



SCAPPOOSE *Oregon*

MONDAY, APRIL 17, 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 17, 2023 City Council meeting to order at 7:01 pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Alexandra Rains	City Manager
Megan Greisen	Council President	Steven Lougal	Police Chief
Pete McHugh	Councilor	Susan M. Reeves	City Recorder
Tyler Miller	Councilor	Laurie Oliver Joseph	Community Development Director
Jeannet Santiago	Councilor	Huell Whitehaus	Assistant to Public Works Director
Kim Holmes	Councilor		
Andrew Lafrenz	Councilor		

Peter Watts Legal Counsel

Remote: Guest (left at 7:36pm); Samantha Ridderbusch; Assistant to City Manager Isaac Butman; unknown caller;(left at 7:19pm); Beth Rajski (joined at 7:18pm); Christine Turner (joined at 7:28pm); and S. Smith (joined at 7:35pm and left at 7:37pm); and G. Wills (joined at 8:53pm)

Approval of the Agenda

Councilor Santiago moved, and Councilor Lafrenz 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

Beth Rajski, Scappoose, invited everyone to the 2023 Grant Watts Parent Organization Annual Spring Auction. She explained the auction will be in person at the Columbia County Fair Grounds on May 13, 2023.

Council thanked Beth.

JJ Duehren explained she is the Vice Chair of the Scappoose Parks Committee and has been very excited to work on a number of service projects, including our Big Earth Day coming up this Saturday. She explained we have worked very hard on this, as we have with movies in the park which those of you that attended know how successful that was and we are anticipating that same level access with Earth Day. The Watts House will have lemonade; Grocery Outlet is donating hamburgers and hot dogs, and Fultano's is donating pizza. She explained they have got tons of swag from sponsors. They have developed great relationships, community relationships with PCC, Comcast, Les Schwab, and many others that have come on board to support this event and also looks like they'll be supporting movies in the park. At the end of the day, she believes that events that we do in this Community are about building community and including everyone in the process. It will be a great time and if you'd like to help, they are starting at 7:30am on Saturday morning. She also mentioned Fred Meyer is donating all the breakfast as well as juice. She thanked Chief Lougal and the Scappoose Police as they are going to be doing the grilling for this event. She hopes that everyone comes out and joins them and supports their efforts.

Council thanked JJ.

Consent Agenda ~ April 3, 2023 City Council work session minutes and April 3, 2023 City Council meeting minutes; and Contract Approval – Contract #2023-07 – Keys Road Reservoir Tank Engineering

Councilor Miller moved, and Councilor Santiago seconded the motion to approve the Consent Agenda ~ April 3, 2023 City Council work session minutes and April 3, 2023 City Council meeting minutes; and Contract Approval – Contract #2023-07 – Keys Road Reservoir Tank Engineering. 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.

Old Business

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 explained that Council had voted unanimously to sign a 20-year agreement commencing in July of 2023. As discussed, even though this was a 20-year agreement, we do have the opportunity to renegotiate at 10 if there's any concerns. There were no requested changes to the agreement. It's the same as presented previously and it's ready for approval.

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.

Mayor Backus read the title for a second 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.

New Business

Community Development Center Fee Study

Community Development Director Laurie Oliver Joseph explained as you recall, she brought a draft of the CDC fee study to Council during a work session on February 21st. There were a few things requested during the last meeting, in addition to emails from Mayor Backus and Councilor Santiago, which she responded to. Those were the only comments that she received after the hearing or meeting. She wanted to walk through a couple of things that Rob Moody added for us. The main thing is that Council did request to see some planning fees comparative to other cities. She explained previously we had the engineering, inspection, and plan review fee comparative only. She explained what they did was ask Rob Moody to provide a comparative of our most common type of applications just so Council can get a picture of where we're at with across these other jurisdictions. They looked at subdivisions, including the preliminary and final plat fees, they also looked at annexations, site development review, which is our most common type of application. When any kind of new building gets built, it requires site development review and then they also looked at home occupation permit fees, planning only proposed, and then the combined proposed fees. She explained one thing they wanted to really point out here is that in a lot of other jurisdictions, almost all of those, with the exception of one or two, don't charge engineering fees at the time of land use application. They only charge engineering fees once it's through planning approval and it's moving on to construction document review. They saw that pretty much across the board. She explained City Engineer Negelspace called some of the these agencies specifically to ask them about this and they said they don't charge at the time of land use application, but that they thought that that was an excellent idea and something that would probably start doing and the reason for that is there is a lot of time that goes into vetting an application before it goes to the Planning Commission. There are times they don't move on, and they don't get built and, in that case, then all the time City Engineer Negelspace has spent vetting the application, he doesn't see any money from that. She doesn't think it's an appropriate that we're charging for our engineer to review our applications upfront to make sure that they're viable projects, but what that means is that when you're looking at the comparatives, in a lot of cases, the planning fees were low, which we kind of already knew that. She stated when you look at the combined planning and engineering current fees, those are more or less in line with what we're seeing in other cities.

And then as you're looking at the planning only proposed, those are actually fairly in line as well, but once you get into the combined planning and engineering proposed is where you really see our fees creep up because again engineering is included as well. She explained the question tonight, once you all have had a chance to look at the study and consider it, is where you would like to land as far as would you want cost recovery and that's how we set our fees, in which case Rob Moody has outlined. One outline is suggesting planning; one is suggesting engineering; and then total fee amount. She explained staff is looking for direction from Council so that when staff brings the fee schedule back for adoption in June, we know what fees to propose.

Councilor Santiago moved, and Councilor Lafrenz seconded the motion that Council approve 75% of the proposed fee adjustments as presented in Appendix VI of the Merina+CO Community Development Fee Review Report. 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.

Council thanked Laurie and Rob for their work on this.

Resolution No. 23-06: Intergovernmental Agreement with Scappoose Rural Fire District

Assistant to Public Works Director Huell Whitehaus went over the staff report. Should the City of Scappoose enter into an intergovernmental agreement with the Scappoose Rural Fire District to extend authority to that agency to enforce the provisions of the Fire Code within City limits? The City of Scappoose adopted Ordinance 906 late last year to regulate the use of fireworks within City limits. Ordinance 906 was spurred by concern surrounding the use of fireworks and the effects that fireworks can have on both fire and life-safety issues, in addition to public health and welfare. While the ordinance does regulate the use of fireworks, Scappoose Rural Fire District's (SRFD) status as an independent special service district, separate from the City, limits SRFD's ability to enforce fire and life-safety regulations. The IGA and proposed Scappoose Municipal Code update via Ordinance 914 seek to provide SRFD with the necessary authority to enforce fire and life-safety regulations through use of the Scappoose Municipal Court. City staff met with SRFD Fire Chief Jeff Pricher to discuss how best to provide SRFD with the authority necessary to enforce the adopted Fire Code through the Municipal Court. An intergovernmental agreement between SRFD and the City is the appropriate instrument by which such authority may be granted to SRFD. ORS 190.010 provides Oregon local governments with the authority to enter into intergovernmental agreements (IGAs) to provide services. The draft IGA between SRFD and the City is attached as Exhibit A (in the staff report). Draft Resolution 23-06 – a resolution authorizing the City to enter into the IGA – is included as Exhibit B (In the staff report). An update to the Scappoose Municipal Code is necessary to account for the authority and enforceability of fire and life-safety regulations contemplated by the draft IGA. Staff identified Title 8, Chapter 8.08 – Fire Prevention Regulations, as the most appropriate section in which the authority extended to SRFD can be included. The proposed code update (1) adds a new section requiring compliance with the most recently adopted Oregon Fire Code and

(2) modifies an existing section to establish SRFD's Master Fee Schedule as the reference for penalties for violations. The code update is contemplated by Ordinance 914 (Exhibit C).

EXHIBITS:

- Exhibit A – An Intergovernmental Agreement between Scappoose Rural Fire District and City of Scappoose, Oregon Relating to Fire Code Enforcement
- Exhibit B – Resolution 23-06, A Resolution Authorizing an Intergovernmental Agreement between Scappoose Rural Fire Protection District and City of Scappoose Relating to Fire Code Enforcement
- Exhibit C – Ordinance 914

Staff proposes that the City be entitled to 5% of any citation revenue received pursuant to the updated SMC Chapter 8.08 for administrative overhead costs related to the Municipal Court. SRFD and City staff expect that formal enforcement mechanisms through the Municipal Court will be infrequent.

Chief Pricher explained as Huell identified the biggest challenge for the Fire District or any Fire District in the State of Oregon is that when they get called for any kind of nuisance, whether it be fireworks or illegal burning, basically they write a note stating you can't do this, then people will crumple it up, throw it in the fire and say what are you going to do. He stated not that they want to be the enforcers of everything, but they do want to be a partner with the City when the City asks for help, we can work collaboratively together.

Councilor Lafrenz asked Chief Pricher if it is going to be a lot more work on their staff.

Chief Pricher explained the additional workload is only going to be learning how to navigate the municipal court system, because that is not something they do currently.

Councilor Lafrenz moved, and Councilor McHugh seconded the motion that Council adopt Resolution No. 23-06, Authorizing the Intergovernmental Agreement between the Scappoose Rural Fire Protection District and the City of Scappoose related to fire code enforcement.

Councilor Miller explained one of the reasons this came forward was because of the fact of being able to witness the actual violations and we wanted the Fire District personnel to be able to issue citations if they did observe the violation occurring. Some of the problems that we were running into in the past was the police officer didn't observe the violation. This gives basically another set of eyes and ears, which can actually issue a citation.

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.

Ordinance No. 914: An Ordinance Amending the Scappoose Municipal Code Title 8, Chapter 8.08 (Fire Prevention Regulations)

Assistant to Public Works Director Huell Whitehaus gave an overview of the Ordinance.

Mayor Backus opened the public hearing at 7:46pm and asked if anyone would like to speak on this matter. Seeing none he closed the public hearing.

Councilor Santiago moved, and Councilor Miller seconded the motion that Council adopt Ordinance No. 914: An Ordinance Amending the Scappoose Municipal Code Title 8, Chapter 8.08 (Fire Prevention Regulations).

Council thanked Assistant to Public Works Director Huell Whitehaus and Fire Chief Pricher.

Councilor Miller stated he wanted to make everyone aware that this only extends to areas within the City limits.

Mayor Backus read the title for the first time ~ Ordinance No. 914: An Ordinance Amending the Scappoose Municipal Code Title 8, Chapter 8.08 (Fire Prevention Regulations).

Ordinance No. 913: An Ordinance Related to the Cable Television Franchise Agreement and Repealing Ordinance No. 823

City Manager Alexandra Rains went over the staff report. The City's existing Franchise Agreement with Comcast has expired. A new agreement has been negotiated and is being presented for Council's consideration. The agreement has been provided in its entirety for Council review. However, there are a few sections in particular staff would like to draw Council's attention to:

Section 2.4 Term. The proposed term for this agreement is 10 years.

Section 3.11 Cable Service to Public Buildings. The agreement includes new language that is consistent with Comcast policy and the updated FCC 621 order from 2019, which allows Comcast to eliminate complimentary services, i.e. free basic cable. For Scappoose, Complimentary services are currently being extended to the Police Department, High School, Otto Peterson and Grant Watts Elementary Schools, Scappoose Middle School, the Scappoose Fire Department, and the Senior Center. Staff contacted each recipient to inquire whether these services were being used and all, but the Police Department said they either did not use the service, or were paying for cable services over and above the basic package. That said, its unlikely Comcast would eliminate these services at all but, if they did, it would have extremely minimal impact.

Section 4.2 Filing Rates and Charges. New language is proposed for this section because the FCC, through its Effective Competition Order, eliminated rate regulation at the local level.

Attachments:

Exhibit A – Redlined version of the agreement

Exhibit B – Ordinance 913

The franchise fee will remain at 5%, the legal limit for the industry. For FY 22-23, revenue was budgeted at \$110,000. Another fiscal impact of note is the elimination of the City's PEG Fee. This annual fee of \$10,000 was provided to the City by Comcast for the administration of a Public Access Channel for the Franchise area. The intended purpose of the Public Access Channel was sharing of government programming and general education. The City is unable to meet the requirements for a Public Access Channel which includes providing a minimum of twenty-five (25) hours of locally produced and original programming per week. We did discuss the possibility of joining another public access channel but there are no other functioning channels in the County. Despite the lack of a Public Access Channel, the City has found other methods to provide access to government content and general education such as our YouTube channel, recordings of Council meetings on our website, live streaming of meetings via Microsoft Teams, our City App and City newsletter. These methods are relatively inexpensive, and Staff feels confident they are equal to, if not better than, a Public Access Channel considering how people currently acquire news and other information. Staff recommends Council adopt Ordinance No. 913 as presented.

Mayor Backus opened the public hearing at 8:00pm and asked if anyone would like to speak on this matter. Seeing none he closed the public hearing.

Councilor Holmes moved, and Councilor Santiago seconded the motion to adopt Ordinance No. 913: An Ordinance Related to the Cable Television Franchise Agreement and Repealing Ordinance No. 823.

Mayor Backus read the title for the first time ~ Ordinance No. 913: An Ordinance Related to the Cable Television Franchise Agreement and Repealing Ordinance No. 823.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

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

City Manager Rains thanked Council and staff for attending the Annual Town Meeting. She stated she looks forward to seeing everyone at the Earth Day event.

Chief Lougal gave an update on the Police Department staffing and potential candidates.

Councilor Santiago explained her, and Councilor Holmes attended the ribbon cutting at OMIC.

Councilor McHugh explained there is a new President at the Senior Center, Clara.

Councilor Holmes stated it was great to see the support OMIC is receiving. She is looking forward to going to the LOC Spring Conference at connecting with other elected officials and learning more about the hot topics.

Council President Greisen thanked Mayor Backus for his leadership. She was very proud and grateful for his comments at the Annual Town Meeting. She thought he did an excellent job and was very professional. She explained there is a School Board election among other elections as well as other big topics on the ballot coming up in May. As with any election, as many of you know, after just running a campaign so much false information out there or misconceptions about candidates or certain levy's, measures, etc., and she encourage citizens to go to the source and seek out the information and ask the questions themselves and vote!

Mayor Backus thanked all the staff for their work for the Annual Town Meeting. He explained it ran smoothly and it was fun meeting new people. He spoke about Earth Day and cleaning up some areas. He gave an overview of some trainings he recently added, one was on government ethics; and the other was on executive session information. He also attended a Mayors meeting with about thirty Mayors, and they met with Merkley's campaign group and Wyden's staff. They talked about all of the issues in our cities. Homelessness and less expensive housing were on the top of a lot of lists, but infrastructure was definitely on the lists also. Mental health programs and police and public safety as well. A lot of people talked about how it's hard for them to hire and not being able to get people through the Academy. We are the same as a lot of these other cities. He stated we are very blessed right now that our infrastructure seems to be doing very well. We've had some good foresight and planning, and he thinks that we have benefited from that. He explained the School Board is having a "Meet the candidates" event on May 1.

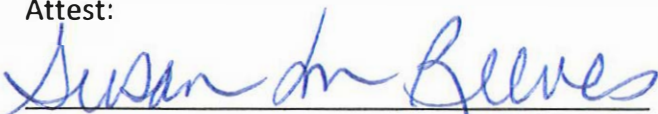
Adjournment

Mayor Backus adjourned the meeting at 8:10pm.



Mayor Joseph A. Backus

Attest:



City Recorder Susan M. Reeves, MMC