



SCAPPOOSE *Oregon*

MONDAY, APRIL 3, 2023
CITY COUNCIL MEETING
REGULAR MEETING 7:00 pm
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056

Call to Order

Mayor Backus called the April 3, 2023 City Council meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Alexandra Rains	City Manager
Megan Greisen	Council President	Susan M. Reeves	City Recorder
Pete McHugh	Councilor	Kevin Turner	Treatment Plant Supervisor
Tyler Miller	Councilor	Huell Whitehaus	Assistant to Public Works Director
Jeannet Santiago	Councilor		
Kim Holmes	Councilor		
Andrew Lafrenz	Councilor		

Peter Watts Legal Counsel

Remote: Public Works Director Dave Sukau (left at 8:06pm); Marisa Jacobs (left at 7:33pm); Evan Swanson (left at 7:04pm); Beth Rajski; and AH (joined at 7:41pm).

Approval of the Agenda

Mayor Backus added the appointment of Paul Fidrych to the 50-Year Committee as a liaison from the Parks & Rec Committee.

Councilor Santiago moved, and Councilor Holmes seconded the motion that Council approve the agenda as amended. Motion passed (7-0). Mayor Backus, aye; Council President Greisen, aye; Councilor McHugh, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

Public Comment ~ There were no public comments.

Consent Agenda ~ March 20, 2023 City Council work session minutes; March 20, 2023 City Council meeting minutes; appointment of Karl Fenstermaker to the Economic Development Committee; and appointment of Paul Fidrych to the 50-Year Committee as a liaison from the Parks & Rec Committee

Council President Greisen moved, and Councilor Santiago seconded the motion that Council approve the Consent Agenda ~ March 20, 2023 City Council work session minutes; March 20, 2023 City Council meeting minutes; appointment of Karl Fenstermaker to the Economic Development Committee; and appointment of Paul Fidrych to the 50-Year Committee as a liaison from the Parks & Rec Committee. Motion passed (7-0). Mayor Backus, aye; Council President Greisen, aye; Councilor McHugh, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

New Business

Scappoose Rural Fire Protection District Annual Report

Fire Chief Pricher gave a brief overview of the annual report. He thanked Council on behalf of the Board and staff for the opportunity to be here. He explained how COVID really hurt the volunteer program. They have invested in their staff to create a position that is dedicated just toward recruitment of volunteer members and also look out for their career members as well.

Council President Greisen asked Chief Pricher about stable funding sources and asked what is the plan in finding more.

Chief Pricher replied there are several things beyond their control. He explained their goal is to hopefully establish a permanent tax base. He explained that process is a very deliberate process that includes a lot of education of the community because the only way we can achieve a permanent tax rate moving forward is if we dissolve the current Fire District, we reestablish ourself by expanding our territory and then create a new permanent tax rate and to try to explain that sometimes people look at it as maybe they are being double charged. He stated stable funding would be not having to go back to the voters every five years and saying we need their help.

Council thanked Chief Pricher.

If I Were Mayor Contest

Mayor Backus explained there are three winners for the If I Were Mayor Contest. He was really impressed with how all three of them are into safety, recreation for youth and others in open spaces, all the things Council is fighting for.

Mayor Backus announced the Essay winners of the 2023 If I Were Mayor Contest. Layla 3rd place; Conrad 2nd place; and Eva 1st place. He stated they all will receive a Fred Meyer gift card and lunch with he and his wife.

Congratulations to Eva; Conrad; and Layla!



Layla; Mayor Backus; Eva

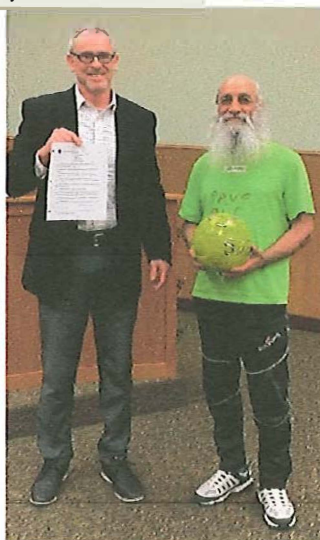


Mayor Backus & Conrad

Proclamations

Save Soil Day Proclamation

Mayor Backus read the Save Soil Day Proclamation.



Mayor Backus & Khosro Peiravi

National Volunteer Week

Mayor Backus read the National Volunteer Week Proclamation.

Ordinance No. 912: An Ordinance Relating to the Delivery of Power within the City of Scappoose and Granting a Non-Exclusive Franchise to Columbia River Public Utility District

City Manager Alexandra Rains went over the staff report. **ANALYSIS:** The City's current Franchise Agreement with the Columbia River Public Utility District (CRPUD) is set to expire on March 3, 2024. The PUD's General Manager, Michael Sykes, has offered to renew the agreement ahead of the expiration and increase the revenue from customers with nominal demand less than 1,000 kW from 4% to 5%. Additionally, the PUD has offered to implement the terms of the new agreement in July 2023, enabling the City to begin collecting at the new rate prior to 2024, if Council agrees to sign a 20-year agreement. If the preference of Council is to sign a 10-year agreement, the new rate would be implemented in January 2024.

Attachments (in the staff report):

Attachment A – CRPUD Franchise Agreement, redlined version

Attachment B – Ordinance 912

FISCAL IMPACT: Section 11 (a) of the franchise agreement outlines the fiscal impacts to the City. The current language, included below, has been ~~struck through~~ and the proposed language for section 11 (a) is in *italics*:

~~Section 11 (a) That in consideration of the rights and privileges herein granted, CRPUD shall pay to CITY for each calendar year during the life of this franchise beginning January 1, 2004, an annual fee of four percent (4%) of the gross revenue from customers with nominal demand less than 1,000kW and one percent (1%) of the gross revenue from customers with nominal demand greater than or equal to 1,000kW but less than 5,000kW. Customers with nominal demand greater than or equal to 5,000kW shall be excluded from all gross revenue calculations when computing franchise fees.~~

Section 11 (a) pay to CITY for each calendar year during the life of this franchise beginning on the effective date, an annual fee of five percent (5%) of the gross revenue from customers with nominal demand less than 1,000 kW and one percent (1%) of the gross revenue from customers with nominal demand greater than or equal to 1,000 kW.

Under the City's existing agreement, our 2022 Franchise fees were \$188,262.00. Moving forward to FY 23-24, we expect those fees to be closer to \$234,301.00 if the new fee structure is implemented in July. If the new fee structure is implemented in January, the total fees collected by the City would be \$23,000 less for a total of \$211,301.00. Fee collection for FY 24-25 and beyond would be inclusive of the whole calendar year and would increase over time in alignment with PUD rates and growth.

Mayor Backus opened the public hearing at 7:30pm and closed it due to no one wanting to speak on this matter.

Council and staff discussed the length of the agreement along with the rate of 5%.

Council President Greisen moved, and Councilor McHugh seconded the motion that Council approve Ordinance No. 912, authorizing the City Manager to enter into a 20-year Franchise Agreement with Columbia River PUD.

Mayor Backus read the ordinance for the first time. Ordinance No. 912: An Ordinance Relating to the Delivery of Power within the City of Scappoose and Granting a Non-Exclusive Franchise to Columbia River Public Utility District.

Resolution No. 23-05: A Resolution Adopting Findings and Authorizing a Contract-Specific Special Procurement for the Biosolids Dryer Project

Public Works Director Dave Sukau explained a few months ago staff came to Council with the assistance of the Consor engineers and presented on the bioforcetech dryer. He explained at that time they were still working through some preliminary engineering and not quite ready to procure. Since then, they have met with Council on some other special procurement topics and now they are looking to purchase this dryer.

Assistant to Public Works Director Huell Whitehaus went over the staff report. The City had multiple projects funded from the State of Oregon's ARPA-SLFRF allocation, the Biosolids Dryer was one such funded project. The City was awarded \$1,900,000 for the project. In addition, City Council appropriated an additional \$279,000 from the City's ARPA allocation from the US Treasury to provide some contingency amount for the City's ARPA-funded wastewater infrastructure projects. Staff and Consor (formerly Murray Smith) – the City's engineer of record and design consultant for the Wastewater Treatment Plant (WWTP) Phase I Improvements – first addressed City Council on the topic of the dryer at the October 17, 2022 meeting. The engineer anticipated an increased cost and delivery lead time for procuring the dryer. An alternatives analysis has since been completed by the engineer (Exhibit B in the staff report) Technical Memorandum), the conclusion of which recommended purchasing the Bioforcetech BioDryer model due to the fact that it is the most affordable option and conforms to the design requirements to integrate the dryer into the WWTP's operations. Recently, City staff was informed that in order to have the dryer arrive with sufficient time to install, configure, and construct the necessary civil site improvements before the grant deadline, the City would need to place an order for the dryer by mid-April. Additionally, and as part of the evaluation detailed in the tech memo, the engineer evaluated four different dryer models from four different manufacturers before arriving at their conclusion. Consor and City staff are recommending pre-procurement of the dryer equipment itself utilizing a Special Procurement process, a

procurement option available to the City pursuant to ORS 279B.085 and the City's adopted Public Contracting Rules and Procedures, Sections A(2) and C(1-2).1

City staff recommends authorization of a Contract-Specific Special Procurement for purchasing the dryer. According to ORS 279B.085:

"Contract-Specific Special Procurement" means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065, and 279B.070 and is for the purpose of entering into a single contract or a number of related contracts on a one-time basis or for a single project. "Special procurement" means, unless the context requires otherwise, a class special procurement, a contract-specific special procurement or both."

Special procurements deviate from the standard procurement method in this instance – competitive bidding (i.e., low bid). Despite the fact that special procurements deviate from competitive bidding, the specific context of this scenario has accounted for taking advantage of market competition by evaluating four alternative dryer models. It is important to note that the construction services that will be required to install and configure the dryer, and construct the necessary civil site improvements, will be procured through traditional means later this year. The requested special procurement is intended only for the cost to purchase the dryer equipment from the manufacturer.

1 Resolution 22-21, A Resolution Adopting Public Contracting Rules and Procedures and Repealing Resolution No. 17-12.

Special Procurements – similar to, but distinct from Alternative Contracting Methods (e.g., Design-Build or CM/GC) – have two primary requirements to be authorized:

1. Findings must be drafted for consideration by the Local Contract Review Board (i.e., City Council). The findings must demonstrate that the special procurement is unlikely to diminish competition or encourage favoritism; *and* is expected to result in substantial cost savings to the City, *or* otherwise substantially promotes the public interest in a manner otherwise not practicable under standard procurement procedures.
2. Public notice of the approval of a special procurement must be given in the same manner as an Invitation to Bid, along with the addition of a seven (7) calendar day protest period which must conclude before a purchase is made pursuant to the special procurement.

Staff has drafted findings to support the requested authorization of a special procurement process (see Exhibit A in the staff report). A draft Resolution has also been included for consideration, should City Council decide to proceed with authorizing the special procurement (see Exhibit C in the staff report).

EXHIBITS:

Exhibit A – Draft Findings in Support of a Special Procurement – Biosolids Dryer

Exhibit B – Technical Memorandum – Biosolids Dryer Alternatives Analysis and Recommendation Final (March 28, 2023)

Exhibit C – Resolution 23-03

Exhibit D – Draft Notice of Special Procurement

FINANCIAL IMPACT: Bioforcetech BioDryer Cost: \$ 1,200,000

Funding Sources: ARPA-SLFRF Grant; ARPA Allocation (US Treasury) By authorizing a special procurement, the public is substantially benefitted from: the unique opportunity of currently available grant funds, reduced risk of missing the grant expenditure deadline due to supply chain delays, additional costs to ratepayers can be mitigated, and the City's WWTP can continue to comply with DEQ regulatory requirements.

Council discussed the cost of this project.

Councilor Lafrenz moved, and Councilor Holmes seconded the motion that Council adopt Resolution 23-05, thereby adopting the findings in support of the proposed Contract-Specific Special Procurement and authorizing the City Manager to place an order for the Bioforcetech BioDryer, with an estimated final cost of \$1,200,000 pending conclusion of the required protest period.

Councilor Santiago wanted to make sure it was on the record that the Bioforcetech dryer received the highest overall score primarily due to its substantially lower cost, energy-efficient operation due to its biological drying process, and mechanical simplicity of design for long-term maintainability.

Motion passed (7-0). Mayor Backus, aye; Council President Greisen, aye; Councilor McHugh, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

Resolution No.23-03: A Resolution in Support of Measure 5-290, A Measure Brought by the Columbia County Board of Commissioners, for a Tax Levy to Increase Sheriff's Office Enforcement Personnel

Mayor Backus explained his understanding is that we have been working with the County right now and they have been great and with this it will possibly allow for increased support for our City.

Councilor Miller explained Sheriff Pixley, from his understanding, has been very helpful to the City and our new Police Chief. He explained the Sheriff's Office is also training some of our new officers and he is extremely appreciative of the partnership that the City has with the Sheriff's Office and the Sheriff's Office willingness to continuously help us.

Mayor Backus read Resolution No.23-03: A Resolution in Support of Measure 5-290, A Measure Brought by the Columbia County Board of Commissioners, for a Tax Levy to Increase Sheriff's Office Enforcement Personnel.

Councilor McHugh concurs with Councilor Miller.

Councilor Lafrenz feels this is alignment with a lot of the feedback that Council has been receiving.

Councilor Miller moved, and Councilor Holmes seconded the motion that Council accept Resolution No.23-03: A Resolution in Support of Measure 5-290, A Measure Brought by the Columbia County Board of Commissioners, for a Tax Levy to Increase Sheriff's Office Enforcement Personnel. Motion passed (7-0). Mayor Backus, aye; Council President Greisen, aye; Councilor McHugh, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

Resolution No. 23-04: A Resolution in Support of Oregon's Competitive Public Contracting Rules

Mayor Backus read Resolution No. 23-04: A Resolution in Support of Oregon's Competitive Public Contracting Rules.

Councilor McHugh moved, and Councilor Santiago seconded the motion that Council accept Resolution No. 23-04: A Resolution in Support of Oregon's Competitive Public Contracting Rules. Motion passed (7-0). Mayor Backus, aye; Council President Greisen, aye; Councilor McHugh, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

Updates: City Manager; Police Chief; Councilors; and Mayor

City Manager Rains explained she is looking forward to seeing everyone at the Town Meeting on Saturday. She talked about the department reports and how staff is now adding when something is specific to a goal Council can follow that as well. She asked if Council if this continues to be helpful and is this something they want to see it at every meeting or once a month?

General consensus of Council is to receive the department reports monthly.

Councilor Lafrenz explained he is excited to attend his first Annual Town Meeting as a Councilor.

Councilor Santiago gave an update on the Earth Day Event, which will be on April 22, 2023. She addressed a concern that has been a conversation of the Park & Rec Committee meetings and that is that they need more information, need accurate numbers and they need to kind of make sure they all share the same numbers when they are talking about number of acres. She stated she would like it if we can just come together and make sure that all committees are aware of that specific number or percentage. She explained another topic being discussed is a Park District and they really want to know what that means when they talk about it.

Councilor McHugh gave some history on establishing a Park & Rec District 20 years ago and how they couldn't pass a levy to do anything.

Councilor Holmes explained she is looking forward to the Town Hall.

Councilor Miller explained he is excited to see everybody at the Town Hall. He stated please no more districts. He explained forming a district is one thing, getting funding to make it operational is a totally different thing. He talked about levy compression.

Council President Greisen thanked everyone for listening to the Land Acknowledgment work session. She thinks the more we know what the School District is doing and how that affects our great community is always valuable. She mentioned that there are two big egg hunts this weekend. She wanted to acknowledge that there is quite a big School Board election occurring for many seats on the School Board. She stated as an educator and a parent she wants to remind voters that the purpose of public education is it's an institutionalized form of education that educates all students free of charge and its purpose is to educate students to be well rounded individuals.

Mayor Backus mentioned there is a plant sale on Saturday. He thanked all the participants of the If I Were Mayor Contest. He stated we hear you and we will work diligently to try to bring those to fruition.

Adjournment ~ Mayor Backus adjourned the meeting at 8:30pm.



Mayor Joseph A. Backus

Attest:



City Recorder Susan M. Reeves, MMC