



# SCAPPOOSE *Oregon*

**MONDAY, JUNE 6, 2022  
CITY COUNCIL MEETING  
Regular meeting 7:00 pm  
COUNCIL CHAMBERS  
33568 EAST COLUMBIA AVENUE  
SCAPPOOSE, OREGON 97056**

## **Call to Order**

Council President Greisen called the meeting to order at 7:00 p.m.

## **Pledge of Allegiance**

## **Roll Call**

Megan Greisen	Council President	Alexandra Rains	City Manager
Josh Poling	Councilor	Steven Lougal	Police Chief (left at 7:03pm)
Brandon Lesowske	Councilor	Susan M. Reeves	City Recorder
Peter McHugh	Councilor	Dave Sukau	Public Works Director
Jeannet Santiago	Councilor	Huell Whitehaus	Assistant to Public Works Director
Peter Watts	Legal Counsel		

Remote: Assistant to the City Manager Isaac Butman; Kim Holmes Kantrowitz; Beth Rajski; and Paul Fidrych.

Excused: Mayor Scott Burge and Councilor Tyler Miller

## **Approval of the Agenda**

Councilor Poling moved, and Councilor Lesowske seconded the motion to approve the agenda. Motion passed (5-0). Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Santiago, aye.

## **Public Comment ~ Items not on the agenda**

There were no public comments.

## **Consent Agenda ~ May 16, 2022 Council Work Session minutes and May 16, 2022 City Council meeting minutes**

Councilor Poling moved, and Councilor Lesowske seconded the motion to approve the Consent Agenda ~ May 16, 2022 Council Work Session minutes and May 16, 2022 City Council meeting minutes. Motion passed (5-0). Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Santiago, aye.

## **Oath of Office ~ Police Chief Lougal**

Council President Greisen read over the Oath of Office for Police Chief Lougal. Congratulations Chief Lougal!

## **New Business**

### **Community Enhancement Program Allocations**

Assistant to the City Manager Isaac Butman went over the staff report. He explained the 2022 Cycle of the Community Enhancement Program closed on May 2, 2022, with a total of 16 applications submitted. Council saw applicant presentations on May 16, 2022 and submitted funding eligibility scores to Staff. After the May 16, 2022 Council Meeting Staff tallied the funding eligibility scores, Exhibit A (of the staff report), and sent funding allocation sheets to Council. Each Councilor is allowed to allocate 1/7th the total CEP allocation of \$40,000 in whatever way they choose, to eligible applicants. A complete tabulation of Councilor allocations can be seen in Exhibit B (of the staff report). A simplified allocation chart can be seen in Exhibit C (of the staff report). Staff recommends that Council allocate the 2022 CEP funds to eligible applicants, as determined and allocated by Council, as seen in Exhibit C (of the staff report).

Councilor Lesowske stated to Isaac that he really appreciates all of his support in revamping the application process and getting this information to Council. He asked about two applicants receiving over the amount they had requested, and asked Council if they wanted to do any adjustments or if they were okay with how it is being presented.

Assistant to the City Manager Isaac Butman explained that is one thing in the revamp that he didn't really consider and it never really came up. He stated it is something we could change for next year if Council would like. He explained there were no complaints from the applicants about the new application or guidelines, so that went over very well.

Councilor Poling moved, and Councilor Santiago seconded the motion that Council allocate the 2022 CEP Grant Cycle funds as presented:

- Amani Center: \$4,000.00

- CASA For Children: \$4,0000.00
  - Scappoose School District Student Wellness and Suicide Prevention: \$3,800.00
  - Riverside Community Outreach: \$3,800.00
  - Run With Neil, \$3,000.00
  - Scappoose Community and Senior Center, \$5,000.00
  - Scappoose Community Club, \$3,000.00
  - Scappoose Historical Society, \$2,000.00
  - Scappoose Public Library, \$700.00
  - Scappoose Little League, \$1,838.12
  - Scappoose Kiwanis Youth Program, \$4,500.00
  - St. Vincent DePaul, \$3,000.00
  - United Way of Columbia County \$1,361.84
- For a total allocation of \$39,999.96.

Motion passed (5-0). Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Santiago, aye.

### **Contract for On-Call Hydrogeologist Services**

Assistant to Public Works Director Huell Whitehaus went over the staff report. He explained the City utilizes hydrogeologic services for a variety of tasks related to our water resources, including but not limited to: water rights management, environmental permitting support, water supply planning/development, well design, well field management and source performance evaluation, regulatory compliance support, and grant writing. City staff issued a Request for Proposals (RFP) to evaluate firms for a multi-year contract to serve as the City's On-Call Hydrogeologic Services provider. City staff issued RFP #2022-01 on February 18, 2022. Three proposals were received by the RFP due date on April 21, 2022. Proposals were evaluated and scored by a five-member committee of City staff members. Because all three proposals scored highly, staff invited each firm for an interview. Following conclusion of the interviews and based on the scoring criteria, staff determined that GSI Water Solutions, Inc. was the highest-scoring proposer. *Table 1* shows the total scores (proposal and interview) for each proposer.

<b>Proposer</b>	<b>Final Score</b>
GSI Water Solutions, Inc.	183.4
Summit Water Resources, LLC	177.6
CwM-H2O, LLC	165.8

*Table 1 – Summary of Scores*

The Notice of Intent to Award was issued on May 12, 2022. The required challenge period for the Notice of Intent to Award concluded on May 19, 2022. No challenges were received. The Consultant is ready to begin work on the first identified project for the On-Call Hydrogeologist – a drinking water source protection study. The project's ultimate goal is to establish drinking

water protection areas for the City's wellfields using new data. Public Works budgets annually for contractual hydrogeologic services. Staff recommends that the Council authorize City Manager Rains to enter into the following contracts: (1) a contract with GSI Water Solutions, Inc. to be the City's On-Call Hydrogeologic Services provider; and, (2) a contract with GSI Water Solutions, Inc. for the Drinking Water Source Protection Study.

Councilor Lesowske moved, and Councilor McHugh seconded the motion that Council authorize City Manager Rains to enter into the following contracts: (1) a contract with GSI Water Solutions, Inc. to be the City's On-Call Hydrogeologic Services provider; and, (2) a contract with GSI Water Solutions, Inc., for the Drinking Water Source Protection Study. Motion passed (5-0). Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Santiago, aye.

### **Res No. 22-10: A Resolution Amending the City of Scappoose's Wastewater Rates and Rescinding Resolution No. 15-07**

Public Works Director Dave Sukau went over the staff report. He explained the City staff hired consulting firm *Donovan Enterprises, Inc.* to update the City's wastewater utility rates to align with the most current capital improvement plan from the Wastewater Facilities and Collections Master Plans, as well as current and near-term operation and maintenance costs for the system. The project team analyzed current and projected costs associated with the wastewater facilities and collections systems. State funding<sup>1</sup> for City wastewater projects and a recommended longer term on the City's DEQ CWSRF<sup>2</sup> loan will keep rate increases in line with original projections. The consultant and staff presented the wastewater rate forecast and recommendations during the City Council Work Session on April 18, 2022.

*1 Funding from the State of Oregon's ARPA allocation, appropriated by the Oregon Legislature to the City of Scappoose via HB5006.*

*2 Oregon Department of Environmental Quality – Clean Water State Revolving Fund*

In order to meet facility needs in the Phase 1 WWTP Capital Improvement Plan and to service the DEQ CWSRF loan over a 20-year term, 7% per year wastewater rate increases (base charge and commodity rate) will be required over the next five fiscal years. Because the City received a sizeable amount of state grant funding to cover some of the Phase 1 capital improvement costs – *higher* wastewater rates have been avoided. Staff recommends Council adopt Resolution No. 22-10 as presented.

Council President Greisen opened the public hearing at 7:19pm, and closed it due to no one wanting to speak on this matter.

Councilor McHugh moved, and Councilor Lesowske seconded the motion Council adopt Resolution No. 22-10, a resolution amending the City of Scappoose's wastewater rates and

rescinding Resolution No. 15-07. Motion passed (5-0). Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Santiago, aye.

**Ord No. 900: An ordinance of the City of Scappoose authorizing City Staff to Collect a Construction Excise Tax on behalf of the Scappoose School District**

Assistant to the City Manager Isaac Butman went over the staff report. The Scappoose School District (District) is seeking increases to the current Construction Excise Tax (CET) they assess. The District is asking for a new collection rate for the residential CET of \$1.41 per square foot, and a non-residential CET of \$0.70 per square foot, with a nonresidential maximum tax of \$25,200. The CET increase the District has proposed is allowed by the Oregon Department of Revenue, as seen in Exhibit A (in the packet). The School District has warranted that the Capital Improvement Plan adopted in April 2022 meets the statutory requirements outlined in ORS 320.183, Exhibit B & C (in the packet). The current IGA between the City of Scappoose and the District allows for periodic increases and does not have an expiration date. Staff recommends that Council adopt Ordinance No. 900, Exhibit D (in the packet), as written and without modifying the IGA to allow the District to begin collecting new revenues immediately. Adjustments to the IGA may still be pursued in the future.

Council President Greisen opened the public hearing at 7:20pm, and closed it due to no one wanting to speak on this matter.

Councilor Lesowske asked Legal Counsel Peter Watts if he feels as though that the documentation that was provided by the School District meets our needs and or the State requirement for proper documentation?

Legal Counsel Peter Watts replied he had asked them to warrant that and they made that representation and warranty to us that this does meet the State's requirements.

Councilor Lesowske asked Legal Counsel Peter Watts if he could share what that process looks like?

Legal Counsel Peter Watts replied he is going to be incredibly honest as this has been a real struggle for the City because we normally work within fixed parameters and are used to seeing a lot of things and transparency is very important to us. He explained he does not represent a school district and he doesn't have experience with these plans and so what he asked them to do since they are the experts is simply to make that representation and warranty to him so he could pass that on to the Council and say we acknowledge that we are not experts, this seems substantially similar and the school district said this complies. He explained the School District is going through a long-term facility improvement plan process right now and he thinks that when they go through that process it envisions a lot of collaboration with the City. He would hope that we would see that and see complete transparency from the School District into how funds from three different taxing jurisdictions were collected and spent and that we can make sure

that the Governments and the residents in the School District going forward understand exactly how the funds are going to be spent and the accounting for that. He thinks when that happens it could be a really healthy discussion and opportunity. He stated we are increasing the tax by close to 50% and so he thinks it's very important when we talk about housing affordability and everything else that residents have an opportunity to come in and participate in that public hearing. He explained anytime he is looking at a tax increase he is going to want to see that be done by an ordinance so that opponents and proponents can come and let their voices be heard and so that is why we are here tonight with an ordinance. He stated going forward we will take a real close look at the IGA and other things to make sure that it meets the long-term needs of the community.

Councilor Lesowske stated he appreciates City Attorney Peter Watts and City Manager Rains for continuing to work with the School District through this and Council appreciates them reporting back to allow them to have that transparency to better understand and better communicate the information to those who may ask.

Councilor Poling explained in reading through the documentation it appears that the School District has fulfilled all the duties that it states in there and he would hope that the School District would be a little more open to the City in the future with the usage of funds. He feels wherever we go with the IGA it would be good to have that a little more defined.

Councilor Lesowske moved, and Councilor McHugh seconded the motion that Council adopt Ordinance No. 900, An ordinance of the City of Scappoose authorizing City Staff to collect a Construction Excise Tax on behalf of the Scappoose School District, as written.

Council President Greisen read the title for the first time ~ Ord No. 900: An ordinance of the City of Scappoose authorizing City Staff to collect a Construction Excise Tax on behalf of the Scappoose School District.

### **Ord No. 901: An Ordinance Amending Scappoose Municipal Code Title 3, Amending Chapter 3.16, Check Returned for Nonpayment**

Assistant to the City Manager Isaac Butman went over the staff report. In the time since Scappoose Municipal Code (SMC) Section 3.16, Exhibit A (of the staff report), was passed the financial landscape of our world has changed. Alternative payment types beyond just checks can be passed and returned for nonpayment. Returned payments require excess staff time and resources to address. When SMC was written and enacted checks were the primary form of payment to the City, electronic, non-debit/credit, payments were a new payment method and were not widely adopted or used. The intent of SMC Section 3.16 was, first, to prevent "bad checks" being passed to the City for payment, and second, compensate the City for the excess staff time and resources it takes to appropriately address "bad checks". In the time since SMC Section 3.16 was passed forms of payment such as ACH Transfers, e-checks, and other automated payments have become common for financial transactions. All these newer payment methods can be passed to the City without sufficient funds available and cause the

same time and resource issues that “bad checks” do, however, unlike “bad checks”, SMC does not address these improperly passed payments explicitly. The proposed changes to SMC Section 3.16, as seen in Exhibit B (of the staff report), and recommended by our Interim Finance Administrator, would explicitly apply SMC Section 3 to our current financial context, and allows for future automated payment types to be held to the same standard; even those we cannot currently contemplate. Staff recommends Council adopt Ordinance No. 901, Exhibit C (of the staff report), as written.

Council President Greisen opened the public hearing at 7:35pm, and closed it due to no one wanting to speak on this matter.

Councilor Santiago moved, and Councilor Poling seconded the motion that Council adopt Ordinance No. 901, An Ordinance Amending Scappoose Municipal Code Title 3, Amending Chapter 3.16, Check Returned for Nonpayment.

Council President Greisen read the title for the first time ~ Ord No. 901: An Ordinance Amending Scappoose Municipal Code Title 3, Amending Chapter 3.16, Check Returned for Nonpayment

#### **Ord No. 902: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 2.20 Municipal Court**

Legal Counsel Peter Watts explained this conforms our code with current statutory guidelines so this just updates the fee that a juror receives if their employer doesn’t pay them.

Council President Greisen opened the public hearing at 7:35pm, and closed it due to no one wanting to speak on this matter.

Councilor Santiago moved, and Councilor Lesowske seconded the motion that Council adopt Ord No. 902: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 2.20 Municipal Court.

Council President Greisen read the title for the first time ~ Ord No. 902: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 2.20 Municipal Court.

#### **Res No. 22-11: A Resolution Regulating Fireworks in the City of Scappoose**

Assistant to the City Manager Isaac Butman went over the staff report. On May 16, 2022 Council had a Work Session on fireworks in Scappoose. During that Work Session Council asked for formal action regulating fireworks in the City of Scappoose. Based on Council’s discussion at the May 16, Work Session on fireworks, staff drafted Resolution No. 22-11 a resolution regulating fireworks in a number of ways. Major points of the resolution are:

- Calling for coordination between the City and the Scappoose Fire Department to protect the community.
- Recognizing the harms and damages that fireworks pose.
- Recognizing the beloved and celebratory nature of fireworks.
- Limiting legal fireworks displays to certain days.
- Banning all fireworks in City Parks, roads in City Parks, and on City property. This does not include streets.
- Exempting legal fireworks from the noise ordinance.
- Banning the use of fireworks in grassy areas, dry areas, or areas prone to fires.
- Urging safe, considerate use of legal fireworks, and respect for those disproportionately impacted by fireworks.

Staff recommend Council adopt Resolution No. 22-11 as written or with changes, to allow for implementation before the upcoming July 4th holiday.

Legal Counsel Peter Watts explained practically speaking one of the things that this does is it allows us to coordinate with the Fire District to deputize them for a limited duration to help us with enforcement. He explained we are aware of one or more people that consistently have been using illegal fireworks and we would be writing to them in advance of the holiday to let them know about this enforcement to make sure that they are aware of the rules. He stated the other thing that he would flag is item #4 ~ Limiting legal fireworks displays to certain days, just so people with PTSD and with pets know the dates. He explained people might not be expecting fireworks on July 2 or certainly after the holiday.

John Riutta, Scappoose, explained with the new information conveyed by the good City Attorney it leaves him with greater hopes than what he walked into this chamber with. He was not aware of some of the courses of action that were in fact planned. He stated just to make clear he has never been terribly concerned with legal fireworks, those are the source of much community enjoyment and they are fundraisers for many of our local organizations. He explained what he is concerned about is of course the giant incendiaries. He stated what he would ask, of course he wholeheartedly speaks in favor of this resolution, but he asked that it not be the final word on this matter, that after this particular holiday is passed that at some point this matter is taken back up again. He is wanting to see how the initial actions merit and what needs to be done next. He thinks this is an excellent first step and he thanks Council for taking it.

Council President Greisen replied to John, thank you for bringing it to us.

Council thanked John.

Councilor Poling explained he is in favor of keeping the resolution as it has been presented.

City Manager Rains explained this was definitely meant as a first step because we wanted to work with the Fire District and see how all of this went. She explained we didn't really have



enough time to work through the ordinance process at this time so we thought this was important to put out there and put in writing and start the conversation with the Fire District, which we have done. She stated this certainly isn't done.

Council President Greisen would like to have this information in the next newsletter.

Councilor Poling moved, and Councilor Santiago seconded the motion that Council adopt Resolution No. 22-11, a Resolution Regulating Fireworks in the City of Scappoose, as presented. Motion passed (5-0). Council President Greisen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye; and Councilor Santiago, aye.

### **Announcements – Information only**

#### **Calendar**

Council President Greisen went over the calendar.

#### **Updates: City Manager, Police Chief, Councilors, and Mayor**

Legal Counsel Peter Watts talked about the correspondence between him and County Counsel that was given to Council. He stated he thinks it speaks for itself.

Councilor Poling welcomed Chief Lougal.

Councilor Lesowske also welcomed Chief Lougal. He stated he is very excited to have him on our team. He definitely has a presence of folks to be surrounding him in his transition here in Scappoose. He wanted to congratulate the young women and men of the 2022 graduating class of Scappoose. He wishes them the best on their next steps on the journey of life. He wanted to highlight the tragedy that has occurred, not only in Texas, and not only in New York, and not only in California. He could list almost every single State. He stated to the families that lost the young children and the teachers, and family members to gun violence, his heart goes out to them. He stated it seems to be plaguing our society specifically here in the United States of America and we must do better for ourselves, we must do better for one another. He stated he knows that he doesn't have a solution, but he knows that we are not providing the communities in which every individual can thrive. He thinks we need to step up and figure out what steps we are going to take moving forward. He stated again, his condolences to those across this great Nation.

Councilor McHugh seconded what Councilor Lesowske just said. His heart goes out to all those people suffering from the gun violence that none of us really understand. He explained he was at the open house for Habitat for Humanity and it went very well, except it rained like crazy. He

explained it was quite interesting as there are some community concerns that came up that he felt that he should mention. He stated there are some people concerned about two level homes in that particular area and that seemed to be the biggest concern, that it didn't fit real well with the rest of the neighborhood. He thanked everybody for the good work they do, he appreciates it. He stated congratulations to our new Chief.

Councilor Santiago welcomed the new Chief. She is really happy to see that he has that kind of support. She echoed what Councilor Lesowske said as well.

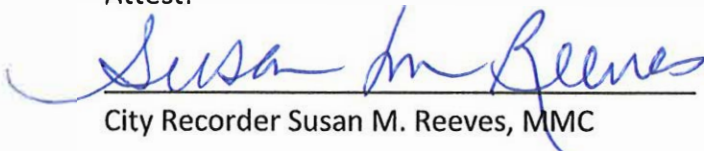
Council President Greisen explained she had the privilege of being the Baccalaureate speaker in front of the high schoolers, which was just a real privilege just to be in their presence. She explained she talked with past teachers, parents and current administration and one thing they said about the senior class is that they are a very inclusive group of people and they don't stand for people bullying against others that might be other, and that really stood out. She explained one of the things that the principal had mentioned was that at Scappoose High School they have little to no physical fighting this year and he said that was really due to the reset that this senior class came into and they just kind of set this tone that they don't do that here, and that's just not how they engage with each other. So she really talked about the power of words versus physical violence. She had reiterated that if you want to see change, then they are the ones to do it, we can't just sit by. She was pleased to meet with Chief Lougal and talk about school safety.

### **Adjournment**

Council President Greisen adjourned the meeting at 7:54pm.

  
Council President Megan Greisen

Attest:

  
City Recorder Susan M. Reeves, MMC