr. Mayor this is concerning to her as well as others in the community given that you stated there would not be an expansion of the road. She stated the Council agreed and approved the recommendations from the Park and Rec Committee which stipulated no road expansion. She is hopeful this is all just a misunderstanding, and she is kindly asking you, Mr. Mayor, to address these concerns with the community, share with them what he is directing the City Manager to do on behalf of your constituents. She stated we deserve 100% transparency, and she appreciates his comments.

Mayor Burge replied let's just make it clear the City has hired no one that he knows of.

City Manager Rains replied she would like to clarify, please. She stated we don't have a construction company hired. We are working with 3J, the engineering company that did the original design. She explained 3J has received all of the recommendations from the Committee and they are redoing the design per your requests. She explained the City did hire an arborist and someone to check the wetlands, to see if there are wetlands on the property. She would also point out too that the arborist, when they came out, they said something to the effect of because of the roots we had to give 60 feet which would basically make it impossible to actually put a lot of the things onto the property that you all requested. She explained so we do need to assess the trees and see if that's really in fact the case, but there has been no construction company that's been hired, and we are simply following up on the requests of the Committee and Council. She explained, the redesign is simply a concept. She explained even once that is done, we still have to go out for a public bid to hire an engineering team to complete the engineering and from there, there'd be another bidding process for construction, so we are nowhere near any of that.

Marisa Jacobs stated be aware that the comments that she shared this evening was exactly what was communicated to Peggy.

Mayor Burge asked if staff can talk to the engineering firm regarding this.

Council President Greisen asked City Manager Rains and Legal Counsel Peter Watts if this is the

first time they are hearing about this?

City Manager Rains and Legal Counsel Peter Watts stated it is.

Council President Greisen replied, without clarifying with the City, there is only so much we can help with if people aren't in communication with leadership. She encourages people to contact the source before assuming that we've done something.

Mayor Burge thanked Marisa Jacobs for bringing this to our attention.

Councilor McHugh asked if someone is going to check into this?

Legal Counsel Peter Watts replied he can reach out to 3J.

Consent Agenda ~ January 18, 2022 City Council meeting minutes and appointment of Michael Sykes to the Scappoose Parks and Recreation Committee

Council President Greisen moved, and Councilor Poling seconded the motion to approve the Consent Agenda ~ January 18, 2022 City Council meeting minutes and appointment of Michael Sykes to the Scappoose Parks and Recreation Committee. (Motion passed 6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Miller, aye.

Old Business

Res No. 22-03: A Resolution Granting a Non-Exclusive Gas Utility Franchise to Northwest Natural Gas Company; Fixing Terms, Conditions and Compensation of Such Franchise

City Manager Rains went over the staff report. In accordance with the terms of NW Natural Gas' existing Franchise Agreement—Ordinance No. 706, Exhibit A (in the staff report) —NW Natural and the City have negotiated a new contract, contained in Exhibit B (in the staff report), titled Resolution 22-03, granting a non-exclusive gas utility franchise to Northwest Natural Gas Company, fixing terms, conditions, and compensation of such franchise. Staff brought the Resolution to Council on January 17, 2022, and Council stated that they would like Staff to reduce the term of the contract from twenty (20) years to ten (10) years. This term in this version of the Resolution is ten (10) years. No proposed changes modify the rate of reimbursement. Proposed changes to clarify definitions, remove outdated provisions, refine and update various provisions, and generally update the content of the franchise to make the City and NW Natural's responsibilities under the contract clearer. Typos have been corrected. Staff recommends Council approve Resolution 22-03 as written.

Council President Greisen moved, and Councilor Miller seconded the motion that council adopt Resolution 22-03, A Resolution Granting a non-Exclusive Gas Utility Franchise to Northwest

Natural Gas Company; Fixing Terms, Conditions and Compensation of such Franchise. (Motion Passed 6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; And Councilor Miller, aye.

Ord No. 898: An Ordinance Repealing Ordinance No. 706 an Expired Franchise Agreement

Mayor Burge opened the public hearing at 7:14pm.

City Manager Rains went over the staff report. Ordinance No. 898, Exhibit C (in the staff report), is an ordinance repealing Ordinance No. 706 an expired franchise agreement. This Ordinance is a housekeeping measure, and repeals Ordinance No. 706, the expired franchise agreement. No changes in rates have been proposed for the ten (10) year term. No fiscal impact should be realized from proposed changes to the terms of the franchise. Staff recommends Council approve Ordinance 898 as written.

Mayor Burge closed the public hearing at 7:14pm due to no one wanting to speak on this matter.

Councilor Miller moved, and Councilor Poling seconded the motion that Council approve Ordinance 898, an ordinance repealing Ordinance No. 706 An Expired Franchise Agreement, as written.

Mayor Burge read the title for the first time ~ Ordinance No. 898: An Ordinance Repealing Ordinance No. 706 an Expired Franchise Agreement.

New Business

Street Project and Budget Presentation

Public Works Director Dave Sukau gave an annual presentation to Council of Budget and Projects funded by the Streets Fund.



Funding Sources for Streets

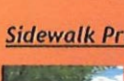
- Interest Earned
- Inspection Fees
- State Fuel Tax
- Local Fuel Tax
- Surface Transportation Funds (Federal Gas Tax)
 - Motor Vehicle and Local Fuel Tax are funded by Property Taxes

2021-22 Streets Budget	
• <u>Revenue</u>	
• State Tax Fee	\$751,000
• Local Gas Tax	\$270,000
• Misc. Income	\$10,000
	\$1,031,000 (Total including 20% FOMR)
• <u>Expend</u>	
• Personnel Services	\$341,479
• Materials and Supplies	\$348,223
• Capital / Equipment	\$460,290
	\$1,150,000
• Fuel/Emissions	\$254,180
	\$819,300
• Surface Treat. Prog.	\$302,200
	Total \$1,489,954
• <u>Notes:</u> This is not the complete Budget and some numbers are estimated. © 2021 City of	

***Sidewalk
Repair
Program***

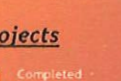
Public Works Director Sukau replied yes, we can do that.

Sidewalk Projects



Completed

- Sidewalk Project - along Highway 101, from Highway 102 to Highway 103, along Hwy 101



Planned

- Sidewalk Project - along Highway 101, from Highway 102 to Highway 103, along Hwy 101

[illegible]

Councilor Poling explained personally, SE 3rd Place and SE Vine Street around the schools is a high priority for him, because of how many small kids walk in that area and just the need for

sidewalks. He explained since we don't know how long it may take to get a grant, if we can even get it, he would like to keep that as a priority.

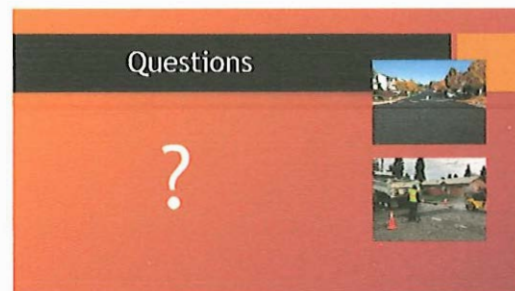
Mayor Burge replied he tends to agree with the hope that maybe there is money in the new infrastructure spending bill from the Federal Government, that can be applied to those types of projects as well.

Public Works Director Sukau explained he will start putting something together with options and come back to Council. He explained they will probably do a study of some version to evaluate the school routes.

Councilor McHugh feels 6th Street before Vine Street needs sidewalks.

Councilor Miller talked about focusing on roads that have higher speeds.

Council thanked Dave Sukau.



Community Enhancement Program Updates

Assistant to the City Manager Isaac Butman went over the staff report. In September of 2021, City Council asked staff to update the Community Enhancement Program (CEP). On November 9, 2021, Staff brought some tertiary changes and suggestions before City Council. On January 18, 2022, Staff brought a highly revised version of the CEP before City Council and was asked to make changes to the Application Form, Exhibit A (of the staff report). This report responds to Council requests from the January 18, 2022, meeting, and additional feedback given via email as requested by Council and presents revisions in line with this feedback. The CEP has been in existence for at least 20 years and funds the majority of its applicants. The CEP supports various community groups annually, with regular applicants including the Amani Center, Scappoose Community Club, Scappoose Historical Society, Scappoose Community & Senior Center, Scappoose Kiwanis, Society of St. Vincent de Paul St. Wenceslaus, the VFW, and others. Without CEP funding, these small community organizations and their projects might not be as effective at providing services to Scappoose. During the January 18, 2022, Council Meeting, and via emailed suggestions, Council asked Staff to make additional changes and updates to the CEP Application Form. The updated CEP Packet is attached as Exhibit B (of the staff report).

Changes incorporated in the updated packet include:

- Combining and reducing the number of questions.
 - Questions 1 and 4 were combined, and portions of questions 3 and 5 (now question 4) were removed to reduce the burden on applicants, in-line with Council's requests.
- Indicating that applicants can skip questions that do not apply to their project.
 - The application form now makes clear that some questions may not apply to all applicants, and they may skip unapplicable questions.
- Making form fields and formatting look more professional.
 - Form fields have had their borders enhanced, and other minor changes to the forms have been made to make the forms more visually appealing.
- Correcting scriveners' errors.
 - Identified scriveners' errors have been corrected, and other minor typos have been corrected.

Fiscal Impact: The proposed changes to the CEP will result in a \$10,000 increase in the CEP allocation, from \$30,000 to \$40,000, as well as potential annual increases to the program budget, as requested by Council. Staff recommends that Council adopt the new CEP program as written in Exhibit B (in the staff report), and institute 1% annual budget increase for program funds, to be evaluated every 5 years.

Councilor McHugh moved, and Council President Greisen seconded the motion that Council adopts the new CEP documents as written in Exhibit B, increase the budget allocation to \$40,000 starting in Fiscal Year 2022-2023, and adopt annual 1% increases to the CEP budget. (Motion Passed 6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; And Councilor Miller, aye.

Assign Council Liaisons

Mayor Burge went over the list of current liaisons.

Council discussed and came up with the following Council liaison list for 2022:

PARKS COMMITTEE: Councilor Joel Haugen

ECONOMIC DEVELOPMENT COMMITTEE: Councilor Josh Poling

HISTORICAL SOCIETY/WATTS HOUSE: Councilor Brandon Lesowske

SCHOOLS: Council President Megan Greisen

PORT OF COLUMBIA COUNTY: Councilor Josh Poling

TRAFFIC SAFETY: Council President Megan Greisen & Councilor Pete McHugh

SENIOR/COMMUNITY CENTER: Councilor Pete McHugh

COLPAC: City Manager Alexandra Rains

ACT: Public Works Director Dave Sukau

911 COMMUNICATIONS: Councilor Tyler Miller

50-YEAR VISION PROCESS: Councilor Tyler Miller

Councilor McHugh moved, and Councilor Poling seconded the motion to approve the 2022 Council Liaisons. (Motion Passed 6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; And Councilor Miller, aye.

Announcements – information only

Calendar

Mayor Burge went over the calendar.

Updates: City Manager, Councilors, and Mayor

City Manager Rains explained she is looking forward to seeing everybody on Saturday for the Council Retreat. She discussed some time back there had been a public comment regarding fireworks and she was curious if there would be any continued interest in maybe looking at that before we roll back into summer.

Councilor Miller replied for him, it is a yes. He asked who has the authority to declare if there's a temporary ban?

Legal Counsel Peter Watts explained the statute on that is really ambiguous and it's been interpreted in different ways by different jurisdictions and the safest course of action would be that both the City Council as well as the Fire Chief would make a declaration and that would cover all of our bases.

Councilor Miller wants to remind everyone that this is really a two-concern type issue, there is the noise and PTSD issue that is a real issue. He explained there are people who have animals that are afraid of the noise as well and then there is a fire danger also. He thinks we need to put

some thought into that and have a discussion about it.

Councilor Miller explained with the issue that came up in public comments, he wanted to state that our City staff does an excellent job of communicating with Council and what was presented was completely different than what Council all had agreed and understood would happen and he would just suggest that in the future that we'd be mindful that information is not always accurate, especially when it goes from party to party. He stated rather than us debating certain things or making comments that might not be accurate, that we just simply say to whoever the person who is going to find the information out to find out what happened and come back to Council, and then Council will review the facts on both sides and then we will talk about it further. He felt tonight the issue went on a little bit long and was a little bit more pointed than what it needed to be not having all the information. He explained just in general we should be a little bit more mindful of collecting more facts and then Council can have a more complete accurate conversation about it.

Councilor Poling thanked staff. He explained the Old Portland Road sidewalk program is coming along greatly. He is so happy to see the improvements.

Council President Greisen thanked Dave and said it was a Public Works night. She explained just to piggyback off of what Councilor Miller said, she thinks what occurred tonight continues to occur, and that is not touching base with the source and she feels like Council and staff are caught off guard and we are in the business of service and our intentions are true and there's no backdoor kind of deals happening and if we could just say the public lines of communication are open, we want to talk to you, we are here to answer questions. She wishes the other side could see that our intentions are good, and we do what we say and if other parties could commit to joining us in that mission of transparency. She appreciates that when people do see an issue that they do bring it to us, she thinks that is so important. She stated, our lines of communication are also open.

Councilor McHugh stated he thinks comments from the public are an important part of that line of communication and we don't want to discourage people from making their comments and they are not always going to be 100% correct, but he thinks it is important that we have that. He thanked Dave for all the good work. He talked about the Buxton project.

City Manager Rains explained in regard to the Buxton project, they do not have an application even to be submitted to the Planning Department yet. She explained this was basically their initial contact with the community, it is voluntary, they weren't required to do it.

Legal Counsel Peter Watts stated he thinks it is really important that the community knows they are going to have plenty of opportunities to participate in this. He explained the process and explained if there is an appeal, it would come to the City Council, which is a reason why the Council should not be involved in the process because you might be an appellate body. He explained there is going to be a lot of opportunity for the community to provide and gather information to ask questions and to publicly participate in the process.

Mayor Burge explained he spoke with the railroad after the oil spill. He explained someone in the community did a good thing by calling in and saying there was something wrong with the train. They stopped it and fixed it.

Mayor Burge explained they reviewed some complaints about some of the statements Council President Greisen made at the School District. He explained at the very beginning of the meeting Council President Greisen said she is here as a community member, parent and also a fellow elected citizen, which is she's there as a community member, not representing the City. He stated just a reminder that when speaking in personal opinions, the member is required to say that we're expressing it on our own terms, our own opinion and that it's not the City. He stated the only time you can speak officially for the City is when the majority of this Council has taken to other bodies or boards. He explained this shows how the confusion in the community can be because of the positions we have if we don't make sure it is clear at the very beginning when we are talking on a personal basis on other issues.

Mayor Burge read the Executive Session statement.

Executive Session ~ ORS 192.660(2)(I) Employee Evaluations

Mayor Burge went into Executive Session at 8:09 p.m.

Open Session

Council came back into open session at 8:35 p.m.

Council President Greisen moved, and Councilor Miller seconded the motion that Council approve the City Manager evaluation and conclude the process. (Motion Passed 6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; And Councilor Miller, aye.

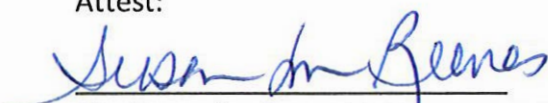
Adjournment

Mayor Burge adjourned the meeting at 8:36 p.m.



Mayor Scott Burge

Attest:



City Recorder Susan M. Reeves, MMC